

California Architects Board  
Board Meeting  
September 12, 2018  
Oakland, California





Edmund G. Brown Jr.  
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

## NOTICE OF BOARD MEETING

### Board Members

Sylvia Kwan, President  
Tian Feng, Vice President  
Pasqual V. Gutierrez  
Ebony Lewis  
Matthew McGuinness  
Robert C. Pearman, Jr.  
Nilza Serrano  
Barry Williams

**September 12, 2018**

**Elihu M. Harris State Office Building  
1515 Clay Street, Room 11 (2<sup>nd</sup> Floor)  
Oakland, CA 94612  
(916) 574-7220 (Board Office)**

*Action may be taken  
on any item listed on  
the agenda.*

The California Architects Board will hold its quarterly meeting as noted above.

### Agenda

**10:00 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 the 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. Presentation by the National Council of Architectural Registration Boards (NCARB) Chief Executive Officer, Mike Armstrong, on the following items:
  - 1. Recap of the June 2018 Annual Business Meeting
  - 2. October 12-13, 2018 Member Board Chairs / Member Board Executives Leadership Summit
  - 3. Commitment to Diversity
  - 4. Modernization of Model Law and Model Regulations
  - 5. Legislative Trends
  - 6. Integrated Path to Architectural Licensure (IPAL)
  - 7. Architect Registration Examination (ARE) 5.0
  - 8. Architectural Experience Program (AXP)
- E. Review and Possible Action on June 13, 2018 Board Meeting Minutes
- F. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs

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(Continued)

- G. Update and Possible Action on Proposed Legislation:
  - 1. Assembly Bill (AB) 2138 (Chiu and Low, 2018) Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction
  - 2. AB 2483 (Voepel, 2018) Indemnification of Public Officers and Employees: Antitrust Awards
  - 3. Senate Bill (SB) 721 (Hill, 2018) Building Standards: Decks and Balconies: Inspection
  - 4. SB 984 (Skinner, 2018) State Boards and Commissions: Representation: Appointments
  - 5. SB 1137 (Vidak, 2018) Veterans: Professional Licensing Benefits
  - 6. SB 1480 (Hill, 2018) Professions and Vocations
  
- H. Regulatory and Enforcement Committee (REC) Report
  - 1. Update on August 23, 2018 REC Meeting
  - 2. Discuss and Possible Action on REC's Recommendations to the Board Regarding 2017-2018 Strategic Plan Objectives to:
    - a. Measure the Effectiveness of the Board's Citation Collection Methods as a Means of Protecting Future Consumers
    - b. Develop Educational Materials for Newly Licensed Architects to Provide More Information About the Requirements in Order to Avoid Future Violations
    - c. Determine the Necessity and Implementation Alternatives of a Licensure Fingerprint Requirement as a Means of Protecting Consumers
  - 3. Discuss and Possible Action on REC's Recommendation to the Board Regarding Proposed Language to Amend Business and Professions Code (BPC) Section 5536.22 (Written Contract)
  
- I. Landscape Architects Technical Committee (LATC) Report
  - 1. Update on July 20, 2018 LATC Meeting
  - 2. Review and Possible Action on LATC's Recommendation to the Board Regarding Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)
  - 3. Discuss and Possible Action on Proposed Language to Amend BPC Section 5616 (Written Contract)
  - 4. Review and Possible Action on LATC's Recommendation to the Board Regarding 2017-2018 Strategic Plan Objective to Follow the Board's Determination Regarding the Necessity for a Licensure Fingerprint Requirement and the Alternatives for Implementation as a Means of Protecting Consumers
  
- J. Discuss and Possible Action on 2017-2018 Strategic Plan Objective to Conduct an Analysis to Determine the Effectiveness of the Continuing Education (CE) Requirement and Prepare a Report (Letter) for the Legislature
  
- K. Review and Possible Action to Approve Proposed Amendments to the Board and LATC Member Administrative Procedure Manuals
  
- L. Review and Possible Action to Approve the Board's and LATC's 2018 Sunset Review Reports to be Submitted to the Legislature
  
- M. Review of Future Board Meeting Dates

N. Election of Board Secretary for Remainder of 2018 Term

O. Closed Session – Pursuant to Government Code Sections 11126(c)(3), 11126(f)(4), and 11126.1, the Board Will Meet in Closed Session to:

1. Review and Possible Action on June 13, 2018 Closed Session Minutes
2. Deliberate and Vote on Disciplinary Matters
3. Adjourn Closed Session

P. Reconvene Open Session

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

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)).

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Mel Knox

**Telephone:** (916) 575-7221

**Email:** [mel.knox@dca.ca.gov](mailto:mel.knox@dca.ca.gov)

**Telecommunications Relay Service:** Dial 711

**Mailing Address:**

California Architects Board

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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



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

Roll is called by the Board Secretary or, in his/her absence, by the Board Vice President or, in his/her absence, by a Board member designated by the Board President.

Business and Professions Code section 5524 defines a quorum for the Board:

Six of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of five members of the Board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board, except that when all ten members of the Board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the Board.

**Board Member Roster**

Tian Feng

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

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Members of the public may address the Board at this time.

*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)).*

## **Agenda Item D**

### **PRESENTATION BY THE NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) CHIEF EXECUTIVE OFFICER, MIKE ARMSTRONG ON THE FOLLOWING ITEMS:**

1. Recap of the June 2018 Annual Business Meeting
2. October 12-13, 2018 Member Board Chairs / Member Board Executives Leadership Summit
3. Commitment to Diversity
4. Modernization of Model Law and Model Regulations
5. Legislative Trends
6. Integrated Path to Architectural Licensure (IPAL)
7. Architect Registration Examination (ARE) 5.0
8. Architectural Experience Program (AXP)

**REVIEW AND POSSIBLE ACTION ON JUNE 13, 2018 BOARD MEETING MINUTES**

The Board is asked to review and take possible action on the minutes of the June 13, 2018 Board meeting.

Attachment:

June 13, 2018 Board Meeting Minutes (Draft)

MINUTES  
BOARD MEETING  
CALIFORNIA ARCHITECTS BOARD  
JUNE 13, 2018  
SACRAMENTO

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

Board President, Sylvia Kwan, called the meeting to order at 9:08 a.m. and Board Secretary, Denise Campos, called roll.

Board Members Present

Sylvia Kwan, President  
Tian Feng, Vice President  
Denise Campos, Secretary (departed at 3:50 p.m.)  
Jon Alan Baker  
Pasqual Gutierrez  
Ebony Lewis  
Matthew McGuinness  
Robert C. Pearman, Jr. (departed at 5:00 p.m.)  
Barry Williams

Board Member Absent

Nilza Serrano

Guests Present

Mark Christian, Director of Government Relations, American Institute of Architects, California Council (AIACC)  
Robert de los Reyes, Budget Manager, Department of Consumer Affairs (DCA)  
Dustin Maxam  
Paul McDermott, Budget Analyst, DCA  
Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services, DCA  
Patricia Trauth, Chair, Landscape Architects Technical Committee (LATC)

Staff Present

Vickie Mayer, Interim Executive Officer (EO)  
Trish Rodriguez, Assistant EO  
Marcus Reinhardt, Program Manager Examination/Licensing  
Brianna Miller, LATC Program Manager  
Mel Knox, Administration Analyst  
Bob Carter, Architect Consultant  
Tara Welch, Attorney III, 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

Ms. Kwan announced that the meeting is being webcast, all motions will be repeated for the record, and votes on all motions will be taken by roll-call.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Dustin Maxam expressed frustration with the slow implementation of recently approved regulatory changes to create new pathways to licensure for landscape architects. Mr. Maxam asked the Board to expedite the approved changes to remove barriers to entry for landscape architects seeking licensure in California via reciprocity.

D. CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(a)(1), 11126(c)(3), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

1. Conduct interviews and possible appointment of EO;
2. Review and possible action on March 1, 2018 Closed Session Minutes; and
3. Deliberate and vote on disciplinary matters.

E. RECONVENE OPEN SESSION

The Board reconvened open session.

F. REPORT ON ACTIONS TAKEN DURING CLOSED SESSION REGARDING EO APPOINTMENT

Ms. Kwan reported that, during closed session, the Board arrived at a decision regarding the EO appointment.

H. INTERIM EXECUTIVE OFFICER'S REPORT\*

Robert de los Reyes updated the Board on the state of its budget. Mr. Reyes reviewed the Board's Budget Report, Analysis of Fund Condition, and other budget documentation contained in the meeting packet, and reported that the Board's budget is in a positive state. He informed that the Board is currently reverting 10 percent (approximately \$400,000) of its budget due primarily to staff vacancies. Jon Alan Baker enquired about the increase in equipment expenses for the current fiscal year (FY) compared to prior year expenditures. Vickie Mayer explained that staff accounts for the equipment the Board anticipates it needs for the next FY (e.g., printers, computers); if approved, the amount is added to the Board's budget authority. Mr. Reyes added that minor equipment expenses are considered discretionary costs.

Mr. Reyes reported that the Board's number of Months in Reserve is within the allowable standards with 14.7 Months in Reserve recorded at the end of FY 2016-17, and 8.3 Months in Reserve projected for FY 2020-21. He also explained that all data (expenditures, revenue, budget authority, etc.) on the Analysis of Fund Condition document, besides FY 2016-17 data, are projections. Mr. Reyes reported that the Board is projected to fully expend its budget, and that projected revenues are conservative estimates. Matthew McGuinness enquired about the

new Supplemental Pension Payment (State Operations) line item on the Analysis of Fund Condition document. Mr. Reyes informed that the item is a new state-wide expenditure to debt-service a six billion dollar injection of funds into the California Public Employees Retirement System's (CalPERS) budget. Mr. Reyes explained that the new Supplemental Pension Payment affects all state agencies that contribute to the CalPERS fund, and the Board is scheduled to pay \$44,000 for the next eight FYs (conservative estimate). Robert Pearman asked if the loan is interest-free, to which Mr. Reyes answered it is not.

Tian Feng enquired about the consequence of the Board overspending its budget, to which Mr. Reyes explained that the Government Code makes the EO financially liable. Mr. Reyes noted that government policy to accord EO liability is a tool to deter excess spending.

G. REVIEW AND POSSIBLE ACTION ON MARCH 1, 2018 BOARD MEETING MINUTES

Ms. Kwan asked for comments concerning the minutes of the March 1, 2018 Board meeting.

- **Nilza Serrano moved to approve the March 1, 2018 Board meeting minutes.**

**Tian Feng seconded the motion.**

**Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Williams, and President Kwan voted in favor of the motion. Member Pearman abstained. Member Serrano was absent. The motion passed 8-0-1.**

H. INTERIM EXECUTIVE OFFICER'S REPORT (*continued*)

Ms. Mayer reported that the remaining Board meetings for 2018 are scheduled for September 12, 2018, in the Bay Area possibly at the Port of San Francisco, and on December 13-14, 2018, in Sacramento possibly at American River College and the Stanley Mosk Library and Courts Building.

Ms. Mayer also reported that the managers approved the Board's Business Processes for its Business Modernization Plan and submitted them to the DCA in May. She advised the mapping process will begin in October, as scheduled.

Ms. Mayer reminded the Board of its conversation with DCA Chief Information Officer, Jason Piccione, in March concerning the Board's inability to process payments without a physical check and a DCA "stop-gap" (Interim Credit Card Acceptance Portal) initiative to accept credit cards by the end of the calendar year. She reported that a contract for the Board's participation in the initiative is being developed, and staff is consulting with legal counsel to understand how the Board can best manage associated costs.

Ms. Mayer reported that the Executive Committee met on May 16, 2018, when they reviewed both the Board and LATC draft 2018 Sunset Review Reports and provided input for the Board's consideration (Agenda Item I). She also reminded the Board of the Communication Committee's 2017-2018 Strategic Plan objective to explore the possibility of the Board participating in consumer events as a means of communicating directly with the public. Ms. Mayer reported that, to fulfill the objective, staff worked with DCA's Office of Public Affairs and the Contractors State License Board (CSLB) on an article in the *Consumer Connection* magazine to be published later in June.



Ms. Mayer informed the Board that staff was asked by AIACC's Associate Director of Programs to provide input on a Path to Licensure infographic that will be disseminated to its membership, and that staff is currently reviewing the infographic to provide feedback.

Ms. Mayer reported that the Board anticipates commencing the process of migration to DCA Search during summer 2018. She explained that DCA Search will replace Web License Look Up, and that the new DCA Search will modernize the license verification tool by including compatibility for smartphones and providing consumers with enhanced licensee information.

Ms. Mayer reported that the rulemaking package the Board approved at a prior meeting to reduce the California Supplemental Examination (CSE) wait time to retake the examination from 180 days to 90 days has been filed with DCA's Division of Legislative and Regulatory Review.

Ms. Mayer directed the Board's attention to an increase in the amount of pending complaints for the prior month of April. She noted that the Enforcement Unit currently has position vacancies and that staff has redirected work with the goal to reduce the number of pending cases.

Ms. Mayer announced that LATC Chair, Patricia Trauth, will later join the Board meeting for the LATC Program Manager's update on its May 4, 2018 LATC meeting.

I. DISCUSS AND POSSIBLE ACTION ON EXECUTIVE COMMITTEE'S RECOMMENDATIONS TO THE BOARD REGARDING 2017-2018 STRATEGIC PLAN OBJECTIVE TO PREPARE FOR THE SUNSET REVIEW PROCESS IN ORDER TO FACILITATE A POSITIVE OUTCOME

Ms. Mayer reported that the 2018 Sunset Review Report will be submitted to the Legislature on December 1, 2018. She advised that the Board had not yet received the official 2018 template it needs to complete responses for the Report, but that the Board has been using the 2017 template as a guide. Ms. Mayer informed that much of the material from the well-received 2014 Sunset Review Report appeared in the 2017 template. She noted that the 2018 template may have new questions or revisions. Ms. Mayer informed the Board that it would have a final opportunity to review the draft Report at its September meeting. She asked the Board to review and provide input for the draft Board and LATC Sunset Review Reports.

Ms. Mayer noted that the first committee hearing will take place sometime in the spring of 2019. She also noted that approximately two weeks prior to the hearing (anticipated in March 2019), the Sunset Committee will provide a list of issues to the Board for clarification of items in the Report to be addressed at the hearing. Ms. Mayer reported that the LATC appointed a two-person working group to advise the LATC on its Sunset Review responses, while the Executive Committee advises the Board on its responses.

Ms. Mayer reviewed each of the 12 sections of the Report with the Board. The Board suggested several edits, including:

- a) add March and June 2018 meeting attendance to Section 1;
- b) add recent legislation to Section 1;
- c) list all means of outreach in Section 2;
- d) clarify specialized training costs in Section 3;

- e) include Architect Registration Examination data to Table 8 in Section 4; and
- f) strike Integrated Path to Architectural Licensure language from Section 11 until more feedback on the success of the program is obtained.

Mr. Baker enquired about the status of the effort to amend the Business and Professions Code (BPC) to change the terms of a legal contract, referenced under Section 11 New Issues.

Ms. Mayer informed that the previous EO tried to find a sponsor to introduce it into an omnibus bill, but his efforts were unsuccessful because omnibus bills should not contain controversial content.

J. DISCUSS AND POSSIBLE ACTION ON PROPOSED LEGISLATION:

1. Assembly Bill (AB) 767 (Quirk-Silva, 2018) Master Business License Act
2. AB 2138 (Chiu, 2018) Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction
3. AB 2182 (Levine, 2018) Privacy: Department of Consumer Affairs: California Data Protection Authority
4. AB 2483 (Voepel, 2018) Indemnification of Public Officers and Employees: Antitrust Awards
5. Senate Bill (SB) 721 (Hill, 2018) Contractors: Decks and Balconies: Inspection
6. SB 984 (Skinner, 2018) State Boards and Commissions: Representation: Appointments
7. SB 1137 (Vidak, 2018) Veterans: Professional Licensing Benefits
8. SB 1298 (Skinner, 2018) The Increasing Access to Employment Act
9. SB 1465 (Hill, 2018) Contractors: Civil Actions: Reporting
10. SB 1480 (Hill, 2018) Professions and Vocations

Mel Knox provided the Board a brief synopsis of proposed legislation that may be of interest to the Board. He informed that AB 767 (Quirk-Silva, 2018) would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer an online master business license system to simplify the process of engaging in business in this state. The Board took no position on AB 767.

Mr. Knox continued that AB 2138 (Chiu and Low, 2018) is intended to reduce barriers to professional licensure for individuals with prior criminal convictions by limiting a regulatory board's discretion to deny a new license application or to suspend or to revoke an existing license. He explained that the bill limits a board's discretion to cases where the applicant or licensee was formally convicted of a related crime or subjected to formal discipline by a licensing board and prohibits license denial, suspension, or revocation for offenses older than five years with the exception of violent felonies, as currently established in statute. Ms. Mayer recommended taking no position on the bill at this time and monitoring future amendments. She asked legal counsel whether it would be permissible for the Board's new EO to work with the president to identify a position for the Board at a later date. Ms. Welch advised that if the Board takes a position, its members should have an opportunity to provide input; however, the Board's Administrative Procedural Manual allows the EO to work with the president and vice-president to identify a position. Ms. Welch also clarified that AB 2138 is a true debate about public safety versus removing barriers to licensure. She reminded the Board of its mandate to view "protection of the public" as the Board's highest priority, and that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (BPC section 5510.15). The Board took no position on AB 2138.

Mr. Knox explained that AB 2182 (Levine, 2018) would require the DCA to establish an Internet portal linked to its Consumer Information Center Web page that contains links to the personal data privacy policies of online platforms, including social media. He noted that strong opposition to the bill exists outside of DCA; no opposition from any DCA board has been noted. The Board accepted staff's recommendation to take no position at this time and monitor AB 2182.

Mr. Knox advised that AB 2483 (Voepel, 2018) would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. Ms. Welch clarified that the bill proposes removing personal liability from board members and specifies that the agency is responsible for any settlement or judgement.

- **Jon Alan Baker moved to support AB 2483 (Voepel, 2018).**

**Matthew McGuinness seconded the motion.**

**Members Baker, Feng, Gutierrez, Lewis, McGuinness, Pearman, Williams, and President Kwan voted in favor of the motion. Members Campos and Serrano were absent. The motion passed 8-0.**

Mr. Knox informed that SB 721 (Hill, 2018) is reaction to the 2015 Berkeley balcony collapse that killed six students and injured many others. He explained that the bill would require "exterior elevated elements" of multi-family dwelling units to be inspected by a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. Mr. Feng directed the Board's attention to the lack of clarity in the bill about who shall ultimately be responsible for ensuring this inspection is conducted.

The Board considered taking a watch position. Ms. Welch suggested the Board write a concern letter that takes no position but raises issues for the author's consideration; the Board was receptive. Bob Carter explained that the cause of the balcony collapse was water intrusion on improper material used when the balcony was first constructed. Mr. Carter echoed Mr. Feng's concern that the bill does not specify who is responsible for initiating inspections (e.g., property owners). Ms. Kwan requested a letter be prepared with the assistance of the Board's architect consultants to convey the Board's concerns with SB 721 and asked that the points raised by Mr. Carter be included in the letter. Mr. Baker opined that writing such a letter is a service that must be provided to protect consumers. Mr. McGuinness expressed his view that SB 721 should be opposed.

- **Matthew McGuinness moved to oppose SB 721 (Hill, 2018) and submit a letter to the author of SB 721 outlining the Board's concerns.**

**Ebony Lewis seconded the motion.**

Ms. Welch advised the Board to also consider authorizing the EO and/or the Board president to work with the author's office to amend SB 721.

- **Matthew McGuinness amended his motion to oppose SB 721 (Hill, 2018), submit a letter to the author of SB 721 outlining the Board's concerns, and authorize the EO and/or Board president to work with the author's office to amend the bill.**

**Ebony Lewis seconded the amended motion.**

The Board further discussed elements needed in the bill to address core failures that lead to the Berkeley balcony collapse; members enquired about how to mandate ongoing deferred maintenance on buildings.

**Members Baker, Feng, Gutierrez, Lewis, McGuinness, Williams, and President Kwan voted in favor of the motion. Member Pearman abstained. Members Campos and Serrano were absent. The motion passed 7-0-1.**

Mr. Knox informed that SB 984 (Skinner, 2018) would require all state boards and commissions to be comprised of a specified minimum number of women based on the total number of board or commission members on that board. He noted that the bill would also require the Office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. Mr. Feng opined SB 984 to be a bill in need of careful examination within the context of gender-neutral policy. Mr. McGuinness expressed concern that the bill will expose boards to discrimination lawsuits. The Board agreed to monitor the bill and take no position at this time.

Mr. Knox continued that SB 1137 (Vidak, 2018) would require the Department of Veterans Affairs (CalVet) and the DCA, in consultation with each other, to take appropriate steps to increase awareness regarding professional licensing benefits available to veterans. He noted that the Board already engages directly with CalVet via targeted communications to raise awareness of architecture as a profession for veterans.

- **Ebony Lewis moved to support SB 1137 (Vidak, 2018).**

**Matthew McGuinness seconded the motion.**

**Members Baker, Feng, Gutierrez, Lewis, McGuinness, Pearman, Williams, and President Kwan voted in favor of the motion. Members Campos and Serrano were absent. The motion passed 8-0.**

Mr. Knox informed that SB 1298 (Skinner, 2018) has died, as it failed to meet a deadline, pursuant to Rule 61(b)(8).

Mr. Knox explained that SB 1465 (Hill, 2018) is included on the agenda to raise the Board's awareness that the CSLB supports the proposed requirement for a licensee to report any civil action resulting in a final judgment, executed settlement agreement, or final arbitration award that meets specified criteria, including that the amount or value is \$1,000,000 or greater. The Board determined that no action is required for SB 1465.

Mr. Knox informed that SB 1480 (Hill, 2018) would amend section 328 of the General Provisions of the BPC to require DCA to prioritize through its Consumer Protection Enforcement Initiative the enforcement of complaints against licensees involving allegations of serious harm to a minor. Mr. Baker enquired about how this bill might affect the Board's

enforcement staff's method to process these kinds of complaints, even if an allegation is unrelated to architecture. Ms. Mayer clarified that the bill raises the complaint's priority level; the accusation would be treated the same as it is today, but with greater priority amongst other complaints. The Board agreed to monitor the bill and take no position at this time.

Ms. Mayer noted four bills that may be included in Section 1 of the Board's Sunset Review Report: AB 2138, AB 2483, SB 721, and SB 1137.

K. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Ms. Mayer announced that NCARB will have its Annual Business Meeting in Detroit, Michigan on June 27-30, 2018. She noted that this year's NCARB delegation is composed of members Kwan, Baker, Feng, Serrano, and McGuinness. Ms. Mayer informed that all candidates for 2018 NCARB and Region VI officers and directors are uncontested. Mr. Feng observed that Mr. Baker is a candidate for NCARB Executive Board as the Region 6 Director.

- **Barry Williams moved to support the slate of candidates for 2018 NCARB and Region VI officers and directors.**

**Tian Feng seconded the motion.**

**Members Baker, Feng, Gutierrez, Lewis, McGuinness, Pearman, Williams, and President Kwan voted in favor of the motion. Members Campos and Serrano were absent. The motion passed 8-0.**

Marcus Reinhardt informed the Board that NCARB will vote on the following resolutions at its upcoming Annual Business Meeting:

- a. 2018-01 *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Health, Safety, and Welfare (HSW) Category Realignment
- b. 2018-02 *Certification Guidelines* Amendment – Revision to the Education Evaluation Services for Architects (EESA) Requirement for the Education Alternative to Certification
- c. 2018-03 Amendment and Restatement of the *NCARB Model Rules of Conduct*
- d. 2018-04 Amendment and Restatement of the *NCARB Bylaws*

Mr. Reinhardt summarized each of the resolutions and made a recommendation for the Board to support all four. Mr. Baker, as Chair of NCARB's Procedures and Documents Committee, noted that the *NCARB Model Rules of Conduct* and *NCARB Bylaws* were amended a great deal and are no longer controversial and problematic.

- **Ebony Lewis moved to support NCARB Resolutions 2018-01, 2018-02, 2018-03, and 2018-04.**

**Robert Pearman seconded the motion.**

**Members Baker, Feng, Gutierrez, Lewis, McGuinness, Pearman, Williams, and President Kwan voted in favor of the motion. Members Campos and Serrano were absent. The motion passed 8-0.**

L. REVIEW AND POSSIBLE ACTION ON 2018/19 INTRA-DEPARTMENTAL CONTRACT WITH OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE) DEVELOPMENT

Mr. Reinhardt informed the Board that its Intra-Departmental Contract with OPES is due to expire on June 30, 2018. He asked the Board to consider a new contract for continued CSE development during FY 2018/19. Mr. Reinhardt noted that the contract cost of \$53,708 for the upcoming FY is lower than previous years (approximately \$75,000) due to a shift in funding for associated workshops.

- **Jon Alan Baker moved to approve the new \$53,708 Intra-Departmental Contract with OPES for FY 2018/19 CSE development.**

**Ebony Lewis seconded the motion.**

**Members Baker, Feng, Gutierrez, Lewis, McGuinness, Pearman, Williams, and President Kwan voted in favor of the motion. Members Campos and Serrano were absent. The motion passed 8-0.**

M. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Brianna Miller summarized discussions that occurred at the May 4, 2018 LATC meeting. Ms. Miller reported that the LATC reviewed its draft 2018 Sunset Review Report and anticipates reviewing it again at its next meeting in July. She also reported that the Committee reviewed and approved its new website per the 2017-2018 Strategic Plan objective to revamp the LATC's website to be more user-friendly for consumers.

Ms. Miller reminded the Board of LATC's work on California Code of Regulations (CCR) section 2620 (Education and Training Credits) to expand pathways to licensure. She reported that after the Board's December approval of proposed changes to CCR section 2620, the need for minor changes to the language was observed; those changes were approved by the LATC for submission to the Office of Administrative Law. Ms. Miller explained that, in November, the LATC asked that, specifically concerning the experience-only pathway, its ability to certify that experience be considered. She noted that the Council of Landscape Architectural Registration Boards (CLARB) had expressed disinterest in sponsoring a structured internship program like NCARB's Architectural Experience Program. Ms. Miller further explained that California's regulations do not certify types of landscape experience, which prompted the LATC to explore other states' regulations and forms.

Mr. Baker asked if CLARB would be interested in a structured internship program if regulations were changed. Ms. Miller stated that the LATC is interested in structuring candidate experience but CLARB is not interested in implementing it. Ms. Welch clarified the problem to be the absence of a regulatory requirement for supervisors to certify or prove one has diversified experience. She explained that if there is no regulatory requirement for diversified experience or certification of any task, then there is no requirement to report it on a form. Mr. Baker asked if LATC's Occupational Analysis identifies categories of landscape architectural experience that

can become part of an amendment to the regulation. Ms. Welch recalled the list of task statements in the Test Plan that should be performed to prepare the candidate. She stated that the LATC would need to assess whether using the list in any way is feasible; Mr. Baker opined the list to be a good place to start. Ms. Miller commented that the list is being considered by the LATC and research is currently being gathered about other states' regulations.

The Board continued to discuss the concept of a structured internship program for landscape architects. Mr. Williams suggested giving CLARB more details about how the program would operate (i.e., timeframe) to demonstrate a sense of commitment and encourage their participation. Ms. Miller conveyed the LATC's understanding of this issue's significance. Ms. Kwan encouraged the LATC to discuss grandfathering in the same way that building designers were grandfathered. Ms. Welch explained that grandfather clauses by themselves would not solve the problem, and that any grandfather provision should consider what is best for public protection and allow individuals to obtain licensure.

Ms. Miller informed that the LATC reviewed approved changes to the Board's *Disciplinary Guidelines* from a previous meeting and determined that corresponding changes should also be made to the LATC's *Disciplinary Guidelines*. She directed the Board's attention to those changes which included 1) the addition of civil penalty provisions, 2) a new section under General Considerations to provide information regarding the citation authority, and 3) changes to the descriptions of BPC sections 5667, 5670, 5671, 5672, 5673, 5675.5, and 140 to accurately reflect the nature of the violations. Ms. Miller asked the Board to consider the LATC's recommendation.

- **Jon Alan Baker moved to approve the proposed regulatory changes as modified and direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes.**

**Tian Feng seconded the motion.**

**Members Baker, Feng, Gutierrez, Lewis, McGuinness, Williams, and President Kwan voted in favor of the motion. Members Campos, Pearman, and Serrano were absent. The motion passed 7-0.**

#### N. REVIEW OF FUTURE BOARD MEETING DATES

Ms. Kwan reminded that the remaining Board meetings for 2018 are scheduled for September 12, 2018, in the Bay Area, and December 13-14, 2018, in Sacramento.

#### O. ADJOURNMENT

The meeting adjourned at 5:25 p.m.

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

**EXECUTIVE OFFICER'S REPORT – UPDATE ON BOARD'S ADMINISTRATION /  
MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS**

The Executive Officer will provide an update on the Board's Administration / Management, Examination, Licensing, and Enforcement Programs.





Edmund G. Brown Jr.  
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

## MEMORANDUM

DATE: September 4, 2018

TO: Board and Landscape Architects Technical Committee (LATC)  
Members

FROM: Laura Zuniga, Executive Officer 

SUBJECT: AUGUST 2018 MONTHLY REPORT

The following information is provided as an overview of Board activities and projects as of August 31, 2018 (statistics as of August 22, 2018).

### ADMINISTRATIVE/MANAGEMENT

Board The remaining Board meetings for 2018 are scheduled for September 12, 2018, in Oakland; and December 13-14, 2018, in Sacramento. The December meeting will include a Strategic Planning session.

Business Modernization In late December, the Board in collaboration with the Department of Consumer Affairs (DCA) finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is an academic look at the purpose, guiding principles, objectives, and activities needed to achieve the Board's goals of business modernization. The Plan has an accompanying document, the Business Modernization Report (Report), which is an artifact specific to the Board that documents the business modernization activities that will be conducted. The Report includes proposed timelines, milestone documentation, business planning artifacts, project approval documents, among other items. Together, these documents outline a specific framework, and the Board's progress within such framework.

The primary objective of the Plan is to ensure that business modernization efforts for the Board follow a structured approach based on best practices and lessons learned, with more accurately planned, managed, and implemented technology solutions. The thorough planning, business analysis, and program-specific nature of this effort will ensure success for the Board and DCA.

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An initial meeting was held on July 11, 2017, with the Board and DCA's Office of Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, staff met with OCM staff to discuss the initial inventory of the Board's existing administrative, enforcement, and licensing business processes. This inventory will inform the proposed timeline for the effort, currently under development. At the request of the DCA, on October 11, 2017, staff provided suggested edits to the business processes. Staff completed the Project Charter for the business activities phase of the modernization effort. The Charter specifies our role and responsibilities as key project stakeholders. It also describes the project decision-making authority for our business area, and the commitment DCA needs from the Board to conduct a successful project. Staff and management met with SOLID on November 7, 2017, to review the draft Project Charter and discuss combining the Board and LATC charters into one document. The consolidated Charter was submitted to OCM in January 2018, after approval from the Board President and LATC Chair.

Key elements of Business Modernization specific to the needs of the Board and LATC include: 1) Business Activities, 2) Project Approval Lifecycle, and 3) System Implementation. Jason Piccione, DCA Chief Information Officer, updated the Executive Committee and the Board on the Business Modernization project; he stressed that the progression of activities to implement the Business Modernization project will be based on the overall organizational readiness of both programs and ability to support an aggressive (or less aggressive) timeframe regarding staff resources. Furthermore, he reported that Business Activities are scheduled from October 2018 through October 2019, the Project Approval Lifecycle from July 2019 through November 2020, and System Implementation from November 2020 through November 2022. The proposed schedule employs a minimum viable product strategy, which could reduce the total proposed time of implementation to November 2021. The Board business process inventory has since been finalized and provided to OCM on May 21, 2018. OCM advised they would reach out to the Board near the fourth quarter to begin preparation for the mapping process in October 2018.

Because this planned approach will take time and to address the delayed implementation of a new platform, the Board and LATC are pursuing a stop gap measure to accept credit card payment for license renewal applications, our highest volume transaction. Staff met with DCA Office of Information Services (OIS) on May 14, 2018 along with Release 3 boards and bureaus interested in the Interim Credit Card Acceptance Portal initiative. Staff worked with DCA Budget and Legal staff to assess the projected credit card costs. The Board and LATC will be in the first group along with California State Board of Pharmacy and California Board of Accountancy. OIS identified the Board as the primary organization in the first group and has initiated the data analysis for credit card renewal payments. A meeting was held with OIS to determine initial screening questions for credit card eligibility and assess whether additional features such as online address changes could be implemented at time of payment. Further research is underway and testing is anticipated to begin in September for a launch date in November 2018.

Communications Committee The next Communications Committee meeting has not been scheduled at this time.

Executive Committee The next Executive Committee meeting has not been scheduled at this time.

Legislation Assembly Bill (AB) 2138 (Chiu and Low) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction] would authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding seven years, except for serious felonies, and would require the crime to be substantially related to the qualifications, functions, or duties of the business or profession. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction. This bill is on the Governor's desk.

AB 2483 (Voepel) [Indemnification of Public Officers and Employees: Antitrust Awards] would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. At the June 13, 2018 Board meeting, Board members voted in support of the bill; however, shortly thereafter, the bill was pulled by Assemblyman Voepel due to several concerns, including a lack of critical public protection safeguards.

Senate Bill (SB) 721 (Hill) [Contractors: Decks and Balconies: Inspection] establishes inspection and repair requirements for "exterior elevated elements" as defined, including decks and balconies for buildings with three or more multifamily dwelling units; establishes reporting and repair requirements if repairs are needed, including specific timelines for carrying out the repairs; specifies who can complete the inspections and repairs; and, provides for civil penalties for violations for building owners, as specified. This bill is on the Governor's desk.

SB 984 (Skinner) [State Boards and Commissions: Representation: Appointments] would require all state boards and commissions, beginning on and after January 1, 2024, to be comprised of a specific minimum number of women members or commissioners based on the total number of board or commission members on that board. This bill would also require the Office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. This bill was held in the Assembly Committee on Appropriations.

SB 1137 (Vidak) [Veterans: Professional Licensing Benefits] would require the Department of Veterans Affairs and the DCA, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans and their spouses. At the June 13, 2018 Board meeting, Board members voted in support of the bill. A letter conveying the Board's support was sent to Senator Vidak on August 16, 2018. This bill is on the Governor's desk.

SB 1480 (Hill) [Professions and Vocations] would require the DCA to amend department-wide enforcement guidelines to include the category of "allegations of serious harm to a minor" under the "urgent" or "highest priority level." It would also reduce from three times per year to two times per year, the frequency with which the boards within the DCA meet. Other provisions of this bill are specific to individual programs. This bill is on the Senate floor.

Newsletter The *California Architects* newsletter was published on June 26, 2018 and a Special Issue was published on August 9, 2018. The next issue is planned for publication in September 2018.

Sunset Review The Board's and LATC's 2018 Sunset Review Reports are due for submission to the Legislature on December 1, 2018. The draft reports were presented to the Board on June 13, 2018, for input and recommendations. Staff are completing tables with FY 17/18 data and making final edits to the Reports for Board's approval at its September 12, 2018 meeting.

Outreach On May 21, 2018, the Board was asked by The American Institute of Architects, California Council (AIACC), Associate Director of Programs, to provide input on a Path to Licensure infographic that will be disseminated to its membership. Staff reviewed the infographic and provided its feedback on August 24, 2018.

On June 29, 2018, DCA contacted the Board regarding its interest in our Disaster Preparedness campaign information. The Board offered its assistance and desire to participate in upcoming townhall and outreach events. A supply of the Board's *Consumer's Guide to Hiring an Architect* and consumer tips cards were provided on August 14, 2018, to the AIACC Central Valley Chapter for dissemination.

Staff also worked with DCA's Office of Public Affairs and the Contractors State License Board (CSLB) on an article in the *Consumer Connection* magazine published on June 30, 2018. The article provides California property owners information on natural disasters and mistakes to avoid during the rebuilding, as well as consumer protection tools to ensure projects stay on track. The *Consumer Connection* is disseminated by the DCA internally to all boards and bureaus and mailed to interested parties. Publications are sent both electronically and by mail to a wide-range of subscribers. A majority of the subscribers are nonprofits, state and local agencies, and district attorney offices throughout the state. The inclusion of the article in the magazine was one of the strategies to meet an objective in the Board's Strategic Plan assigned to the Communications Committee.

Personnel Amir Larian was selected to fill the Public Information Technician in the Administration Unit and his first day at the Board was August 15, 2018. Idris Ahmed was selected to fill one of the analyst positions in the Enforcement Unit and his first day at the Board was August 31, 2018. Efforts are underway to fill the vacant Office Technician positions in the Enforcement and Examination Units and the remaining analyst position in the Enforcement Unit.

Social Media The Board has expanded its social media presence to include three platforms, which are shown in the following table:

Platform	Current Followers	Followers 1 Year Prior	Difference
Twitter (launched in 2014)	1,187	1,110	7%
Instagram (launched September 20, 2016)	406	181	224%
Facebook (launched June 6, 2017)	73	N/A	N/A

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

- 9/11/18 Basic Project Management (Ryan)
- 9/12/18 Excel 2016 Formulas (Ryan)
- 9/20/18 Complaint Intake (Katie)
- 9/26/18 Research, Analysis, and Problem Solving (Ryan)
- 10/3-4/18 Presentation Skills for Analysts [Two-day Course] (Ryan and Katie)
- 10/22/18 How to Build a Procedure Manual (Arleen)
- 10/23/18 Word 2016 Long Documents (Katie)
- 11/6/18 Probation Monitoring (Katie)
- 11/7/18 Excel 2016 Charts (Ryan)
- 11/13/18 Completed Staff Work (Katie)

Website The Board anticipates migrating to DCA Search in the fall of 2018. DCA Search will replace Web License Look Up, which is currently used by consumers for license verification. The new DCA Search will modernize the license verification tool by including compatibility for smartphones and providing consumers with enhanced licensee information. Specifically, the updated tool will: 1) allow for simple or advanced (focused) searching; 2) allow for broader searches across DCA entities; 3) continuously display up-to-date license information; and 4) enable consumers to view all license related data for a licensee (i.e., display licenses from other DCA entities and enforcement actions). The DCA Search Team shared a link on August 28, 2018, to the application test site for verification the requested changes and corrections that came out of the user acceptance testing were addressed and properly implemented. Board staff will continue to coordinate with OIS for final implementation.

### **EXAMINATION AND LICENSING PROGRAMS**

Architect Registration Examination (ARE) Effective July 1, 2018, NCARB retired ARE 4.0. Candidates who did not complete the entirety of ARE 4.0 were transitioned to ARE 5.0. Transitioned candidates with partial ARE 4.0 credit were granted ARE 5.0 credit based upon the rules set by NCARB ARE 5.0 Credit Model. Following the transition, Examination and Licensing

staff manually reviewed candidate records for accuracy and granted individual testing authorizations for each ARE 5.0 division to nearly 8,000 actively testing candidates. The result of which was a smooth transition process for candidate and the avoidance of unnecessary delays in the scheduling of ARE 5.0 examinations.

The pass rates for ARE divisions taken by California candidates between July 1–31, 2018, are shown in the following tables:

**July 2018 ARE 5.0**

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	50	35	70%	15	30%
Practice Management	98	51	52%	47	48%
Programming & Analysis	99	46	46%	53	54%
Project Development & Documentation	102	50	49%	52	51%
Project Management	69	36	52%	33	48%
Project Planning & Design	142	51	36%	91	64%

Pass rates for ARE divisions taken by California candidates during the first two quarters of this calendar year (January 1, 2018 to June 30, 2018) are shown in the following tables:

**2018 ARE 5.0 (Quarters 1 and 2 Combined)**

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	179	115	64%	64	36%
Practice Management	368	182	49%	186	51%
Programming & Analysis	223	100	45%	123	55%
Project Development & Documentation	306	155	51%	151	49%
Project Management	253	152	60%	101	40%
Project Planning & Design	433	188	43%	245	57%

**2018 ARE 4.0 (Quarters 1 and 2 Combined)**

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Building Design & Construction Systems	114	85	75%	29	25%
Building Systems	118	58	49%	60	51%
Construction Documents & Services	601	246	41%	355	59%
Programming, Planning, & Practice	755	298	39%	457	61%
Schematic Design	65	45	69%	20	31%
Site Planning & Design	438	223	51%	215	49%
Structural Systems	168	82	49%	86	51%

National pass rates for 2017 ARE 5.0 and ARE 4.0 are shown in the following tables:

**2017 ARE 5.0**

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Construction & Evaluation	238	54%	61%	-7%
Practice Management	488	42%	50%	-8%
Programming & Analysis	296	43%	53%	-10%
Project Development & Documentation	602	47%	56%	-9%
Project Management	292	58%	59%	-1%
Project Planning & Design	774	42%	50%	-8%

**2017 ARE 4.0**

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Building Design & Construction Systems	607	56%	62%	-6%
Building Systems	636	56%	59%	-3%
Construction Documents & Services	1,607	46%	52%	-6%
Programming, Planning, & Practice	1,507	48%	52%	-4%
Schematic Design	317	80%	81%	-1%
Site Planning & Design	1,087	59%	64%	-5%
Structural Systems	585	59%	59%	0%

California Supplemental Examination (CSE) Staff, at the direction of the Board, researched with the Office of Professional Examination Services (OPES) the feasibility of reducing the mandatory 180 day wait time after a candidate fails the CSE while maintaining examination security and defensibility. The Board was provided an update on the research at its December 7, 2017 meeting,



and directed staff to proceed with a regulatory proposal to reduce the wait time from 180 to 90 days. At its March 1, 2018 meeting, the Board received a presentation from OPES detailing how the reduction in the wait time will be implemented in March 2019, and approved proposed regulatory language to commence the rulemaking process. Staff is working with DCA to develop a regulatory proposal for submittal to the Office of Administrative Law (OAL) and notice to the public.

The current Intra-Departmental Contract (IAC) with the OPES for examination development for fiscal year (FY) 2018/19 expires on June 30, 2019.

The pass rates for the CSE taken by candidates between August 1–31, 2018, and prior FYs are shown in the following tables:

**August 2018 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
70	39	56%	31	44%

**FY 2018/19 CSE  
(as of August 31, 2018)**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
185	110	59%	75	41%

**FY 2017/18 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
1,144	645	56%	499	44%

NCARB Integrated Path to Architectural Licensure (IPAL) Board staff contacted NCARB to provide any updated information regarding the program. NCARB indicated there were more than 400 students enrolled across 17 IPAL programs. Presently, over 60 students have taken one or more ARE divisions, and five students graduated from IPAL programs receiving their license.

NCARB anticipates being able to provide more robust data in three to five years when more students have progressed through the program.

Professional Qualifications Committee (PQC) The next PQC meeting is scheduled for October 25, 2018 in Sacramento. At this meeting the PQC will complete its last Strategic Plan objective and review a draft of the new *Licensure Handbook*, which replaces the *Candidate's Handbook*.

Regulatory Proposals California Code of Regulations (CCR) Sections 124 (California Supplemental Examination) and 124.5 (Review of California Supplemental Examination) – At its June 15, 2017 meeting, the Board directed staff to collaborate with OPES and research the feasibility of reducing the CSE retake waiting period. Based upon the results of its research, OPES determined and advised staff the waiting period could be reduced from 180 to 90 days with no compromise of examination integrity. Staff presented OPES' findings to the Board at its December 7, 2017, meeting and advised members it could bring a regulatory proposal to amend CCR section 124 for approval at the next Board meeting in March 2018. Board members subsequently voted in support of reducing the waiting period to 90 days and directed staff to commence the rulemaking process.

Staff developed proposed regulatory language to amend CCR section 124 and reduce the CSE waiting period. Staff also proposed language to amend CCR section 124.5 as it pertains to the CSE review process and release of examination results. The Board approved the proposed regulatory language to amend CCR sections 124 and 124.5 at its March 1, 2018, meeting and delegated authority to the 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 sections 124 and 124.5:

March 1, 2018	Proposed regulatory language approved by the Board
June 12, 2018	Proposed regulation submitted to DCA Legal for prereview.
July 2, 2018	DCA Legal concluded prereview and returned regulation to staff
July 5, 2018	Proposed regulation submitted to DCA Legal for Initial Analysis

## **ENFORCEMENT PROGRAM**

Architect Consultants Building Official Contact Program: Architect consultants are available on-call to Building Officials to discuss the Board's policies and interpretations of the Architects Practice Act (Act), stamp and signature requirements, and scope of architectural practice.

Education/Information Program: Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In August (as of August 22, 2018), there were 30 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 15 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.

Collection Agency Contract The Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (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 in the process of securing a contract with a collection agency through the informal solicitation method (Government Code (Gov.) section 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 at a future meeting.

#### Enforcement Actions

Elaine Louise Nesbit (Los Angeles) The Board issued a one-count citation that included a \$500 administrative fine to Nesbit, architect license number C-13950, for an alleged violation of BPC section 5600.05(b) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Nesbit failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. The citation became final on July 20, 2018.

Fabio N. Rigo de Righi (Los Angeles) The Board issued a one-count citation that included a \$500 administrative fine to Rigo de Righi, architect license number C-27735, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Rigo de Righi certified false or misleading information on his 2017 License Renewal Application. Rigo de Righi paid the fine, satisfying the citation. The citation became final on July 12, 2018.

James Morrison Robertson (Daly City) The Board issued a two-count citation that included a \$1,500 administrative fine to Robertson, architect license number C-7921, for alleged violations of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements) and CCR, title 16, section 160(b)(2) (Rules of Professional Conduct). The action alleged that Robertson failed to provide documentation to the Board from the course provider upon a Board audit and failed to respond to the Board's requests for information regarding an investigation within 30 days. The citation became final on July 10, 2018.

Timothy Major Sweeney (Reno, Nevada) The Board issued a one-count citation that included a \$500 administrative fine to Sweeney, architect license number C-21860, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Sweeney certified false or misleading information on his 2018 License Renewal Application. Sweeney paid the fine, satisfying the citation. The citation became final on July 31, 2018.

Laurence Tighe (Los Angeles) The Board issued a one-count citation that included a \$500 administrative fine to Tighe, architect license number C-25441, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Tighe certified false or misleading information on his 2017 License Renewal Application. Tighe paid the fine, satisfying the citation. The citation became final on July 12, 2018.

Jonathan Tsao (San Francisco) The Board issued a two-count citation that included a \$1,500 administrative fine to Tsao, architect license number C-12728, for alleged violations of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements) and CCR, title 16, section 160(b)(2) (Rules of Professional Conduct). The action alleged that Tsao failed to provide documentation to the Board from the course provider upon a Board audit and failed to respond to the Board's requests for information regarding an investigation within 30 days. The citation became final on July 25, 2018.

Daniel Arthur Westphal (Santa Rosa) The Board issued a one-count citation that included a \$500 administrative fine to Westphal, architect license number C-24722, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Westphal certified false or misleading information on his 2017 License Renewal Application. The citation became final on July 20, 2018.

<u>Enforcement Statistics</u> (as of August 22, 2018)	<u>Current Month</u> August 2018	<u>Prior Month</u> July 2018	<u>FYTD</u> 2018/19	<u>5-FY Avg</u> 2013/14- 2017/18
<b>Complaints</b>				
Received/Opened (Reopened):	9 (1)	34 (0)	43 (1)	331 (2)
Closed:	11	14	25	316
Average Days to Close:	133 days	123 days	127 days	124 days
Pending:	177	178	178*	121
Average Age of Pending:	211 days	196 days	203 days*	148 days
<b>Citations</b>				
Issued:	5	4	9	48
Pending:	14	9	12*	11
Pending AG: †	2	2	2*	4
Final:	0	7	7	43
<b>Disciplinary Actions</b>				
Pending AG:	4	4	4*	5
Pending DA:	1	1	1*	1
Final:	0	1	1	3
<b>Continuing Education (§5600.05)**</b>				
Received/Opened:	1	1	2	66
Closed:	4	5	9	64
Pending:	4	7	6*	19
<b>Settlement Reports (§5588)**</b>				
Received/Opened:	1	4	5	27

Closed:	2	1	3	28
Pending:	16	17	17*	8

\* 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 2018/19 (as of August 22, 2018), seven citations with administrative fines became final with nine 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 section 5600.05(a)(1) or (b) - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [77.8%]
- CCR section 160(b)(2) - Rules of Professional Conduct (Willful Misconduct) [22.2%]

Regulatory Proposals *CCR section 152.5 (Contest of Citations, Informal Conference)* - Staff developed proposed regulatory language to amend CCR section 152.5 to 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. The proposed regulatory language also contains additional revisions to CCR section 152.5, including: changing the deadline for requesting an informal conference for consistency with the deadline for requesting a formal administrative hearing; authorizing the EO or a designee to extend the 60-day period for holding the informal conference for good cause; and 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. The REC reviewed and discussed staff's draft proposed regulation to amend CCR section 152.5 at its November 8, 2016 meeting, and voted to recommend to the Board that it approve the regulation and authorize staff to proceed with the regulatory change. At its December 15, 2016 meeting, the Board approved the proposed regulation to amend CCR section 152.5, authorized staff to proceed with the required regulatory change to amend CCR section 152.5, and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and make minor technical or non-substantive changes to the language, if needed. Staff is preparing the proposed regulatory package for submission to DCA for review, prior to publicly noticing with the OAL.

*CCR section 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 section 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 section 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 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 section 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 section 154. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR section 154 were presented to the Board for consideration at its December 15, 2016 meeting. At the meeting, the Board approved the additional revisions to the *Disciplinary Guidelines* and the proposed regulation to amend CCR section 154, authorized staff to proceed with the required regulatory change to amend CCR section 154 in order to incorporate the revised *Guidelines* by reference, and delegated authority to the EO to adopt the regulation, 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 the December 15, 2016 Board meeting, LATC staff updated LATC's *Disciplinary Guidelines* to include the approved revisions that are appropriate for LATC. On July 13, 2017, LATC approved the revised *Guidelines* and recommended that they be presented to the Board for approval. On September 5, 2017, Legal Counsel advised LATC staff that additional substantive changes to LATC's *Guidelines* and the proposed language to amend CCR section 2680 were

necessary prior to Board approval and submission of the regulatory package. The Board approved the revisions to LATC's *Guidelines* and the proposed language to amend CCR section 2680, including the necessary changes identified by Legal Counsel, at its September 7, 2017 meeting. Following the meeting, Board staff reviewed Legal Counsel's recommendations as they relate to the Board's *Disciplinary Guidelines* and determined that they would also need to be amended. Staff prepared additional, recommended revisions to the Board's *Guidelines* and the proposed language to amend CCR section 154 in response to Legal Counsel's recommendations, and presented those revisions to the Board for review and approval at its December 7, 2017 meeting. At the meeting, the Board accepted the additional revisions to the *Guidelines*, and directed Legal Counsel and staff to conduct further research to determine if the Board has the statutory authority to impose fines through the disciplinary process and whether it should be referenced in the *Guidelines*.

Legal Counsel subsequently researched the Board's statutory authority to assess an administrative penalty or fine through discipline and found that BPC section 5565(d) authorizes the Board to assess a fine for any of the causes of action specified in BPC section 5577 (Conviction of a Crime Substantially Related to the Qualifications, Duties, or Functions of an Architect), and BPC section 5588(e) authorizes the Board to impose a civil penalty against a licensee who fails to report a civil action judgment, settlement, or arbitration award of \$5,000 or greater against the licensee to the Board within 30 days. Based on Legal Counsel's research, staff revised the Board's *Disciplinary Guidelines* to: 1) include the fine and civil penalty provisions authorized by BPC sections 5565(d) and 5588(e); 2) provide information regarding the Board's citation authority in the General Considerations section; and 3) update the descriptions of BPC sections 140, 5536.5, 5577, 5579, 5582.1, 5583, 5584, 5585, and 5586, to more accurately reflect the nature of the violations. At its March 1, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the *Disciplinary Guidelines* and CCR section 154 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified. Staff is preparing the proposed regulatory package for submission to DCA, prior to publicly noticing with OAL.

Regulatory and Enforcement Committee (REC) The REC met on August 23, 2018, in Sacramento and continued its work on assigned objectives from the 2017–2018 Strategic Plan. The REC's recommendations will be considered by the Board at its September 12, 2018 meeting.

Written Contract (BPC section 5536.22) A proposal was previously 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 section 5536.22 sought 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 the proposal was substantive and, as such, would need to be included in another bill. At its April 28, 2016 meeting, the 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 section 5536.22. Staff developed proposed language for BPC section 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 section 5536.22 with the words “concerns about” instead of “complaints concerning” in the proposed subsection (a)(9). The Board considered the REC’s recommendation at its December 15, 2016 meeting, and approved the proposed language to amend BPC section 5536.22 with the exception of proposed subsection (a)(9); the Board returned subsection (a)(9) to the REC for further study and consideration of alternative methods of disclosure. The language was submitted to the BP&ED Committee on October 27, 2017, for consideration to be included in the 2018 Omnibus Committee bill. BP&ED staff determined that the proposal would not be included in the omnibus bill because it was deemed substantive, and instead, suggested that the Board present it to the Legislature for consideration via the “New Issues” section of the Sunset Review Report.

At its August 23, 2018 meeting, the REC reviewed and discussed the prior issues regarding the phrase “Any questions or concerns about an architect may be referred to the California Architects Board” in the proposed subsection (a)(9) and noted the potential challenges with including subsection (a)(9) in a written contract with a public agency. The REC voted to recommend to the Board that it approve revised wording of subsection (a)(9) and consider exempting public agency contracts from the requirement(s) in subsection (a)(9) or all of subdivision (a) of BPC section 5536.22. The REC’s recommendation will be considered by the Board at its September 12, 2018 meeting.

## **LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)**

### **LATC ADMINISTRATIVE/MANAGEMENT**

Business Modernization Refer to section under Board’s Administrative/Management.

Committee Susan M. Landry was re-appointed by the Speaker of Assembly on July 25, 2018. Her term will expire on June 1, 2022.

The LATC met on July 20, 2018 at Woodbury University in San Diego. The LATC’s next meeting on November 8-9, 2018, will be held in Sacramento. This meeting will include a Strategic Planning session.

Social Media The LATC maintains a Twitter account that currently has 144 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website In August, staff updated the meeting date for the next LATC meeting, which will include a Strategic Planning session, to November 8-9, 2018, and published the updated “Licensee Search” lists to the website.



The LATC is anticipated to begin the process of transitioning to the DCA’s updated and modernized Web License Look Up in late Summer 2018. Presently, the LATC’s License Look Up feature is a PDF that is updated and re-posted on the website on a monthly basis. DCA seeks to include LATC on its modernized license search feature, which will be compatible for smart phones and provide consumers with enhanced licensee information. Specifically, this new search tool will enable the LATC to display current information on an ongoing basis as well as enable consumers to view all license related data for a licensee (i.e., display all licenses that a person may hold from DCA’s boards and bureaus as well as enforcement actions). It will also make searches easier by enabling search filters to distill search results. At the onset of conversion, LATC staff will engage with DCA’s OIS to participate in user-testing before rollout of the Web License Look Up.

**LATC EXAMINATION PROGRAM**

California Supplemental Examination (CSE) LATC’s Intra-Departmental Contract with OPES for examination development will expire on June 30, 2019.

OPES provides the LATC with Occupational Analysis (OA) and examination development services. BPC section 139 requires that an 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. Staff recruits subject matter experts to participate in examination development workshops to focus on item writing and examination construction.

CSE Results The pass rates for the CSE taken by candidates during FY 2018/19 (as of August 22, 2018) and prior FYs are shown in the following tables:

**FY 2018/19 CSE  
(as of August 22, 2018)**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
39	28	72%	11	28%

**FY 2017/18 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
181	107	55%	89	45%

**FY 2016/17 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
153	80	52%	73	48%

**FY 2015/16 CSE**

<b>EXAMINATIONS ADMINISTERED</b>	<b>CANDIDATES PASSED</b>		<b>CANDIDATES FAILED</b>	
	Total	Percent	Total	Percent
132	94	71%	38	29%

Landscape Architect Registration Examination (LARE) The LARE was administered from August 6-18, 2018. The candidate application deadline was June 22, 2018. The next LARE administration will be held December 10-22, 2018 and the candidate application deadline is October 26, 2018. Examination results for all LARE administrations are released by the Council of Landscape Architectural Registration Boards (CLARB) within six weeks of the last day of administration.

The pass rates for LARE sections taken by California candidates during the April 9-21, 2018, administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	88	57	65%	31	35%
Inventory and Analysis	64	40	63%	24	37%
Design	68	48	71%	20	29%
Grading, Drainage and Construction	82	55	67%	27	33%

National pass rates for LARE sections taken during the April 9-21, 2018, administration are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	88	65%	481	72%	-7%
Inventory and Analysis	64	63%	413	74%	-11%
Design	68	71%	419	70%	1%
Grading, Drainage and Construction Documentation	82	67%	472	69%	-2%

National pass rates for LARE sections taken in 2017 are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	235	66%	1,192	72%	-6%
Inventory and Analysis	225	66%	1,108	73%	-7%
Design	223	66%	1,094	70%	-4%

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Grading, Drainage and Construction Documentation	224	66%	1,136	68%	-2%

Regulatory Proposals CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)- 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 10 years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR section 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 section 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.

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 public 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. At its January 17, 2017 meeting, the Committee directed staff to draft proposed regulatory language allowing reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel to draft new, proposed regulatory language in accordance with the Committee’s direction. Staff was also advised that it would be more timely to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government Code (GC) section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017 meeting, the Committee approved the new proposed regulatory language to amend CCR section 2615(c)(1) and recommended that the Board authorize LATC to proceed with the regulatory change. The LATC’s recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC’s initial and reciprocal licensure requirements, and that closely aligns with the Board’s current licensure requirements. The Board requested that the LATC’s proposal should be presented to the Board at its next meeting.

At the July 13, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal. This proposed language reflects the Board’s licensing provisions by granting credit for related and non-related degrees

while also adding an experience-only pathway. The Committee voted to establish an Education and Experience Subcommittee (Subcommittee) to determine the execution for these proposed pathways to licensure. Specifically, the Committee directed the Subcommittee to determine the appropriate amount of credit to grant for these new pathways, and define related versus unrelated degrees and the execution of an ‘experience-only’ pathway. The Subcommittee met on October 3, 2017, and issued recommendations in accordance with its charge. These recommendations were provided to the LATC at its meeting on November 2, 2017. The LATC made minor revisions to the Subcommittee’s recommendations and voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board’s review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language. As initial licensing provisions and reciprocity provisions are closely tied, the LATC voted on July 13, 2017, to recommend to the Board that reciprocity requirements align with the final, amended provisions to CCR section 2620.

Further, per LATC and Board directive to align reciprocity and initial license requirements, staff evaluated CCR section 2615 to determine if updates are necessary to bring reciprocity requirements in congruence with the newly proposed initial licensure requirements. Staff determined that updates related to reciprocity are not needed as the existing language defers to CCR section 2620 to determine licensure eligibility. However, it was found that minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term “Board approved degree” with “degree from an accredited program” and update a reference to CCR section 2620(a)(7). This new language was presented to the LATC for review and possible approval at their meeting on May 4, 2018. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at the next Committee meeting.

Subsequent to the Committee meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings of staff research were presented to the LATC during its meeting on July 20, 2018; at which time the Committee granted approval to staff to move forward with the combined rulemaking file for CCR sections 2615 and 2620. This proposal will be presented to the Board at its meeting on September 12, 2018.

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

April 18, 2017	LATC voted to withdraw regulatory proposal and approved new proposed regulatory language
June 15, 2017	Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's
July 13, 2017	LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings
October 3, 2017	The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/experience credit allocations) as amendments to CCR section 2620 for the LATC's consideration
November 2, 2017	LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to CCR section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to CCR section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend CCR 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for CCR sections 2615 and 2620
September 12, 2018	Board will consider LATC's recommendation

*CCR section 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 section 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 section 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 section 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 section 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 section 2620.5, with an additional edit. At the January 24–25, 2013 LATC meeting, LATC reviewed public comments regarding the proposed changes to CCR section 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 section 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 section 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 section 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 section 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 recommended that LATC review the LAAB Accreditation Standards and Procedures at its January 2017 meeting, and determine how to proceed. Prior to the meeting, Stephanie V. Landregan, Director of the University of California Los Angeles Extension Certificate program, requested that discussion be postponed until the April 18, 2017 LATC meeting. Her request was granted, and this topic was tabled, accordingly.

At the April 18, 2017 LATC meeting, the Committee heard comments from Mses. Landregan and Anderson, president-elect of the Council of Landscape Architectural Registration Boards, that

offered insight on how LATC could incorporate LAAB accreditation standards and continue to approve University of California Extension Certificate programs. In addition, the LATC was presented with several written public comments addressing the University of California Extension Certificate programs. After discussion, the Committee directed staff to form a subcommittee to recommend regulatory changes for LATC’s consideration at a later meeting date.

At the July 20, 2018 LATC meeting, the Committee reviewed the proposed language to amend CCR section 2620.5 that was rejected by OAL on July 17, 2013. Following discussion, the Committee directed staff to explore options to engage LAAB as well as research private entities regarding the accreditation of extension certificate programs. The Committee requested that staff present their research findings for consideration at the next meeting on November 8-9, 2018.

Following is a chronology, to date, of the processing of LATC’s regulatory proposal for CCR section 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
April 18, 2017	LATC directed the formation of a subcommittee to recommend regulatory changes for LATC’s consideration
March 2018	LATC staff consulted with legal counsel regarding previously proposed amendments to CCR 2620.5
July 20, 2018	LATC directed staff to explore options to engage LAAB and private entities in the approval process of extension certificate programs
November 8, 2018	LATC to review staff’s findings

*CCR sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration) – Senate Bill (SB) 800 amended Business and Professions Code*



(BPC) section 5680.2 to authorize a license to be renewed within five years of its expiration. The bill also prohibits a license that is expired for more than five years from being renewed, restored, reissued, or reinstated, but would authorize the holder of the expired license to apply for a new license, as specified. SB 800 was approved by the Governor on October 7, 2017, and took effect on January 1, 2018.

With the passage of SB 800, CCR sections 2624 and 2624.1 are obsolete as they delineate application processes for re-licensure requirements that are no longer specified in statute. Accordingly, LATC staff have begun work on submitting a request to OAL to repeal CCR sections 2624 and 2624.1. Staff is pursuing this regulatory change in accordance with CCR section 100, which allows for a more expeditious regulatory change process because the proposed amendments are the deletion of regulatory provisions for which the statutory authority was repealed.

2017–2018 Strategic Plan Below is a summary of progress made toward the Strategic Plan objectives:

*Explore and Adopt DCA's best practices for using social media:* Staff met with DCA's Office of Public Affairs (OPA) on June 22, 2018 to discuss the Department's tools and recommendations for how to achieve this Strategic Plan objective. During this meeting, OPA staff suggested the development of enhanced LATC social media including creation of Facebook and Instagram accounts; however, OPA cautioned that development of these sites should await the start of the Board's new Executive Officer to ensure congruency with his/her vision. In the meantime, OPA requested access to LATC's Twitter account to research posting ideas aimed at increasing LATC's social media activity as well as verifying LATC's Twitter account to ensure its credibility.

*Consult with DCA Public Affairs to optimize the LATC website on search engines:* On June 22, 2018, LATC staff met with OPA to discuss means by which the LATC can optimize its website in search engines such that an individual searching for landscape architectural services would be more likely to see the LATC website in their results. During the meeting, OPA staff informed LATC that they will be able to provide assistance in this matter; however, it would be best to wait until implementation of the LATC's developmental website because the site's up-to-date web coding better facilitates optimization. OPA staff further cautioned that optimization can be a lengthy process given that it should involve the LATC optimizing such web content as publications, which are often posted as PDF documents and, therefore, may require re-formatting of content.

*Revamp the Website (Using the Board's website as a possible template) to be More User-Friendly for Consumers* - In pursuit of fulfilling this Strategic Plan objective, a developmental website has been developed using the California Department of Technology's (CDT) template for state government websites. The purpose for this template is to provide all state government websites a standardized look and feel as well as implement a consistent display of information across state agencies. Staff utilized v5 of the California State Template and the Board's website as a model. The developmental website contains the same information as the LATC's existing website; however, the information on the developmental website is displayed in a manner consistent with CDT standards as well as the Board's own layout.

The proposed developmental website was presented to the LATC at its May 4, 2018 meeting. The Committee approved the developmental website with additional revisions. Following this meeting, staff provided the website content to DCA's Office of Information Services, including the revisions determined during the LATC meeting discussion, for finalization and implementation.

On June 28, 2018, LATC staff met with OIS to discuss revisions to the developmental website. During this meeting, OIS recommended several revisions to the coding of the website to better facilitate maintenance. The developmental website is anticipated to be ready for launch by the end of August 2018. Before this time, OIS will provide LATC staff with a date and time of conversion, whereby the new layout will replace the existing format. Upon notification of this conversion date, LATC staff will provide a notification to its subscribers to apprise them that the website will be unavailable for a short period of time.

*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 agendize 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. At its January 17, 2017 meeting, the Committee considered options of granting education credit for related, as well as unrelated, degrees in landscape architecture or architecture. After discussion and receiving public comments, the Committee directed staff to conduct a public forum to receive additional input from the public by the next scheduled meeting, on April 18, 2017. Accordingly, staff scheduled two public forums to take place in northern and southern California, respectively, to enhance accessibility for public participation.

The first public forum was held on March 17, 2017, in Sacramento. Twelve participants attended the forum, which was facilitated by DCA SOLID. Participants were advised that the forum was for the sole purpose of gathering public input for consideration by the Committee. Accordingly, the feedback collected ranged from comments of support, opposition, and general feedback toward the expansion of education requirements.

The second public forum was held on April 18, 2017, in Pomona during the LATC meeting. Seventeen participants attended the forum, which was opened with a PowerPoint presentation by Program Manager Brianna Miller. Chair of the LATC, Ms. Trauth, called on members of the public for comment. Feedback collected during the forum addresses support and opposition to the expansion of education requirements. LATC staff also collected all submitted written comments and presented them to the Committee for consideration.

At the June 15, 2017 Board meeting, the Board directed the LATC to develop a proposal to align its initial and reciprocal licensure requirements with one another, and where possible, mirror those of the Board.

At the July 13, 2017 LATC meeting, the Committee reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal Counsel. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The Committee voted to

establish an Education/Experience Subcommittee (Subcommittee) to determine the execution for these proposed pathways to licensure. Specifically, the Subcommittee was charged to define related and non-related degrees (baccalaureate and associate) and experience-only pathways and prescribe allowable credit for initial licensure.

The Subcommittee met on October 3, 2017, in Sacramento. The meeting discussion was facilitated by DCA SOLID. During the meeting, the Subcommittee discussed and determined recommended credit for each of the five initial licensure pathways under its charge and identified degrees to be defined as “related degrees.”

At the November 2, 2017 LATC meeting, the Committee reviewed the Subcommittee’s recommendations to amend CCR section 2620. The recommendations included prescribed education and experience credit for the following proposed pathways: Related Degrees (Accredited), Related Degrees (Unaccredited), Any Bachelor’s Degree, and Experience-Only. The LATC accepted the Subcommittee’s recommended pathways as presented with a modification to degrees accepted under the proposed “Related Degrees (Unaccredited)” category to be accepted under “Any Bachelor’s Degree”.

The LATC voted to recommend to the Board the approval of amended language to CCR section 2620 that expands the approved pathways for initial licensure. This proposed language was presented to the Board during its December 7, 2017, meeting. The Board approved the amendments to CCR section 2620.

Since the Board meeting in December 2017, it was found that two additional minor changes are necessary for CCR section 2620 for consistency with the previously approved amendments. Specifically, these changes will replace the term “Board approved degree” with “degree from an accredited program” and update a reference to CCR section 2620(a)(7).

At the May 4, 2018 meeting, the Committee approved the proposed language to CCR 2620 with revisions to CCR 2620(a)(10) and CCR 2620(a)(11). The revisions would change the text of (b)(2) to (b)(1), which reference the definition of partial completion, of a landscape architecture degree or extension certificate program, in 2620(b)(1).

In addition, staff presented to the LATC proposed changes to the Certification of Experience form that are reflective of the proposed, new experience-based pathways to licensure. Resultant of this discussion, the Committee decided to suspend the progression of the regulatory change proposal for CCR sections 2620 and 2615 until staff conduct and present to the LATC during its meeting on July 20, 2018 additional research regarding the possibility of expanding the questions within the Certification of Experience form. At the July 20, 2018 LATC meeting, the Committee approved proposed language to amend the Certification of Experience form with the intention of reviewing the impact of the newly proposed pathways, at a future date, and recommending additional amendments to the regulations and the Certification of Experience form, if needed. Furthermore, the Committee decided to separately draft an informational page listing desired landscape architectural skills to accompany the Certification of Experience form.

*Advocate for Council of Landscape Architectural Registration Boards (CLARB) to Institute an Internship/Experience-Based Program - to allow applicants’ participation in the licensure process early and provide a more comprehensive experience component. For the LATC (and CLARB),*

an AXP-like program could balance the need for multiple pathways into the profession while maintaining protection of the public's health, safety and welfare.

At the July 13, 2017 LATC meeting, the Committee discussed advocating for the CLARB to develop a structured internship program similar to NCARB's AXP. The Committee voted to draft a letter to CLARB advising of NCARB's program and for CLARB to seek guidance from NCARB in order to create a similar structured internship program (using the AXP as a model). This letter was provided to CLARB on October 13, 2017. On December 5, 2017, the LATC received a letter of response from CLARB president, Ms. Anderson. In this letter, Ms. Anderson advised that CLARB will not be moving forward with this request in the absence of additional research. She further advised that CLARB is partaking in a year-long friction analysis, which could yield pertinent data.

### **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 were 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 section 154 in order to incorporate the revised *Guidelines* by reference. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR section 154 were approved by the Board at its December 15, 2016 meeting. Staff updated its *Guidelines* to include

the approved revisions that are appropriate to the LATC. On July 13, 2017, the Committee approved the revised *Guidelines* and recommended they be presented to the Board for approval.

On September 5, 2017, Legal Counsel advised LATC staff that additional substantive changes to LATC’s *Guidelines* and the proposed language to amend CCR section 2680 were necessary. These changes were communicated by Legal Counsel during the Board’s September 7, 2017 meeting. The Board approved the revisions to LATC’s *Guidelines*, including the necessary changes identified by Legal Counsel, as well as proposed language to amend CCR section 2680. Following the meeting, Board staff prepared additional, recommended revisions to the Board’s *Guidelines* and the proposed language to amend CCR section 154 in response to Legal Counsel’s concerns, and presented those revisions to the Board for review and approval at its December 7, 2017 meeting. At the meeting, the Board accepted the additional revisions to the Board’s *Guidelines*, and directed Legal Counsel and staff to conduct further research to determine if the Board has the statutory authority to impose fines through the disciplinary process and whether it should be referenced in the *Guidelines*. At its March 1, 2018 meeting, the Board was presented with and approved the additional edits to its *Disciplinary Guidelines* with no changes and authorized staff to proceed with a regulatory amendment. Following the Board’s approval of its *Guidelines*, LATC staff incorporated the changes made to the Board’s *Guidelines* that were relevant to the LATC’s *Guidelines*. On May 4, 2018, the Committee reviewed and approved the revised *Guidelines* and recommended they be presented to the Board for approval.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the LATC’s *Disciplinary Guidelines* and CCR section 2680 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified. Staff is preparing the proposed regulatory package for submission to DCA, prior to publicly noticing with OAL.

Enforcement Actions

Dean, Robert (San Diego) Effective July 17, 2018, Robert Dean’s landscape architect license number LA 2322 was surrendered, and thereby he lost all rights and privileges as a landscape architect in California. The action was the result of a Stipulated Surrender of License and Order, which was adopted by the Board on June 13, 2018. An Accusation was filed against Dean alleging cause for license discipline under BPC section 490, subdivision (a) (conviction of crime substantially related to qualifications, functions, or duties of profession) following Dean’s February 16, 2017 convictions for felony hit-and-run causing serious injury or death and misdemeanor driving under the influence of alcohol.

<u>Enforcement Statistics</u> <u>(as of August 22, 2018)</u>	<u>Current Month</u> August 2018	<u>Prior Month</u> July 2018	<u>FYTD</u> 2018/19	<u>5-FY Avg</u> 2013/14- 2017/18
<b>Complaints</b>				
Received/Opened (Reopened):	4 (0)	0 (0)	4 (0)	28 (0)
Closed:	4	7	11	31
Average Days to Close:	159 days	154 days	157 days	247 days

Pending:	9	9	9*	16
Average Age (Pending):	149 days	198 days	174 days*	252 days
<b>Citations</b>				
Issued:	0	1	1*	3
Pending:	1	1	1*	3
Pending AG: †	0	0	0*	1
Final:	0	0	0	3
<b>Disciplinary Actions</b>				
Pending AG:	1	1	1*	1
Pending DA:	0	0	0*	0
Final:	0	1	1	1
<b>Settlement Reports (§5678)**</b>				
Received/Opened:	0	0	0	2
Closed:	0	1	1	2
Pending:	0	0	0*	2

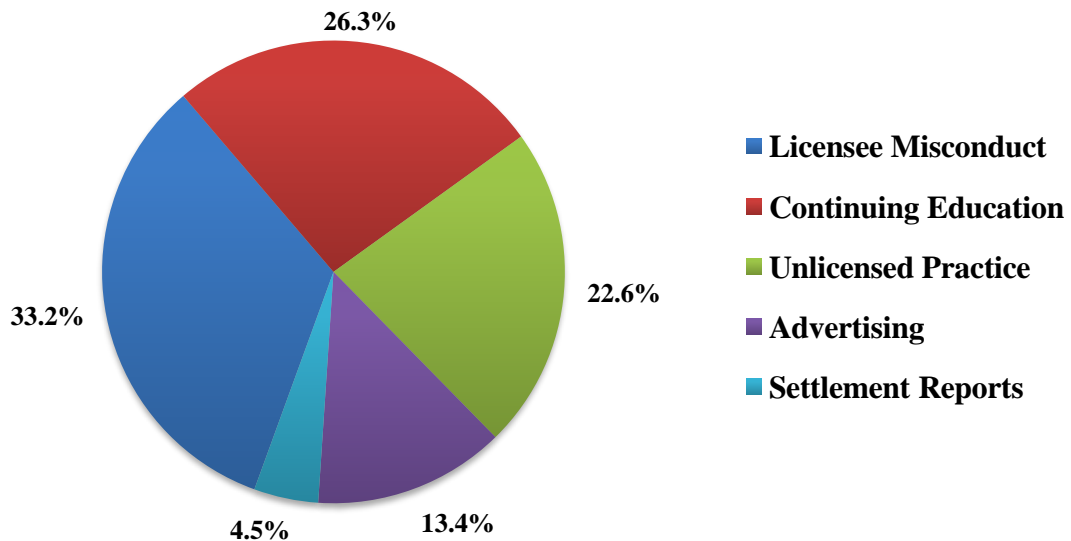
\* Calculated as a monthly average of pending cases.

\*\* Also included within "Complaints" information.

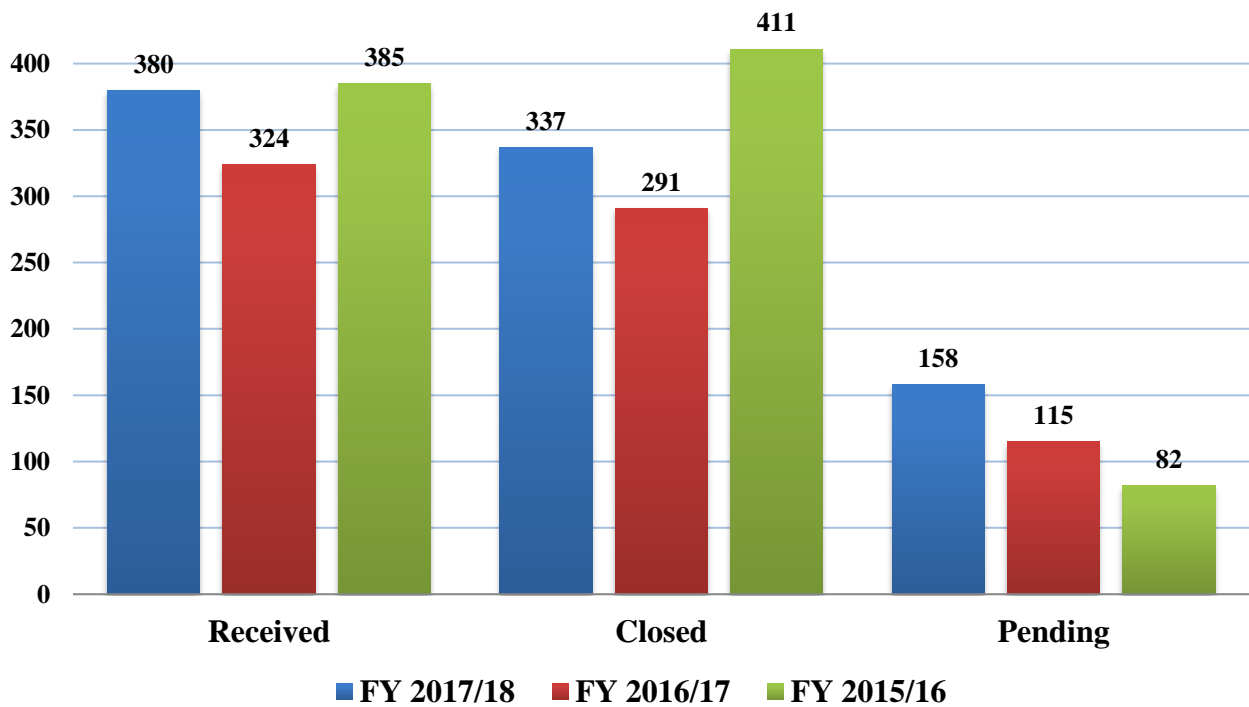
† Also included within "Pending Citations."

## ENFORCEMENT PROGRAM REPORT

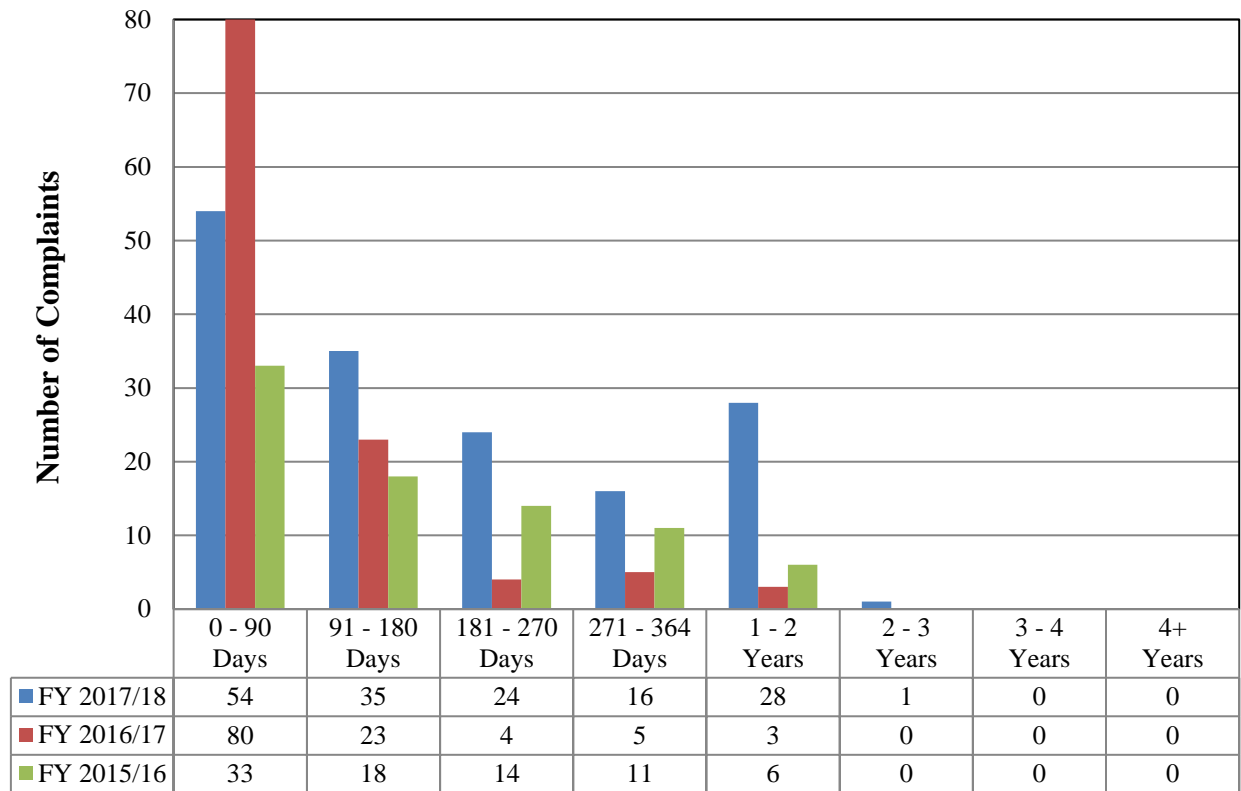
### Types of Complaints Received FY 2017/18



### Complaints Received, Closed, and Pending by FY



## Comparison of Age of Pending Complaints by FY



## Closure of Complaints by FY

Type of Closure	FY 2017/18	FY 2016/17	FY 2015/16
Cease/Desist Compliance	9	67	56
Citation Issued	64	30	77
Complaint Withdrawn	8	6	6
Insufficient Evidence	17	8	20
Letter of Advisement	157	99	158
No Jurisdiction	15	13	14
No Violation	40	52	62
Referred for Disciplinary Action	5	4	4
Other (i.e., Duplicate, Mediated, etc.)	24	12	14



## **Disciplinary and Enforcement Actions by FY**

<b>Action</b>	<b>FY 2017/18</b>	<b>FY 2016/17</b>	<b>FY 2015/16</b>
Disciplinary Cases Initiated	4	2	4
Pending Disciplinary Cases	5	4	6
Final Disciplinary Orders	3	4	4
Final Citations	54	32	65
Administrative Fines Assessed	\$36,000	\$45,750	\$79,750

## **Most Common Violations by FY**

During FY 2017/18, 54 citations with administrative fines became final with 62 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.

<b>Business and Professions Code (BPC) Section or California Code of Regulations (CCR) Section</b>	<b>FY 2017/18</b>	<b>FY 2016/17</b>	<b>FY 2015/16</b>
BPC § 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	8.1%	38.0%	24.5%
BPC § 5536.1(c) – Unauthorized Practice	3.2%	0%	4.1%
BPC § 5536.22(a) – Written Contract	1.6%	14.0%	3.1%
BPC § 5584 – Negligence or Willful Misconduct	1.6%	4.0%	5.1%
BPC § 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements*	77.4% <sup>†</sup>	16.0%	52.0%
CCR § 160(b)(2) – Rules of Professional Conduct	4.8%	6.0%	7.1%

\* Assembly Bill 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the coursework provisions of BPC section 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.

<sup>†</sup> The high percentage of citations for BPC section 5600.05 violations compared to other violations is primarily due to vacancies in the Enforcement Unit.

**UPDATE AND POSSIBLE ACTION ON PROPOSED LEGISLATION:**

The following bills are provided for informational purposes and possible action:

**1. ASSEMBLY BILL (AB) 2138 (CHIU and LOW, 2018) LICENSING BOARDS: DENIAL OF APPLICATION: REVOCATION OR SUSPENSION OF LICENSURE: CRIMINAL CONVICTION**

**AMENDED:** 8/24/18

**STATUS:** Governor's Desk

AB 2138 would authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding seven years, except for serious felonies, and would require the crime to be substantially related to the qualifications, functions, or duties of the business or profession. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

**2. AB 2483 (VOEPEL, 2018) INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES: ANTITRUST AWARDS**

**AMENDED:** 4/9/18

**STATUS:** Senate Judiciary Committee

AB 2483 would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board.

At its June 13, 2018 meeting, the Board voted to support AB 2483; however, shortly thereafter, the bill was pulled by Assemblyman Voepel due to several concerns, including a lack of critical public protection safeguards. The Center for Public Interest Law details each of its concerns in a letter to the Chair of the Senate Judiciary Committee (Attachment 3).

**3. SENATE BILL (SB) 721 (HILL, 2018) BUILDING STANDARDS: DECKS AND BALCONIES: INSPECTION**

**AMENDED:** 8/6/18

**STATUS:** Governor's Desk

SB 721 establishes inspection and repair requirements for "exterior elevated elements" as defined, including decks and balconies for buildings with three or more multifamily dwelling units; establishes reporting and repair requirements if repairs are needed, including specific timelines for carrying out the repairs; specifies who can complete the inspections and repairs; and, provides for civil penalties for violations for building owners, as specified.

At its June 13, 2018 meeting, the Board voted to oppose SB 721, submit a letter to the author outlining the Board's concerns, and authorize the Executive Officer and/or Board President to work with the author's office to amend the bill.

#### **4. SB 984 (SKINNER, 2018) STATE BOARDS AND COMMISSIONS: REPRESENTATION: APPOINTMENTS**

**AMENDED:** 7/3/18

**STATUS:** Assembly Appropriations Committee

SB 984 would require all state boards and commissions, beginning on and after January 1, 2024, to be comprised of a specified minimum number of women members or commissioners based on the total number of board or commission members on that board. This bill would also require the Office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees.

#### **5. SB 1137 (VIDAK, 2018) VETERANS: PROFESSIONAL LICENSING BENEFITS**

**AMENDED:** 6/14/18

**STATUS:** Governor's Desk

SB 1137 would require the Department of Veterans Affairs and the Department of Consumer Affairs (DCA), in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans and their spouses.

At its June 13, 2018 meeting, the Board voted to support SB 1137.

#### **6. SB 1480 (HILL, 2018) PROFESSIONS AND VOCATIONS**

**AMENDED:** 8/24/18

**STATUS:** Senate Floor

SB 1480 would require the DCA to amend department-wide enforcement guidelines to include the category of "allegations of serious harm to a minor" under the "urgent" or "highest priority level." It would also reduce from three times per year to two times per year, the frequency with which the boards within the DCA meet. Other provisions of this bill are specific to individual programs.

#### Attachments:

1. AB 2138 (Chiu)
2. AB 2483 (Voepel)
3. CPIL Letter Opposing AB 2483 Unless Amended, Dated June 20, 2018
4. SB 721 (Hill)
5. SB 984 (Skinner)
6. SB 1137 (Vidak)
7. SB 1480 (Hill)

AMENDED IN SENATE AUGUST 24, 2018

AMENDED IN SENATE JUNE 20, 2018

AMENDED IN ASSEMBLY MAY 25, 2018

AMENDED IN ASSEMBLY APRIL 2, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2138**

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**Introduced by Assembly Members Chiu and Low**

February 12, 2018

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An act to ~~amend~~ *amend, repeal, and add* Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 ~~of~~ *of, and to add Section 480.2 to*, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2138, as amended, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as

specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been *subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee is presently incarcerated has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the conviction, as defined, occurred applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except for serious felonies, and would require the crime to be substantially related to the qualifications, functions, or duties of the business or profession as specified.* The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a ~~conviction~~ conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to ~~find that~~ consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant’s failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

*This bill would clarify that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.*

This bill would also make necessary conforming changes.

*This bill would make these provisions operative on July 1, 2020.*

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

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

1 SECTION 1. Section 7.5 of the Business and Professions Code  
2 is amended to read:

3 7.5. (a) A conviction within the meaning of this code means  
4 a plea or verdict of guilty or a conviction following a plea of nolo  
5 contendere. Any action which a board is permitted to take  
6 following the establishment of a conviction may be taken when  
7 the time for appeal has elapsed, or the judgment of conviction has  
8 been affirmed on appeal or when an order granting probation is  
9 made suspending the imposition of sentence, irrespective of a  
10 subsequent order under the provisions of Section 1203.4 of the  
11 Penal Code. However, a board may not deny a license to an  
12 applicant who is otherwise qualified pursuant to subdivision (b)  
13 of Section 480.

14 Nothing in this section shall apply to the licensure of persons  
15 pursuant to Chapter 4 (commencing with Section 6000) of Division  
16 3.

1 (b) This section shall become inoperative on July 1, 2020, and,  
2 as of January 1, 2021, is repealed.

3 SEC. 2. Section 7.5 is added to the Business and Professions  
4 Code, to read:

5 7.5. (a) A conviction within the meaning of this code means a  
6 judgment following a plea or verdict of guilty or a plea of nolo  
7 contendere or finding of guilt. Any action which a board is  
8 permitted to take following the establishment of a conviction may  
9 be taken when the time for appeal has elapsed, or the judgment of  
10 conviction has been affirmed on appeal or when an order granting  
11 probation is made suspending the imposition of sentence. However,  
12 a board may not deny a license to an applicant who is otherwise  
13 qualified pursuant to subdivision (b) or (c) of Section 480.

14 (b) (1) Nothing in this section shall apply to the licensure of  
15 persons pursuant to Chapter 4 (commencing with Section 6000)  
16 of Division 3.

17 (2) This section does not in any way modify or otherwise affect  
18 the existing authority of the following entities in regard to  
19 licensure:

20 (A) The State Athletic Commission.

21 (B) The Bureau for Private Postsecondary Education.

22 (C) The California Horse Racing Board.

23 (c) Except as provided in subdivision (b), this section controls  
24 over and supersedes the definition of conviction contained within  
25 individual practice acts under this code.

26 (d) This section shall become operative on July 1, 2020.

27 SEC. 3. Section 480 of the Business and Professions Code is  
28 amended to read:

29 480. (a) A board may deny a license regulated by this code  
30 on the grounds that the applicant has one of the following:

31 (1) Been convicted of a crime. A conviction within the meaning  
32 of this section means a plea or verdict of guilty or a conviction  
33 following a plea of nolo contendere. Any action that a board is  
34 permitted to take following the establishment of a conviction may  
35 be taken when the time for appeal has elapsed, or the judgment of  
36 conviction has been affirmed on appeal, or when an order granting  
37 probation is made suspending the imposition of sentence,  
38 irrespective of a subsequent order under the provisions of Section  
39 1203.4, 1203.4a, or 1203.41 of the Penal Code.

1 (2) Done any act involving dishonesty, fraud, or deceit with the  
2 intent to substantially benefit himself or herself or another, or  
3 substantially injure another.

4 (3) (A) Done any act that if done by a licentiate of the business  
5 or profession in question, would be grounds for suspension or  
6 revocation of license.

7 (B) The board may deny a license pursuant to this subdivision  
8 only if the crime or act is substantially related to the qualifications,  
9 functions, or duties of the business or profession for which  
10 application is made.

11 (b) Notwithstanding any other provision of this code, a person  
12 shall not be denied a license solely on the basis that he or she has  
13 been convicted of a felony if he or she has obtained a certificate  
14 of rehabilitation under Chapter 3.5 (commencing with Section  
15 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she  
16 has been convicted of a misdemeanor if he or she has met all  
17 applicable requirements of the criteria of rehabilitation developed  
18 by the board to evaluate the rehabilitation of a person when  
19 considering the denial of a license under subdivision (a) of Section  
20 482.

21 (c) Notwithstanding any other provisions of this code, a person  
22 shall not be denied a license solely on the basis of a conviction  
23 that has been dismissed pursuant to Section 1203.4, 1203.4a, or  
24 1203.41 of the Penal Code. An applicant who has a conviction that  
25 has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41  
26 of the Penal Code shall provide proof of the dismissal.

27 (d) A board may deny a license regulated by this code on the  
28 ground that the applicant knowingly made a false statement of fact  
29 that is required to be revealed in the application for the license.

30 (e) *This section shall become inoperative on July 1, 2020, and,*  
31 *as of January 1, 2021, is repealed.*

32 *SEC. 4. Section 480 is added to the Business and Professions*  
33 *Code, to read:*

34 *480. (a) Notwithstanding any other provision of this code, a*  
35 *board may deny a license regulated by this code on the grounds*  
36 *that the applicant has been convicted of a crime or has been subject*  
37 *to formal discipline only if either of the following conditions are*  
38 *met:*

39 *(1) The applicant has been convicted of a crime within the*  
40 *preceding seven years from the date of application that is*



1 *substantially related to the qualifications, functions, or duties of*  
2 *the business or profession for which the application is made,*  
3 *regardless of whether the applicant was incarcerated for that*  
4 *crime, or the applicant has been convicted of a crime that is*  
5 *substantially related to the qualifications, functions, or duties of*  
6 *the business or profession for which the application is made and*  
7 *for which the applicant is presently incarcerated or for which the*  
8 *applicant was released from incarceration within the preceding*  
9 *seven years from the date of application. However, the preceding*  
10 *seven-year limitation shall not apply in either of the following*  
11 *situations:*

12 (A) *The applicant was convicted of a serious felony, as defined*  
13 *in Section 1192.7 of the Penal Code or a crime for which*  
14 *registration is required pursuant to paragraph (2) or (3) of*  
15 *subdivision (d) of Section 290 of the Penal Code.*

16 (B) *The applicant was convicted of a financial crime currently*  
17 *classified as a felony that is directly and adversely related to the*  
18 *fiduciary qualifications, functions, or duties of the business or*  
19 *profession for which the application is made, pursuant to*  
20 *regulations adopted by the board, and for which the applicant is*  
21 *seeking licensure under any of the following:*

22 (i) *Chapter 1 (commencing with Section 5000) of Division 3.*

23 (ii) *Chapter 6 (commencing with Section 6500) of Division 3.*

24 (iii) *Chapter 9 (commencing with Section 7000) of Division 3.*

25 (iv) *Chapter 11.3 (commencing with Section 7512) of Division*

26 *3.*

27 (v) *Licensure as a funeral director or cemetery manager under*  
28 *Chapter 12 (commencing with Section 7600) of Division 3.*

29 (vi) *Division 4 (commencing with Section 10000).*

30 (2) *The applicant has been subjected to formal discipline by a*  
31 *licensing board in or outside California within the preceding seven*  
32 *years from the date of application based on professional*  
33 *misconduct that would have been cause for discipline before the*  
34 *board for which the present application is made and that is*  
35 *substantially related to the qualifications, functions, or duties of*  
36 *the business or profession for which the present application is*  
37 *made. However, prior disciplinary action by a licensing board*  
38 *within the preceding seven years shall not be the basis for denial*  
39 *of a license if the basis for that disciplinary action was a conviction*  
40 *that has been dismissed pursuant to Section 1203.4, 1203.4a,*

1 1203.41, or 1203.42 of the Penal Code or a comparable dismissal  
2 or expungement.

3 (b) Notwithstanding any other provision of this code, a person  
4 shall not be denied a license on the basis that he or she has been  
5 convicted of a crime, or on the basis of acts underlying a conviction  
6 for a crime, if he or she has obtained a certificate of rehabilitation  
7 under Chapter 3.5 (commencing with Section 4852.01) of Title 6  
8 of Part 3 of the Penal Code, has been granted clemency or a  
9 pardon by a state or federal executive, or has made a showing of  
10 rehabilitation pursuant to Section 482.

11 (c) Notwithstanding any other provision of this code, a person  
12 shall not be denied a license on the basis of any conviction, or on  
13 the basis of the acts underlying the conviction, that has been  
14 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or  
15 1203.42 of the Penal Code, or a comparable dismissal or  
16 expungement. An applicant who has a conviction that has been  
17 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or  
18 1203.42 of the Penal Code shall provide proof of the dismissal if  
19 it is not reflected on the report furnished by the Department of  
20 Justice.

21 (d) Notwithstanding any other provision of this code, a board  
22 shall not deny a license on the basis of an arrest that resulted in  
23 a disposition other than a conviction, including an arrest that  
24 resulted in an infraction, citation, or a juvenile adjudication.

25 (e) A board may deny a license regulated by this code on the  
26 ground that the applicant knowingly made a false statement of fact  
27 that is required to be revealed in the application for the license.  
28 A board shall not deny a license based solely on an applicant's  
29 failure to disclose a fact that would not have been cause for denial  
30 of the license had it been disclosed.

31 (f) A board shall follow the following procedures in requesting  
32 or acting on an applicant's criminal history information:

33 (1) A board issuing a license pursuant to Chapter 3  
34 (commencing with Section 5500), Chapter 3.5 (commencing with  
35 Section 5615), Chapter 10 (commencing with Section 7301),  
36 Chapter 20 (commencing with Section 9800), or Chapter 20.3  
37 (commencing with Section 9880), of Division 3, or Chapter 3  
38 (commencing with Section 19000) or Chapter 3.1 (commencing  
39 with Section 19225) of Division 8 may require applicants for

1 licensure under those chapters to disclose criminal conviction  
2 history on an application for licensure.

3 (2) Except as provided in paragraph (1), a board shall not  
4 require an applicant for licensure to disclose any information or  
5 documentation regarding the applicant's criminal history.  
6 However, a board may request mitigating information from an  
7 applicant regarding the applicant's criminal history for purposes  
8 of determining substantial relation or demonstrating evidence of  
9 rehabilitation, provided that the applicant is informed that  
10 disclosure is voluntary and that the applicant's decision not to  
11 disclose any information shall not be a factor in a board's decision  
12 to grant or deny an application for licensure.

13 (3) If a board decides to deny an application for licensure based  
14 solely or in part on the applicant's conviction history, the board  
15 shall notify the applicant in writing of all of the following:

16 (A) The denial or disqualification of licensure.

17 (B) Any existing procedure the board has for the applicant to  
18 challenge the decision or to request reconsideration.

19 (C) That the applicant has the right to appeal the board's  
20 decision.

21 (D) The processes for the applicant to request a copy of his or  
22 her complete conviction history and question the accuracy or  
23 completeness of the record pursuant to Sections 11122 to 11127  
24 of the Penal Code.

25 (g) (1) For a minimum of three years, each board under this  
26 code shall retain application forms and other documents submitted  
27 by an applicant, any notice provided to an applicant, all other  
28 communications received from and provided to an applicant, and  
29 criminal history reports of an applicant.

30 (2) Each board under this code shall retain the number of  
31 applications received for each license and the number of  
32 applications requiring inquiries regarding criminal history. In  
33 addition, each licensing authority shall retain all of the following  
34 information:

35 (A) The number of applicants with a criminal record who  
36 received notice of denial or disqualification of licensure.

37 (B) The number of applicants with a criminal record who  
38 provided evidence of mitigation or rehabilitation.

39 (C) The number of applicants with a criminal record who  
40 appealed any denial or disqualification of licensure.

1 (D) *The final disposition and demographic information,*  
2 *consisting of voluntarily provided information on race or gender,*  
3 *of any applicant described in subparagraph (A), (B), or (C).*

4 (3) (A) *Each board under this code shall annually make*  
5 *available to the public through the board’s Internet Web site and*  
6 *through a report submitted to the appropriate policy committees*  
7 *of the Legislature deidentified information collected pursuant to*  
8 *this subdivision. Each board shall ensure confidentiality of the*  
9 *individual applicants.*

10 (B) *A report pursuant to subparagraph (A) shall be submitted*  
11 *in compliance with Section 9795 of the Government Code.*

12 (h) *“Conviction” as used in this section shall have the same*  
13 *meaning as defined in Section 7.5.*

14 (i) *This section does not in any way modify or otherwise affect*  
15 *the existing authority of the following entities in regard to*  
16 *licensure:*

17 (1) *The State Athletic Commission.*

18 (2) *The Bureau for Private Postsecondary Education.*

19 (3) *The California Horse Racing Board.*

20 (j) *This section shall become operative on July 1, 2020.*

21 SEC. 5. *Section 480.2 is added to the Business and Professions*  
22 *Code, to read:*

23 480.2. (a) *The Bureau for Private Postsecondary Education,*  
24 *the State Athletic Commission, and the California Horse Racing*  
25 *Board may deny a license regulated by it on the grounds that the*  
26 *applicant has one of the following:*

27 (1) *Been convicted of a crime.*

28 (2) *Done any act involving dishonesty, fraud, or deceit with the*  
29 *intent to substantially benefit himself or herself or another, or*  
30 *substantially injure another.*

31 (3) (A) *Done any act that if done by a licentiate of the business*  
32 *or profession in question, would be grounds for suspension or*  
33 *revocation of license.*

34 (B) *The Bureau for Private Postsecondary Education, the State*  
35 *Athletic Commission, and the California Horse Racing Board may*  
36 *deny a license pursuant to this subdivision only if the crime or act*  
37 *is substantially related to the qualifications, functions, or duties*  
38 *of the business or profession for which application is made.*

39 (b) *Notwithstanding any other provision of this code, a person*  
40 *shall not be denied a license solely on the basis that he or she has*

1 *been convicted of a felony if he or she has obtained a certificate*  
2 *of rehabilitation under Chapter 3.5 (commencing with Section*  
3 *4852.01) of Title 6 of Part 3 of the Penal Code or that he or she*  
4 *has been convicted of a misdemeanor if he or she has met all*  
5 *applicable requirements of the criteria of rehabilitation developed*  
6 *by the Bureau for Private Postsecondary Education, the State*  
7 *Athletic Commission, and the California Horse Racing Board to*  
8 *evaluate the rehabilitation of a person when considering the denial*  
9 *of a license under paragraph (1) of subdivision (f).*

10 *(c) Notwithstanding any other provisions of this code, a person*  
11 *shall not be denied a license by the Bureau for Private*  
12 *Postsecondary Education, the State Athletic Commission, or the*  
13 *California Horse Racing Board solely on the basis of a conviction*  
14 *that has been dismissed pursuant to Section 1203.4, 1203.4a, or*  
15 *1203.41 of the Penal Code. An applicant who has a conviction*  
16 *that has been dismissed pursuant to Section 1203.4, 1203.4a, or*  
17 *1203.41 of the Penal Code shall provide proof of the dismissal.*

18 *(d) The Bureau for Private Postsecondary Education, the State*  
19 *Athletic Commission, and the California Horse Racing Board may*  
20 *deny a license regulated by it on the ground that the applicant*  
21 *knowingly made a false statement of fact that is required to be*  
22 *revealed in the application for the license.*

23 *(e) The Bureau for Private Postsecondary Education, the State*  
24 *Athletic Commission, and the California Horse Racing Board shall*  
25 *develop criteria to aid it, when considering the denial, suspension*  
26 *or revocation of a license, to determine whether a crime or act is*  
27 *substantially related to the qualifications, functions, or duties of*  
28 *the business or profession it regulates.*

29 *(f) (1) The Bureau for Private Postsecondary Education, the*  
30 *State Athletic Commission, and the California Horse Racing Board*  
31 *shall develop criteria to evaluate the rehabilitation of a person*  
32 *either when:*

33 *(A) Considering the denial of a license under this section.*

34 *(B) Considering suspension or revocation of a license under*  
35 *Section 490.*

36 *(2) The Bureau for Private Postsecondary Education, the State*  
37 *Athletic Commission, and the California Horse Racing Board shall*  
38 *take into account all competent evidence of rehabilitation furnished*  
39 *by the applicant or licensee.*

1 (g) Except as otherwise provided by law, following a hearing  
2 requested by an applicant pursuant to subdivision (b) of Section  
3 485, the Bureau for Private Postsecondary Education, the State  
4 Athletic Commission, and the California Horse Racing Board may  
5 take any of the following actions:

6 (1) Grant the license effective upon completion of all licensing  
7 requirements by the applicant.

8 (2) Grant the license effective upon completion of all licensing  
9 requirements by the applicant, immediately revoke the license,  
10 stay the revocation, and impose probationary conditions on the  
11 license, which may include suspension.

12 (3) Deny the license.

13 (4) Take other action in relation to denying or granting the  
14 license as the Bureau for Private Postsecondary Education, the  
15 State Athletic Commission, or the California Horse Racing Board,  
16 in its discretion, may deem proper.

17 (h) Notwithstanding any other law, in a proceeding conducted  
18 by the Bureau for Private Postsecondary Education, the State  
19 Athletic Commission, or the California Horse Racing Board to  
20 deny an application for a license or to suspend or revoke a license  
21 or otherwise take disciplinary action against a person who holds  
22 a license, upon the ground that the applicant or the licensee has  
23 been convicted of a crime substantially related to the qualifications,  
24 functions, and duties of the licensee in question, the record of  
25 conviction of the crime shall be conclusive evidence of the fact  
26 that the conviction occurred, but only of that fact, and the Bureau  
27 for Private Postsecondary Education, the State Athletic  
28 Commission, and the California Horse Racing Board may inquire  
29 into the circumstances surrounding the commission of the crime  
30 in order to fix the degree of discipline or to determine if the  
31 conviction is substantially related to the qualifications, functions,  
32 and duties of the licensee in question.

33 (i) Notwithstanding Section 7.5, a conviction within the meaning  
34 of this section means a plea or verdict of guilty or a conviction  
35 following a plea of nolo contendere. Any action that the Bureau  
36 for Private Postsecondary Education, the State Athletic  
37 Commission, or the California Horse Racing Board is permitted  
38 to take following the establishment of a conviction may be taken  
39 when the time for appeal has elapsed, the judgment of conviction  
40 has been affirmed on appeal, or when an order granting probation

1 *is made suspending the imposition of sentence, irrespective of a*  
 2 *subsequent order under the provisions of Section 1203.4, 1203.4a,*  
 3 *or 1203.41 of the Penal Code.*

4 *(j) This section shall become operative on July 1, 2020.*

5 *SEC. 6. Section 481 of the Business and Professions Code is*  
 6 *amended to read:*

7 481. *(a) Each board under the provisions of this code shall*  
 8 *develop criteria to aid it, when considering the denial, suspension*  
 9 *or revocation of a license, to determine whether a crime or act is*  
 10 *substantially related to the qualifications, functions, or duties of*  
 11 *the business or profession it regulates.*

12 *(b) This section shall become inoperative on July 1, 2020, and,*  
 13 *as of January 1, 2021, is repealed.*

14 *SEC. 7. Section 481 is added to the Business and Professions*  
 15 *Code, to read:*

16 481. *(a) Each board under this code shall develop criteria to*  
 17 *aid it, when considering the denial, suspension, or revocation of*  
 18 *a license, to determine whether a crime is substantially related to*  
 19 *the qualifications, functions, or duties of the business or profession*  
 20 *it regulates.*

21 *(b) Criteria for determining whether a crime is substantially*  
 22 *related to the qualifications, functions, or duties of the business*  
 23 *or profession a board regulates shall include all of the following:*

24 *(1) The nature and gravity of the offense.*

25 *(2) The number of years elapsed since the date of the offense.*

26 *(3) The nature and duties of the profession in which the*  
 27 *applicant seeks licensure or in which the licensee is licensed.*

28 *(c) A board shall not deny a license based in whole or in part*  
 29 *on a conviction without considering evidence of rehabilitation*  
 30 *submitted by an applicant pursuant to any process established in*  
 31 *the practice act or regulations of the particular board and as*  
 32 *directed by Section 482.*

33 *(d) Each board shall post on its Internet Web site a summary*  
 34 *of the criteria used to consider whether a crime is considered to*  
 35 *be substantially related to the qualifications, functions, or duties*  
 36 *of the business or profession it regulates consistent with this*  
 37 *section.*

38 *(e) This section does not in any way modify or otherwise affect*  
 39 *the existing authority of the following entities in regard to*  
 40 *licensure:*

1 (1) *The State Athletic Commission.*

2 (2) *The Bureau for Private Postsecondary Education.*

3 (3) *The California Horse Racing Board.*

4 (f) *This section shall become operative on July 1, 2020.*

5 SEC. 8. *Section 482 of the Business and Professions Code is*  
6 *amended to read:*

7 482. (a) Each board under the provisions of this code shall  
8 develop criteria to evaluate the rehabilitation of a person when:

9 (a)

10 (1) Considering the denial of a license by the board under  
11 Section 480; or

12 (b)

13 (2) Considering suspension or revocation of a license under  
14 Section 490.

15 ~~Each~~

16 (b) *Each* board shall take into account all competent evidence  
17 of rehabilitation furnished by the applicant or licensee.

18 (c) *This section shall become inoperative on July 1, 2020, and,*  
19 *as of January 1, 2021, is repealed.*

20 SEC. 9. *Section 482 is added to the Business and Professions*  
21 *Code, to read:*

22 482. (a) *Each board under this code shall develop criteria to*  
23 *evaluate the rehabilitation of a person when doing either of the*  
24 *following:*

25 (1) *Considering the denial of a license by the board under*  
26 *Section 480.*

27 (2) *Considering suspension or revocation of a license under*  
28 *Section 490.*

29 (b) *Each board shall consider whether an applicant or licensee*  
30 *has made a showing of rehabilitation if either of the following are*  
31 *met:*

32 (1) *The applicant or licensee has completed the criminal*  
33 *sentence at issue without a violation of parole or probation.*

34 (2) *The board, applying its criteria for rehabilitation, finds that*  
35 *the applicant is rehabilitated.*

36 (c) *This section does not in any way modify or otherwise affect*  
37 *the existing authority of the following entities in regard to*  
38 *licensure:*

39 (1) *The State Athletic Commission.*

40 (2) *The Bureau for Private Postsecondary Education.*



1     (3) *The California Horse Racing Board.*  
2     (d) *This section shall become operative on July 1, 2020.*  
3     SEC. 10. *Section 488 of the Business and Professions Code is*  
4 *amended to read:*  
5     488. (a) *Except as otherwise provided by law, following a*  
6 *hearing requested by an applicant pursuant to subdivision (b) of*  
7 *Section 485, the board may take any of the following actions:*  
8     ~~(a)~~  
9     (1) *Grant the license effective upon completion of all licensing*  
10 *requirements by the applicant.*  
11     ~~(b)~~  
12     (2) *Grant the license effective upon completion of all licensing*  
13 *requirements by the applicant, immediately revoke the license,*  
14 *stay the revocation, and impose probationary conditions on the*  
15 *license, which may include suspension.*  
16     ~~(c)~~  
17     (3) *Deny the license.*  
18     ~~(d)~~  
19     (4) *Take other action in relation to denying or granting the*  
20 *license as the board in its discretion may deem proper.*  
21     (b) *This section shall become inoperative on July 1, 2020, and,*  
22 *as of January 1, 2021, is repealed.*  
23     SEC. 11. *Section 488 is added to the Business and Professions*  
24 *Code, to read:*  
25     488. (a) *Except as otherwise provided by law, following a*  
26 *hearing requested by an applicant pursuant to subdivision (b) of*  
27 *Section 485, the board may take any of the following actions:*  
28     (1) *Grant the license effective upon completion of all licensing*  
29 *requirements by the applicant.*  
30     (2) *Grant the license effective upon completion of all licensing*  
31 *requirements by the applicant, immediately revoke the license,*  
32 *stay the revocation, and impose probationary conditions on the*  
33 *license, which may include suspension.*  
34     (3) *Deny the license.*  
35     (4) *Take other action in relation to denying or granting the*  
36 *license as the board in its discretion may deem proper.*  
37     (b) *This section does not in any way modify or otherwise affect*  
38 *the existing authority of the following entities in regard to*  
39 *licensure:*  
40     (1) *The State Athletic Commission.*

1 (2) *The Bureau for Private Postsecondary Education.*

2 (3) *The California Horse Racing Board.*

3 (c) *This section shall become operative on July 1, 2020.*

4 *SEC. 12. Section 493 of the Business and Professions Code is*  
5 *amended to read:*

6 493. (a) *Notwithstanding any other provision of law, in a*  
7 *proceeding conducted by a board within the department pursuant*  
8 *to law to deny an application for a license or to suspend or revoke*  
9 *a license or otherwise take disciplinary action against a person*  
10 *who holds a license, upon the ground that the applicant or the*  
11 *licensee has been convicted of a crime substantially related to the*  
12 *qualifications, functions, and duties of the licensee in question,*  
13 *the record of conviction of the crime shall be conclusive evidence*  
14 *of the fact that the conviction occurred, but only of that fact, and*  
15 *the board may inquire into the circumstances surrounding the*  
16 *commission of the crime in order to fix the degree of discipline or*  
17 *to determine if the conviction is substantially related to the*  
18 *qualifications, functions, and duties of the licensee in question.*

19 *As*

20 (b) *As used in this section, “license” includes “certificate,”*  
21 *“permit,” “authority,” and “registration.”*

22 (c) *This section shall become inoperative on July 1, 2020, and,*  
23 *as of January 1, 2021, is repealed.*

24 *SEC. 13. Section 493 is added to the Business and Professions*  
25 *Code, to read:*

26 493. (a) *Notwithstanding any other law, in a proceeding*  
27 *conducted by a board within the department pursuant to law to*  
28 *deny an application for a license or to suspend or revoke a license*  
29 *or otherwise take disciplinary action against a person who holds*  
30 *a license, upon the ground that the applicant or the licensee has*  
31 *been convicted of a crime substantially related to the qualifications,*  
32 *functions, and duties of the licensee in question, the record of*  
33 *conviction of the crime shall be conclusive evidence of the fact*  
34 *that the conviction occurred, but only of that fact.*

35 (b) (1) *Criteria for determining whether a crime is substantially*  
36 *related to the qualifications, functions, or duties of the business*  
37 *or profession the board regulates shall include all of the following:*

38 (A) *The nature and gravity of the offense.*

39 (B) *The number of years elapsed since the date of the offense.*

40 (C) *The nature and duties of the profession.*

1 (2) A board shall not categorically bar an applicant based solely  
 2 on the type of conviction without considering evidence of  
 3 rehabilitation.

4 (c) As used in this section, “license” includes “certificate,”  
 5 “permit,” “authority,” and “registration.”

6 (d) This section does not in any way modify or otherwise affect  
 7 the existing authority of the following entities in regard to  
 8 licensure:

9 (1) The State Athletic Commission.

10 (2) The Bureau for Private Postsecondary Education.

11 (3) The California Horse Racing Board.

12 (e) This section shall become operative on July 1, 2020.

13 SEC. 14. Section 11345.2 of the Business and Professions Code  
 14 is amended to read:

15 11345.2. (a) An individual shall not act as a controlling person  
 16 for a registrant if any of the following apply:

17 (1) The individual has entered a plea of guilty or no contest to,  
 18 or been convicted of, a felony. Notwithstanding subdivision (c) of  
 19 Section 480, if the individual’s felony conviction has been  
 20 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the  
 21 Penal Code, the bureau may allow the individual to act as a  
 22 controlling person.

23 (2) The individual has had a license or certificate to act as an  
 24 appraiser or to engage in activities related to the transfer of real  
 25 property refused, denied, canceled, or revoked in this state or any  
 26 other state.

27 (b) Any individual who acts as a controlling person of an  
 28 appraisal management company and who enters a plea of guilty  
 29 or no contest to, or is convicted of, a felony, or who has a license  
 30 or certificate as an appraiser refused, denied, canceled, or revoked  
 31 in any other state shall report that fact or cause that fact to be  
 32 reported to the office, in writing, within 10 days of the date he or  
 33 she has knowledge of that fact.

34 (c) This section shall become inoperative on July 1, 2020, and,  
 35 as of January 1, 2021, is repealed.

36 SEC. 15. Section 11345.2 is added to the Business and  
 37 Professions Code, to read:

38 11345.2. (a) An individual shall not act as a controlling person  
 39 for a registrant if any of the following apply:

1 (1) *The individual has entered a plea of guilty or no contest to,*  
2 *or been convicted of, a felony. If the individual's felony conviction*  
3 *has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41,*  
4 *or 1203.42 of the Penal Code, the bureau may allow the individual*  
5 *to act as a controlling person.*

6 (2) *The individual has had a license or certificate to act as an*  
7 *appraiser or to engage in activities related to the transfer of real*  
8 *property refused, denied, canceled, or revoked in this state or any*  
9 *other state.*

10 (b) *Any individual who acts as a controlling person of an*  
11 *appraisal management company and who enters a plea of guilty*  
12 *or no contest to, or is convicted of, a felony, or who has a license*  
13 *or certificate as an appraiser refused, denied, canceled, or revoked*  
14 *in any other state shall report that fact or cause that fact to be*  
15 *reported to the office, in writing, within 10 days of the date he or*  
16 *she has knowledge of that fact.*

17 (c) *This section shall become operative on July 1, 2020.*

18 ~~SECTION 1. Section 7.5 of the Business and Professions Code~~  
19 ~~is amended to read:~~

20 ~~7.5.—(a) A conviction within the meaning of this code means~~  
21 ~~a judgment following a plea or verdict of guilty or a plea of nolo~~  
22 ~~contendere or finding of guilt. Any action which a board is~~  
23 ~~permitted to take following the establishment of a conviction may~~  
24 ~~be taken when the time for appeal has elapsed, or the judgment of~~  
25 ~~conviction has been affirmed on appeal or when an order granting~~  
26 ~~probation is made suspending the imposition of sentence. However,~~  
27 ~~a board may not deny a license to an applicant who is otherwise~~  
28 ~~qualified pursuant to subdivision (b) or (c) of Section 480.~~

29 ~~(b) (1) Nothing in this section shall apply to the licensure of~~  
30 ~~persons pursuant to Chapter 4 (commencing with Section 6000)~~  
31 ~~of Division 3.~~

32 ~~(2) The changes made to this section by the act adding this~~  
33 ~~paragraph do not in any way modify or otherwise affect the existing~~  
34 ~~authority of the following entities in regard to licensure:~~

35 ~~(A) The State Athletic Commission.~~

36 ~~(B) The Bureau for Private Postsecondary Education.~~

37 ~~(c) Except as provided in subdivision (b), this section controls~~  
38 ~~over and supersedes the definition of conviction contained within~~  
39 ~~individual practice acts under this code.~~

1     ~~SEC. 2.—~~ Section 480 of the Business and Professions Code is  
2 amended to read:

3     ~~480. (a) Notwithstanding any other provision of this code, a~~  
4 ~~board may deny a license regulated by this code on the grounds~~  
5 ~~that the applicant has been convicted of a crime or has been subject~~  
6 ~~to formal discipline only if either of the following conditions are~~  
7 ~~met:~~

8     ~~(1) The applicant has been convicted of a crime for which the~~  
9 ~~applicant is presently incarcerated or for which the conviction~~  
10 ~~occurred within the preceding seven years. However, the preceding~~  
11 ~~seven-year limitation shall not apply to a conviction for a serious~~  
12 ~~felony, as defined in the Penal Code.~~

13     ~~The board may deny a license pursuant to this subparagraph only~~  
14 ~~if the crime is substantially related to the qualifications, functions,~~  
15 ~~or duties of the business or profession for which application is~~  
16 ~~made.~~

17     ~~(2) The applicant has been subjected to formal discipline by a~~  
18 ~~licensing board within the preceding five years based on~~  
19 ~~professional misconduct that would have been cause for discipline~~  
20 ~~before the board for which the present application is made and that~~  
21 ~~is substantially related to the qualifications, functions, or duties of~~  
22 ~~the business or profession for which the present application is~~  
23 ~~made. However, prior disciplinary action by a licensing board~~  
24 ~~within the preceding seven years shall not be the basis for denial~~  
25 ~~of a license if the basis for that disciplinary action was a conviction~~  
26 ~~that has been dismissed pursuant to Section 1203.4, 1203.4a, or~~  
27 ~~1203.41 of the Penal Code or a comparable dismissal or~~  
28 ~~expungement.~~

29     ~~(b) Notwithstanding any other provision of this code, a person~~  
30 ~~shall not be denied a license on the basis that he or she has been~~  
31 ~~convicted of a crime, or on the basis of acts underlying a conviction~~  
32 ~~for a crime, if he or she has obtained a certificate of rehabilitation~~  
33 ~~under Chapter 3.5 (commencing with Section 4852.01) of Title 6~~  
34 ~~of Part 3 of the Penal Code, has been granted clemency or a pardon~~  
35 ~~by a state or federal executive, or has provided evidence of~~  
36 ~~rehabilitation pursuant to Section 482.~~

37     ~~(c) Notwithstanding any other provision of this code, a person~~  
38 ~~shall not be denied a license on the basis of any conviction, or on~~  
39 ~~the basis of the acts underlying the conviction, that has been~~  
40 ~~dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the~~

1 ~~Penal Code, or a comparable dismissal or expungement. An~~  
2 ~~applicant who has a conviction that has been dismissed pursuant~~  
3 ~~to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code~~  
4 ~~shall provide proof of the dismissal if it is not reflected on the~~  
5 ~~report furnished by the Department of Justice.~~

6 ~~(d) Notwithstanding any other provision of this code, a board~~  
7 ~~shall not deny a license on the basis of an arrest that resulted in a~~  
8 ~~disposition other than a conviction, including an arrest that resulted~~  
9 ~~in an infraction, citation, or a juvenile adjudication.~~

10 ~~(e) A board may deny a license regulated by this code on the~~  
11 ~~ground that the applicant knowingly made a false statement of fact~~  
12 ~~that is required to be revealed in the application for the license. A~~  
13 ~~board shall not deny a license based solely on an applicant's failure~~  
14 ~~to disclose a fact that would not have been cause for denial of the~~  
15 ~~license had it been disclosed.~~

16 ~~(f) A board shall follow the following procedures in requesting~~  
17 ~~or acting on an applicant's criminal history information:~~

18 ~~(1) A board shall not require an applicant for licensure to~~  
19 ~~disclose any information or documentation regarding the~~  
20 ~~applicant's criminal history.~~

21 ~~(2) If a board decides to deny an application based solely or in~~  
22 ~~part on the applicant's conviction history, the board shall notify~~  
23 ~~the applicant in writing of all of the following:~~

24 ~~(A) The denial or disqualification of licensure.~~

25 ~~(B) Any existing procedure the board has for the applicant to~~  
26 ~~challenge the decision or to request reconsideration.~~

27 ~~(C) That the applicant has the right to appeal the board's~~  
28 ~~decision.~~

29 ~~(D) The processes for the applicant to request a copy of his or~~  
30 ~~her complete conviction history and question the accuracy or~~  
31 ~~completeness of the record pursuant to Sections 11122 to 11127~~  
32 ~~of the Penal Code.~~

33 ~~(g) (1) For a minimum of three years, each board under this~~  
34 ~~code shall retain application forms and other documents submitted~~  
35 ~~by an applicant, any notice provided to an applicant, all other~~  
36 ~~communications received from and provided to an applicant, and~~  
37 ~~criminal history reports of an applicant.~~

38 ~~(2) Each board under this code shall retain the number of~~  
39 ~~applications received for each license and the number of~~  
40 ~~applications requiring inquiries regarding criminal history. In~~

1 addition, each licensing authority shall retain all of the following  
2 information:

3 (A) The number of applicants with a criminal record who  
4 received notice of denial or disqualification of licensure.

5 (B) The number of applicants with a criminal record who  
6 provided evidence of mitigation or rehabilitation.

7 (C) The number of applicants with a criminal record who  
8 appealed any denial or disqualification of licensure.

9 (D) The final disposition and demographic information,  
10 including, but not limited to, voluntarily provided information on  
11 race or gender, of any applicant described in subparagraph (A),  
12 (B), or (C).

13 (3) (A) Each board under this code shall annually make  
14 available to the public through the board's Internet Web site and  
15 through a report submitted to the appropriate policy committees  
16 of the Legislature deidentified information collected pursuant to  
17 this subdivision. Each board shall ensure confidentiality of the  
18 individual applicants.

19 (B) A report pursuant to subparagraph (A) shall be submitted  
20 in compliance with Section 9795 of the Government Code.

21 (h) "Conviction" as used in this section shall have the same  
22 meaning as defined in Section 7.5.

23 (i) The changes made to this section by the act adding this  
24 subdivision do not in any way modify or otherwise affect the  
25 existing authority of the following entities in regard to licensure:

26 (1) The State Athletic Commission.

27 (2) The Bureau for Private Postsecondary Education.

28 SEC. 3. Section 481 of the Business and Professions Code is  
29 amended to read:

30 481. (a) Each board under this code shall develop criteria to  
31 aid it, when considering the denial, suspension, or revocation of  
32 a license, to determine whether a crime is substantially related to  
33 the qualifications, functions, or duties of the business or profession  
34 it regulates.

35 (b) Criteria for determining whether a crime is substantially  
36 related to the qualifications, functions, or duties of the business or  
37 profession a board regulates shall include all of the following:

38 (1) The nature and gravity of the offense.

39 (2) The number of years elapsed since the date of the offense.

1 ~~(3) The nature and duties of the profession in which the applicant~~  
2 ~~seeks licensure or in which the licensee is licensed.~~

3 ~~(e) A board shall not deny a license based in whole or in part~~  
4 ~~on a conviction without considering evidence of rehabilitation.~~

5 ~~(d) Each board shall post on its Internet Web site a summary of~~  
6 ~~the criteria used to consider whether a crime is considered to be~~  
7 ~~substantially related to the qualifications, functions, or duties of~~  
8 ~~the business or profession it regulates consistent with this section.~~

9 ~~(e) The changes made to this section by the act adding this~~  
10 ~~subdivision do not in any way modify or otherwise affect the~~  
11 ~~existing authority of the following entities in regard to licensure:~~

12 ~~(1) The State Athletic Commission.~~

13 ~~(2) The Bureau for Private Postsecondary Education.~~

14 ~~SEC. 4. Section 482 of the Business and Professions Code is~~  
15 ~~amended to read:~~

16 ~~482. (a) Each board under this code shall develop criteria to~~  
17 ~~evaluate the rehabilitation of a person when doing either of the~~  
18 ~~following:~~

19 ~~(1) Considering the denial of a license by the board under~~  
20 ~~Section 480.~~

21 ~~(2) Considering suspension or revocation of a license under~~  
22 ~~Section 490.~~

23 ~~(b) Each board shall consider that an applicant or licensee has~~  
24 ~~made a showing of rehabilitation if either of the following are met:~~

25 ~~(1) The applicant or licensee has completed the criminal~~  
26 ~~sentence at issue without a violation of parole or probation.~~

27 ~~(2) The applicant or licensee has satisfied criteria for~~  
28 ~~rehabilitation developed by the board.~~

29 ~~(e) The changes made to this section by the act adding this~~  
30 ~~subdivision do not in any way modify or otherwise affect the~~  
31 ~~existing authority of the following entities in regard to licensure:~~

32 ~~(1) The State Athletic Commission.~~

33 ~~(2) The Bureau for Private Postsecondary Education.~~

34 ~~SEC. 5. Section 488 of the Business and Professions Code is~~  
35 ~~amended to read:~~

36 ~~488. Except as otherwise provided by law, following a hearing~~  
37 ~~requested by an applicant pursuant to subdivision (b) of Section~~  
38 ~~485, the board may take any of the following actions:~~

39 ~~(a) Grant the license effective upon completion of all licensing~~  
40 ~~requirements by the applicant.~~



1     ~~(b) Deny the license.~~  
 2     ~~(c) Take other action in relation to denying or granting the~~  
 3 ~~license as the board in its discretion may deem proper.~~

4     ~~(d) The changes made to this section by the act adding this~~  
 5 ~~subdivision do not in any way modify or otherwise affect the~~  
 6 ~~existing authority of the following entities in regard to licensure:~~

- 7     ~~(1) The State Athletic Commission.~~
- 8     ~~(2) The Bureau for Private Postsecondary Education.~~

9     ~~SEC. 6. Section 493 of the Business and Professions Code is~~  
 10 ~~amended to read:~~

11     ~~493. (a) Notwithstanding any other provision of law, in a~~  
 12 ~~proceeding conducted by a board within the department pursuant~~  
 13 ~~to law to deny an application for a license or to suspend or revoke~~  
 14 ~~a license or otherwise take disciplinary action against a person~~  
 15 ~~who holds a license, upon the ground that the applicant or the~~  
 16 ~~licensee has been convicted of a crime substantially related to the~~  
 17 ~~qualifications, functions, and duties of the licensee in question,~~  
 18 ~~the record of conviction of the crime shall be conclusive evidence~~  
 19 ~~of the fact that the conviction occurred, but only of that fact.~~

20     ~~(b) (1) Criteria for determining whether a crime is substantially~~  
 21 ~~related to the qualifications, functions, or duties of the business or~~  
 22 ~~profession the board regulates shall include all of the following:~~

- 23     ~~(A) The nature and gravity of the offense.~~
- 24     ~~(B) The number of years elapsed since the date of the offense.~~
- 25     ~~(C) The nature and duties of the profession.~~

26     ~~(2) A board shall not categorically bar an applicant based solely~~  
 27 ~~on the type of conviction without considering evidence of~~  
 28 ~~rehabilitation.~~

29     ~~(c) As used in this section, "license" includes "certificate,"~~  
 30 ~~"permit," "authority," and "registration."~~

31     ~~(d) The changes made to this section by the act adding this~~  
 32 ~~subdivision do not in any way modify or otherwise affect the~~  
 33 ~~existing authority of the following entities in regard to licensure:~~

- 34     ~~(1) The State Athletic Commission.~~
- 35     ~~(2) The Bureau for Private Postsecondary Education.~~

36     ~~SEC. 7. Section 11345.2 of the Business and Professions Code~~  
 37 ~~is amended to read:~~

38     ~~11345.2. (a) An individual shall not act as a controlling person~~  
 39 ~~for a registrant if any of the following apply:~~

1     ~~(1) The individual has entered a plea of guilty or no contest to,~~  
2     ~~or been convicted of, a felony. If the individual's felony conviction~~  
3     ~~has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41~~  
4     ~~of the Penal Code, the bureau may allow the individual to act as~~  
5     ~~a controlling person.~~

6     ~~(2) The individual has had a license or certificate to act as an~~  
7     ~~appraiser or to engage in activities related to the transfer of real~~  
8     ~~property refused, denied, canceled, or revoked in this state or any~~  
9     ~~other state.~~

10    ~~(b) Any individual who acts as a controlling person of an~~  
11    ~~appraisal management company and who enters a plea of guilty~~  
12    ~~or no contest to, or is convicted of, a felony, or who has a license~~  
13    ~~or certificate as an appraiser refused, denied, canceled, or revoked~~  
14    ~~in any other state shall report that fact or cause that fact to be~~  
15    ~~reported to the office, in writing, within 10 days of the date he or~~  
16    ~~she has knowledge of that fact.~~

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AMENDED IN ASSEMBLY APRIL 9, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2483**

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**Introduced by Assembly Member Voepel**

February 14, 2018

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An act to add Chapter 10 (commencing with Section 473) to Division 1 of the Business and Professions amend Section 825 of the Government Code, relating to professions: *liability*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2483, as amended, Voepel. ~~Department of Consumer Affairs: Office of Supervision of Occupational Boards. Indemnification of public officers and employees: antitrust awards.~~

*The Government Claims Act, except as provided, requires a public entity to pay any judgment or any compromise or settlement of a claim or action against an employee or former employee of the public entity if the employee or former employee requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action. That act prohibits the payment of punitive or exemplary damages by a public entity, except as specified.*

*This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. The bill would specify that treble*

*damages awarded pursuant to a specified federal law for violation of another federal law are not punitive or exemplary damages within the act.*

~~Under existing law, the Department of Consumer Affairs is composed of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations for the purpose of protecting the people of California. With certain exceptions, decisions of these entities with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are final and are not subject to review by the Director of Consumer Affairs.~~

~~This bill would establish an Office of Supervision of Occupational Boards within the department to exercise active supervision over a “covered board,” defined as specific licensing and regulatory agencies within the department, to ensure compliance with specific policies established in the bill regarding licensing and enforcement (established policies). The bill would require the office, in the exercise of active supervision, to be involved in the development of a covered board’s rules and policies, to disapprove the use of any board rule or policy and terminate any enforcement action that is not consistent with the established policies, and to review and affirmatively approve only rules, policies, and enforcement actions consistent with the established policies. The bill would require the office to review and approve or reject any rule, policy, enforcement action, or other occupational licensure action proposed by each covered board before adoption or implementation. The bill would establish procedures for complaints, investigation, remedial action, and appeal relating to a rule, policy, enforcement action, or other occupational licensure action of a covered board inconsistent with the established policies.~~

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

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

- 1     SECTION 1. Section 825 of the Government Code is amended
- 2     to read:
- 3     825. (a) Except as otherwise provided in this section, if an
- 4     employee or former employee of a public entity requests the public
- 5     entity to defend him or her against any claim or action against him
- 6     or her for an injury arising out of an act or omission occurring

1 within the scope of his or her employment as an employee of the  
2 public entity and the request is made in writing not less than 10  
3 days before the day of trial, and the employee or former employee  
4 reasonably cooperates in good faith in the defense of the claim or  
5 action, the public entity shall pay any judgment based thereon or  
6 any compromise or settlement of the claim or action to which the  
7 public entity has agreed.

8 If the public entity conducts the defense of an employee or  
9 former employee against any claim or action with his or her  
10 reasonable good-faith cooperation, the public entity shall pay any  
11 judgment based thereon or any compromise or settlement of the  
12 claim or action to which the public entity has agreed. However,  
13 where the public entity conducted the defense pursuant to an  
14 agreement with the employee or former employee reserving the  
15 rights of the public entity not to pay the judgment, compromise,  
16 or settlement until it is established that the injury arose out of an  
17 act or omission occurring within the scope of his or her  
18 employment as an employee of the public entity, the public entity  
19 is required to pay the judgment, compromise, or settlement only  
20 if it is established that the injury arose out of an act or omission  
21 occurring in the scope of his or her employment as an employee  
22 of the public entity.

23 Nothing in this section authorizes a public entity to pay that part  
24 of a claim or judgment that is for punitive or exemplary damages.

25 (b) Notwithstanding subdivision (a) or any other provision of  
26 law, a public entity is authorized to pay that part of a judgment  
27 that is for punitive or exemplary damages if the governing body  
28 of that public entity, acting in its sole discretion except in cases  
29 involving an entity of the state government, finds all of the  
30 following:

31 (1) The judgment is based on an act or omission of an employee  
32 or former employee acting within the course and scope of his or  
33 her employment as an employee of the public entity.

34 (2) At the time of the act giving rise to the liability, the employee  
35 or former employee acted, or failed to act, in good faith, without  
36 actual malice and in the apparent best interests of the public entity.

37 (3) Payment of the claim or judgment would be in the best  
38 interests of the public entity.

39 As used in this subdivision with respect to an entity of state  
40 government, “a decision of the governing body” means the

1 approval of the Legislature for payment of that part of a judgment  
2 that is for punitive damages or exemplary damages, upon  
3 recommendation of the appointing power of the employee or  
4 former employee, based upon the finding by the Legislature and  
5 the appointing authority of the existence of the three conditions  
6 for payment of a punitive or exemplary damages claim. The  
7 provisions of subdivision (a) of Section 965.6 shall apply to the  
8 payment of any claim pursuant to this subdivision.

9 The discovery of the assets of a public entity and the introduction  
10 of evidence of the assets of a public entity shall not be permitted  
11 in an action in which it is alleged that a public employee is liable  
12 for punitive or exemplary damages.

13 The possibility that a public entity may pay that part of a  
14 judgment that is for punitive damages shall not be disclosed in any  
15 trial in which it is alleged that a public employee is liable for  
16 punitive or exemplary damages, and that disclosure shall be  
17 grounds for a mistrial.

18 (c) Except as provided in subdivision (d), if the provisions of  
19 this section are in conflict with the provisions of a memorandum  
20 of understanding reached pursuant to Chapter 10 (commencing  
21 with Section 3500) of ~~Division 4 of Title 1, 4~~, the memorandum  
22 of understanding shall be controlling without further legislative  
23 action, except that if those provisions of a memorandum of  
24 understanding require the expenditure of funds, the provisions  
25 shall not become effective unless approved by the Legislature in  
26 the annual Budget Act.

27 (d) The subject of payment of punitive damages pursuant to this  
28 section or any other provision of law shall not be a subject of meet  
29 and confer under the provisions of Chapter 10 (commencing with  
30 Section 3500) of ~~Division 4 of Title 1, 4~~, or pursuant to any other  
31 law or authority.

32 (e) Nothing in this section shall affect the provisions of Section  
33 818 prohibiting the award of punitive damages against a public  
34 entity. This section shall not be construed as a waiver of a public  
35 entity's immunity from liability for punitive damages under Section  
36 1981, 1983, or 1985 of Title 42 of the United States Code.

37 (f) (1) Except as provided in paragraph (2), a public entity shall  
38 not pay a judgment, compromise, or settlement arising from a  
39 claim or action against an elected official, if the claim or action is  
40 based on conduct by the elected official by way of tortiously

1 intervening or attempting to intervene in, or by way of tortiously  
2 influencing or attempting to influence the outcome of, any judicial  
3 action or proceeding for the benefit of a particular party by  
4 contacting the trial judge or any commissioner, court-appointed  
5 arbitrator, court-appointed mediator, or court-appointed special  
6 referee assigned to the matter, or the court clerk, bailiff, or marshal  
7 after an action has been filed, unless he or she was counsel of  
8 record acting lawfully within the scope of his or her employment  
9 on behalf of that party. Notwithstanding Section 825.6, if a public  
10 entity conducted the defense of an elected official against such a  
11 claim or action and the elected official is found liable by the trier  
12 of fact, the court shall order the elected official to pay to the public  
13 entity the cost of that defense.

14 (2) If an elected official is held liable for monetary damages in  
15 the action, the plaintiff shall first seek recovery of the judgment  
16 against the assets of the elected official. If the elected official's  
17 assets are insufficient to satisfy the total judgment, as determined  
18 by the court, the public entity may pay the deficiency if the public  
19 entity is authorized by law to pay that judgment.

20 (3) To the extent the public entity pays any portion of the  
21 judgment or is entitled to reimbursement of defense costs pursuant  
22 to paragraph (1), the public entity shall pursue all available  
23 creditor's remedies against the elected official, including  
24 garnishment, until that party has fully reimbursed the public entity.

25 (4) This subdivision shall not apply to any criminal or civil  
26 enforcement action brought in the name of the people of the State  
27 of California by an elected district attorney, city attorney, or  
28 attorney general.

29 (g) *Notwithstanding subdivision (a), a public entity shall pay*  
30 *for a judgment or settlement for treble damage antitrust awards*  
31 *against a member of a regulatory board within the Department of*  
32 *Consumer Affairs for an act or omission occurring within the scope*  
33 *of the member's official capacity as a member of that regulatory*  
34 *board.*

35 (h) *For purposes of this section, treble damages awarded*  
36 *pursuant to the federal Clayton Act (Sections 12 to 27, inclusive,*  
37 *of Title 15 of, and Sections 52 and 53 of Title 29 of, the United*  
38 *States Code) for a violation of the federal Sherman Act (Sections*  
39 *1 to 7, inclusive, of Title 15 of the United States Code) are not*  
40 *punitive or exemplary damages under this division.*

1 SECTION 1. ~~Chapter 10 (commencing with Section 473) is~~  
2 ~~added to Division 1 of the Business and Professions Code, to read:~~

3  
4 CHAPTER 10. OFFICE OF SUPERVISION OF OCCUPATIONAL  
5 BOARDS  
6

7 473. ~~The following are policies of the state:~~

8 (a) ~~Occupational licensing laws should be construed and applied~~  
9 ~~to increase economic opportunity, promote competition, and~~  
10 ~~encourage innovation.~~

11 (b) ~~Regulators should displace competition through occupational~~  
12 ~~licensing only where less restrictive regulation will not suffice to~~  
13 ~~protect consumers from present, significant, and substantiated~~  
14 ~~harms that threaten public health, safety, or welfare.~~

15 (c) ~~An occupational licensing restriction should be enforced~~  
16 ~~against an individual only to the extent the individual sells goods~~  
17 ~~and services that are included explicitly in the statute or regulation~~  
18 ~~that defines the occupation's scope of practice.~~

19 473.1. ~~As used in this chapter:~~

20 (a) ~~“Covered board” means any entity listed in Section 101.~~

21 (b) ~~“Office” means the Office of Supervision of Occupational~~  
22 ~~Boards established in Section 473.2.~~

23 473.2. (a) ~~There is hereby established an Office of Supervision~~  
24 ~~of Occupational Boards within the department.~~

25 (b) (1) ~~Notwithstanding Section 109, the office shall be~~  
26 ~~responsible for exercising active supervision over each covered~~  
27 ~~board to ensure compliance with the policies in Section 473.~~

28 (2) ~~In exercising active supervision over covered boards under~~  
29 ~~paragraph (1), the office shall independently do the following:~~

30 (A) ~~Play a substantial role in the development of a covered~~  
31 ~~board's rules and policies to ensure they benefit consumers and~~  
32 ~~do not serve the private interests of providers of goods and services~~  
33 ~~regulated by the covered board.~~

34 (B) ~~Disapprove the use of any rule or policy of a covered board~~  
35 ~~and terminate any enforcement action, including any action pending~~  
36 ~~on January 1, 2019, that is not consistent with Section 473.~~

37 (C) ~~Exercise control over each covered board by reviewing and~~  
38 ~~affirmatively approving only rules, policies, and enforcement~~  
39 ~~actions that are consistent with Section 473.~~



1 ~~(D) Analyze existing and proposed rules and policies and~~  
2 ~~conduct investigations to gain additional information to promote~~  
3 ~~compliance with Section 473, including, but not limited to, less~~  
4 ~~restrictive regulatory approaches.~~

5 ~~(3) In exercising active supervision over covered boards under~~  
6 ~~paragraph (1), the office shall be staffed by not fewer than one~~  
7 ~~attorney who does not provide general counsel to any covered~~  
8 ~~board.~~

9 ~~(e) (1) Notwithstanding Section 109, the office shall review~~  
10 ~~and approve or reject any rule, policy, enforcement action, or other~~  
11 ~~occupational licensure action proposed by each covered board~~  
12 ~~before the covered board may adopt or implement the rule, policy,~~  
13 ~~enforcement action, or other occupational licensure action.~~

14 ~~(2) For purposes of paragraph (1), approval by the office shall~~  
15 ~~be express and silence or failure to act shall not constitute approval.~~

16 ~~473.3. (a) Any person may file a complaint to the office about~~  
17 ~~a rule, policy, enforcement action, or other occupational licensure~~  
18 ~~action of a covered board that the person believes is not consistent~~  
19 ~~with Section 473.~~

20 ~~(b) Not later than 90 days after the date on which the office~~  
21 ~~receives a complaint filed under paragraph (1), notwithstanding~~  
22 ~~Section 109, the office shall investigate the complaint, identify~~  
23 ~~remedies, and instruct the covered board to take action as the office~~  
24 ~~determines to be appropriate, and respond in writing to the~~  
25 ~~complainant.~~

26 ~~(e) (1) There shall be no right to appeal a decision of the office~~  
27 ~~under subdivision (b) unless the challenged rule, policy,~~  
28 ~~enforcement action, or other occupational licensure action would~~  
29 ~~prevent the complainant from engaging in a lawful occupation or~~  
30 ~~employing or contracting others for the performance of a lawful~~  
31 ~~occupation and the complainant has taken material steps in an~~  
32 ~~attempt to engage in a lawful occupation or employ or contract~~  
33 ~~others for the performance of a lawful occupation.~~

34 ~~(2) Any appeal authorized under paragraph (1) shall be to the~~  
35 ~~superior court.~~

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**CALPIRG**  
Standing Up  
To Powerful Interests

June 20, 2018

The Hon. Hannah-Beth Jackson, Chair, and members  
Senate Judiciary Committee  
State Capitol, Room 2187  
Sacramento, CA 95814

**Re: AB 2483 (Voepel) — Oppose Unless Amended**

Dear Chair Jackson:

The Center for Public Interest Law (CPIL), Responsive Law, and California Public Interest Group, Inc. (CALPIRG) strongly urge you to oppose AB 2483 (Voepel), unless it is amended to include important provisions to protect the public from potentially anticompetitive behavior by professional members of regulatory boards, and ensure that taxpayers are not left financially responsible for board members' violations of federal antitrust laws.

While the proposed bill may seem innocuous at first glance, it has dire implications for the public that must not be overlooked. As a former plaintiff's-side antitrust litigator and consumer advocates, we can tell you that this bill—which opens up the extremely deep pockets of a state with a \$200 billion budget without imposing any concomitant reforms to fix the underlying problem—will most certainly increase the likelihood that antitrust lawsuits will be filed in California: on the taxpayers' dime.

**CPIL'S, RESPONSIVE LAW'S, AND CALPIRG'S EXPERTISE IN BOTH ANTITRUST AND LICENSING BOARD MATTERS**

The undersigned organizations are well-positioned to lend their expertise to this Committee.

CPIL employs attorneys and academics who are experts both in antitrust law and occupational licensing law—two complex areas of jurisprudence. Concerning antitrust law, CPIL's Executive Director created the nation's first antitrust enforcement unit in a local law enforcement agency (the San Diego District Attorney's Office). He served as a state antitrust prosecutor and was cross-commissioned as a federal antitrust prosecutor to bring federal actions as well. He has brought numerous cases and obtained judgments, many of them involving the intersection of "state action" and federal antitrust law. Moreover, CPIL's Administrative Director has seven years of civil antitrust litigation experience, and two years clerking for a Federal District Judge.

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CPIL itself brought antitrust actions, including *Shames v. California Travel & Tourism Comm'n, et al.*, 626 F.3d 1079 (9th Cir. 2010), in which the Ninth Circuit upheld CPIL's claim of antitrust liability involving a state agency. Regarding licensing agencies, the Legislature and executive branch have long relied upon CPIL's expertise. CPIL staff have been appointed as Enforcement Monitors for the State Bar, the Contractors' State License Board, and the Medical Board. For 38 years, we have run an academic program at the law school focused on the licensed professions; a program unique in the nation. That work includes the publication of the California Regulatory Law Reporter.<sup>1</sup>

Responsive Law is a national nonprofit organization working to make the civil legal system more affordable, accessible, and accountable to its consumers. It testified on numerous occasions to the American Bar Association and to state regulators about the bar's responsibility to give greater weight to increasing access to justice when interpreting rules of professional conduct, and to avoid interpretations that have an anticompetitive impact. Responsive Law led a coalition of businesses, academics, and non-profits in filing an amicus brief with the U.S. Supreme Court in *North Carolina State Board of Dental Examiners v. FTC*, outlining the impact of anticompetitive regulations implemented by state bar associations without active state supervision on consumers.

CALPIRG is a consumer group that stands up to powerful interests whenever they threaten our health and safety, our financial security, or our right to fully participate in our democratic society. For decades, CALPIRG has stood up for consumers, countering the influence of big banks, insurers, chemical manufacturers, and other powerful special interests.

### **AB 2483 LACKS CRITICAL PUBLIC PROTECTION SAFEGUARDS**

AB 2483 aims to address the U.S. Supreme Court's landmark decision in *North Carolina Board of Dental Examiners v. FTC*, U.S. , 135 S. Ct. 1101 (2015) ("*North Carolina*"). That decision recognizes the inherent conflict of interest that exists when a state licensing board is controlled by members of the profession regulated by that board. Therefore, it holds **that boards are not immune from federal antitrust scrutiny unless 1) they are controlled by public members (and not licensees) or 2) the state has created a mechanism to actively supervise the acts and decisions of these boards to ensure they benefit the public**, and not merely the professions themselves.<sup>2</sup> In other words, the state must take appropriate steps to ensure that regulatory boards are, in fact, fulfilling their statutory mandate to prioritize public protection above all other interests.<sup>3</sup>

<sup>1</sup> <http://digital.sandiego.edu/crlr/>.

<sup>2</sup> See also the Federal Trade Commission Staff guidance regarding antitrust compliance for state boards responsible for regulating occupations, including recommendations for compliance with the *North Carolina* decision: [www.ftc.gov/system/files/attachments/competition-policy-guidance/active\\_supervision\\_of\\_state\\_boards.pdf](http://www.ftc.gov/system/files/attachments/competition-policy-guidance/active_supervision_of_state_boards.pdf).

<sup>3</sup> See, e.g., Business and Professions Code section 2001.1 ("Protection of the public shall be the highest priority for the Medical Board of California in exercising its licensing, regulatory, and

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Today—over three years after the *North Carolina* decision, and although many of its boards are in fact controlled by members of the regulated profession—California has yet to implement any of the safeguards the Supreme Court prescribed to ensure its boards are in full compliance with the antitrust laws.<sup>4</sup> Now, rather than implement reforms that would obviate the likelihood of antitrust liability in the first place, AB 2483 would instead simply indemnify any Board members who violate the law!

Under this proposal, consumers would be doubly harmed: first, by higher prices due to anticompetitive policies imposed by the offending boards; and, then again, as taxpayers on the hook to pay the bill. This is not only unjust, but also unnecessary.

### **AB 2483 IMPOSES A SIGNIFICANT FINANCIAL BURDEN UPON THE STATE AND TAXPAYERS**

We respectfully disagree with the Assembly analyses opining that this bill would impose “negligible fiscal impact” on the Department of Consumer Affairs (“DCA”) or its boards. To the contrary, the risk of antitrust litigation against state boards on a *North Carolina* theory is real. As you know, violations of the federal statutes here at issue are profound. They are criminal felony offenses and also can trigger traditional civil antitrust cases for damages, which are automatically trebled, plus costs and attorney fees—significant sums of money, often in the millions of dollars.

Indeed, at least 25 cases have been filed against regulatory boards nationwide on this theory, and multiple district courts have upheld antitrust claims on motions to dismiss.<sup>5</sup>

### **TREBLE DAMAGES ARE PUNITIVE AND SHOULD NOT BE INDEMNIFIED BY THE STATE**

AB 2483’s proposal to deem treble damages in antitrust matters “not punitive” is similarly problematic. California has maintained a longstanding policy that punitive sanctions must NOT be indemnified by the taxpayers. We do not assess the public for the intended punishment of liable individuals. Why, then, would we make an exception for collusive behavior?

The very nature of treble damages is punitive—they are intended to deter what Congress (and this state via the Cartwright Act) has determined is egregiously wrongful conduct. For California

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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.”)

<sup>4</sup> SB 1194 (Hill), a 2016 bill which CPIL supported, would have codified the absolute minimum action that California must take in order to implement the *North Carolina* decision, but that bill was defeated in the face of objections from various trade associations.

<sup>5</sup> See, e.g., *Veritext Corp. v. Bonin*, 259 F. Supp. 3d 484, 493 (E.D. La. 2017); *Colindres v. Battle*, No. 1:15-CV-2843-SCJ, 2016 WL 4258930, at \*8-\*9 (N.D. Ga. June 6, 2016); *Teladoc, Inc. v. Texas Med. Bd.*, No. 1-15-CV-343 RP, 2015 WL 8773509, at \*6-\*10 (W.D. Tex. Dec. 14, 2015).

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to declare a policy that they should not be treated as such for state officials is presumptuous and insulting.

**THIS BILL SHOULD BE AMENDED TO ENSURE NORTH CAROLINA COMPLIANCE**

If the Legislature truly wishes to avoid antitrust liability, it should amend this bill to comply with the safeguards prescribed by the Supreme Court.

Today, many of California's occupational licensing boards are controlled by "active market participants"—licensees who stand to directly benefit from anticompetitive decisions the board makes. Thus, to protect consumers from the harm that flows from such anticompetitive conduct, and to protect boards and their members from antitrust liability, California must ensure that these boards are subject to a state supervision mechanism that "provide[s] '*realistic assurance*' that a [board's] anticompetitive conduct 'promotes state policy, rather than merely the party's individual interests.'" *North Carolina*, 135 S. Ct. at 1116 (quoting *Patrick v. Burget*, 486 U.S. 94, 100-101 (1988)) (emphasis added).

What is "active state supervision?" According to the United States Supreme Court, to qualify as "active state supervision" three elements are required:

- "The supervisor must review the substance of the anticompetitive decision, not merely the procedures followed to produce it....";
- "the supervisor must have the power to *veto or modify* particular decisions to ensure they accord with state policy....;" and,
- "the state supervisor may not itself be an active market participant."

*Id.* at 1116-117 (citations omitted, emphasis added).

For all of these reasons, CPIL, Responsive Law, and CALPIRG urge you to **oppose** AB 2483, unless it is amended to impose a mechanism, like the one initially proposed in SB 1194 (Hill), that would simultaneously protect the public from undue anticompetitive harm, and also obviate the need to indemnify board members. We would be happy to work with you in the development of such a mechanism if you are so inclined.

Very Sincerely,



Bridget Fogarty Gramme  
Administrative Director,  
Center for Public Interest Law  
University of San Diego School of Law



Tom Gordon  
Executive Director  
Responsive Law

Senator Jackson

June 20, 2018

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Michael Landis

Litigation Director

California Public Interest Research Group, Inc.  
("CALPIRG")

cc. Hon. Randy Voepel;  
Alexis Podesta, Secretary, Business, Consumer Services, and Housing Agency  
Dean Grafilo, Director of the Department of Consumer Affairs  
Hon. Jerry Hill, Chair, Senate Business, Professions and Economic Development  
Committee  
Hon. Evan Low, Chair, Assembly Business and Professions Committee

**Senate Bill No. 721**

\_\_\_\_\_

Passed the Senate August 21, 2018

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*Secretary of the Senate*

\_\_\_\_\_

Passed the Assembly August 20, 2018

\_\_\_\_\_  
*Chief Clerk of the Assembly*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 1954 of the Civil Code, and to add Article 2.2 (commencing with Section 17973) to Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, relating to building standards.

## LEGISLATIVE COUNSEL'S DIGEST

SB 721, Hill. Building standards: decks and balconies: inspection.

Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce.

This bill would require an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. The bill would require the inspections, including any necessary testing, to be completed by January 1, 2025, with certain exceptions, and would require subsequent inspections every 6 years, except as specified. The bill would require the inspection report to contain specified items and would require that a copy of the inspection report be presented to the owner of the building within 45 days of the completion of the inspection and would require copies of the reports to be maintained in the building owner's records for 2 inspection cycles, as specified. The bill would require that if the inspection reveals conditions that pose an immediate hazard to the safety of the occupants, the inspection report be delivered to the owner of the building within 15 days and emergency repairs be undertaken, as specified, with notice given to the local enforcement agency. The nonemergency repairs made under these provisions would be required to be completed within 120 days, unless an extension is granted by the



local authorities. The bill would authorize local enforcement agencies to recover enforcement costs associated with these requirements. The bill would require the local enforcement agency to send a 30-day corrective notice to the owner of the building if repairs are not completed on time and would provide for specified civil penalties and liens against the property for the owner of the building who fails to comply with these provisions. The bill would exclude a common interest development, as defined, from these provisions. The bill would require any building subject to these provisions that is proposed for conversion to condominiums to be sold to the public after January 1, 2019, to have the required inspection conducted prior to the first close of escrow of a separate interest in the project, and would require the inspection report and written confirmation by the inspector that any recommended repairs or replacements have been completed to be submitted to, among others, the Department of Real Estate and included in certain required statements and reports, as specified. The bill would authorize a local governing entity to enact stricter requirements than those imposed by these provisions.

Existing law authorizes a landlord to enter the dwelling only in certain situations, including to make necessary repairs.

This bill would additionally authorize a landlord to enter the dwelling unit to comply with the above-described requirements.

Because this bill would impose new duties upon local enforcement authorities, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 1954 of the Civil Code is amended to read:

1954. (a) A landlord may enter the dwelling unit only in the following cases:

- (1) In case of emergency.

(2) To make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors or to make an inspection pursuant to subdivision (f) of Section 1950.5.

(3) When the tenant has abandoned or surrendered the premises.

(4) Pursuant to court order.

(5) For the purposes set forth in Chapter 2.5 (commencing with Section 1954.201).

(6) To comply with the provisions of Article 2.2 (commencing with Section 17973) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(b) Except in cases of emergency or when the tenant has abandoned or surrendered the premises, entry may not be made during other than normal business hours unless the tenant consents to an entry during other than normal business hours at the time of entry.

(c) The landlord may not abuse the right of access or use it to harass the tenant.

(d) (1) Except as provided in subdivision (e), or as provided in paragraph (2) or (3), the landlord shall give the tenant reasonable notice in writing of his or her intent to enter and enter only during normal business hours. The notice shall include the date, approximate time, and purpose of the entry. The notice may be personally delivered to the tenant, left with someone of a suitable age and discretion at the premises, or, left on, near, or under the usual entry door of the premises in a manner in which a reasonable person would discover the notice. Twenty-four hours shall be presumed to be reasonable notice in absence of evidence to the contrary. The notice may be mailed to the tenant. Mailing of the notice at least six days prior to an intended entry is presumed reasonable notice in the absence of evidence to the contrary.

(2) If the purpose of the entry is to exhibit the dwelling unit to prospective or actual purchasers, the notice may be given orally, in person or by telephone, if the landlord or his or her agent has notified the tenant in writing within 120 days of the oral notice that the property is for sale and that the landlord or agent may contact the tenant orally for the purpose described above. Twenty-four hours is presumed reasonable notice in the absence of evidence to the contrary. The notice shall include the date,

approximate time, and purpose of the entry. At the time of entry, the landlord or agent shall leave written evidence of the entry inside the unit.

(3) The tenant and the landlord may agree orally to an entry to make agreed repairs or supply agreed services. The agreement shall include the date and approximate time of the entry, which shall be within one week of the agreement. In this case, the landlord is not required to provide the tenant a written notice.

(e) No notice of entry is required under this section:

(1) To respond to an emergency.

(2) If the tenant is present and consents to the entry at the time of entry.

(3) After the tenant has abandoned or surrendered the unit.

SEC. 2. Article 2.2 (commencing with Section 17973) is added to Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, to read:

Article 2.2. Exterior Elevated Elements: Inspections.

17973. (a) Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected. The inspection shall be performed by a licensed architect; licensed civil or structural engineer; a building contractor holding any or all of the “A,” “B,” or “C-5” license classifications issued by the Contractors’ State License Board, with a minimum of five years’ experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business performing the inspection shall be hired by the owner of the building.

(b) For purposes of this section, the following terms have the following definitions:

(1) “Associated waterproofing elements” include flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water and the elements.

(2) “Exterior elevated element” means the following types of structures, including their supports and railings: balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

(3) “Load-bearing components” are those components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element to the building.

(c) The inspection required by this section shall at a minimum include:

(1) Identification of each type of exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

(2) Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements identified in paragraph (1) using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.

(3) The evaluation and assessment shall address each of the following as of the date of the evaluation:

(A) The current condition of the exterior elevated elements.

(B) Expectations of future performance and projected service life.

(C) Recommendations of any further inspection necessary.

(4) A written report of the evaluation stamped or signed by the inspector presented to the owner of the building or the owner’s designated agent within 45 days of completion of the inspection. The report shall include photographs, any test results, and narrative

sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, exterior elevated element poses an immediate threat to the safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.

(d) The inspection shall be completed by January 1, 2025, and by January 1 every six years thereafter. The inspector conducting the inspection shall produce an initial report pursuant to paragraph (4) of subdivision (c) and, if requested by the owner, a final report indicating that any required repairs have been completed. A copy of any report that recommends immediate repairs, advises that any building assembly poses an immediate threat to the safety of the occupants, or that preventing occupant access or emergency repairs, including shoring, are necessary, shall be provided by the inspector to the owner of the building and to the local enforcement agency within 15 days of completion of the report. Subsequent inspection reports shall incorporate copies of prior inspection reports, including the locations of the exterior elevated elements inspected. Local enforcement agencies may determine whether any additional information is to be provided in the report and may require a copy of the initial or final reports, or both, be submitted to the local jurisdiction. Copies of all inspection reports shall be maintained in the building owner's permanent records for not less than two inspection cycles, and shall be disclosed and delivered to the buyer at the time of any subsequent sale of the building.

(e) The inspection of buildings for which a building permit application has been submitted on or after January 1, 2019, shall occur no later than six years following issuance of a certificate of occupancy from the local jurisdiction and shall otherwise comply with the provisions of this section.

(f) If the property was inspected within three years prior to January 1, 2019, by an inspector as described in subdivision (a) and a report of that inspector was issued stating that the exterior elevated elements and associated waterproofing elements are in proper working condition and do not pose a threat to the health and safety of the public, no new inspection pursuant to this section shall be required until January 1, 2025.

(g) An exterior elevated element found by the inspector that is in need of repair or replacement shall be corrected by the owner of the building. No recommended repair shall be performed by a licensed contractor serving as the inspector. All necessary permits for repair or replacement shall be obtained from the local jurisdiction. All repair and replacement work shall be performed by a qualified and licensed contractor in compliance with all of the following:

(1) The recommendations of a licensed professional described in subdivision (a).

(2) Any applicable manufacturer's specifications.

(3) The California Building Standards Code, consistent with subdivision (d) of Section 17922 of the Health and Safety Code.

(4) All local jurisdictional requirements.

(h) (1) An exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants, or finds preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the owner of the building shall perform required preventive measures immediately. Immediately preventing occupant access to the exterior elevated element until emergency repairs can be completed constitutes compliance with this paragraph. Repairs of emergency conditions shall comply with the requirements of subdivision (g), be inspected by the inspector, and reported to the local enforcement agency.

(2) The owner of the building requiring corrective work to an exterior elevated element that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants, shall apply for a permit within 120 days of receipt of the inspection report. Once the permit is approved, the owner of the building shall have 120 days to make the repairs unless an extension of time is granted by the local enforcement agency.

(i) (1) The owner of the building shall be responsible for complying with the requirements of this section.

(2) If the owner of the building does not comply with the repair requirements within 180 days, the inspector shall notify the local enforcement agency and the owner of the building. If within 30 days of the date of the notice the repairs are not completed, the owner of the building shall be assessed a civil penalty based on the fee schedule set by the local authority of not less than one

hundred dollars (\$100) nor more than five hundred dollars (\$500) per day until the repairs are completed, unless an extension of time is granted by the local enforcement agency.

(3) In the event that a civil penalty is assessed pursuant to this section, a building safety lien may be recorded in the county recorder's office by the local jurisdiction in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

(j) (1) A building safety lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the street address, the legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the building.

(2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in paragraph (1) shall be recorded by the governmental agency. A safety lien and the release of the lien shall be indexed in the grantor-grantee index.

(3) A building safety lien may be foreclosed by an action brought by the appropriate local jurisdiction for a money judgment.

(4) Notwithstanding any other law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the owner of the building. A city may recover from the owner of the building any costs incurred regarding the processing and recording of the lien and providing notice to the owner of the building as part of its foreclosure action to enforce the lien.

(k) The continued and ongoing maintenance of exterior elevated elements in a safe and functional condition in compliance with these provisions shall be the responsibility of the owner of the building.

(l) Local enforcement agencies shall have the ability to recover enforcement costs associated with the requirements of this section.

(m) For any building subject to the provisions of this section that is proposed for conversion to condominiums to be sold to the public after January 1, 2019, the inspection required by this section shall be conducted prior to the first close of escrow of a separate interest in the project and shall include the inspector's recommendations for repair or replacement of any exterior elevated

element found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, and would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants. The inspection report and written confirmation by the inspector that any repairs or replacements recommended by the inspector have been completed shall be submitted to the Department of Real Estate by the proponent of the conversion and shall be a condition to the issuance of the final public report. A complete copy of the inspection report and written confirmation by the inspector that any repairs or replacements recommended by the inspector have been completed shall be included with the written statement of defects required by Section 1134 of the Civil Code, and provided to the local jurisdiction in which the project is located. The inspection, report, and confirmation of completed repairs shall be a condition of the issuance of a final inspection or certificate of occupancy by the local jurisdiction.

(n) This section shall not apply to a common interest development, as defined in Section 4100 of the Civil Code.

(o) The governing body of any city, county, or city and county, may enact ordinances or laws imposing requirements greater than those imposed by this section.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.













Approved \_\_\_\_\_, 2018

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*Governor*

**Senate Bill No. 1137**

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Passed the Senate August 21, 2018

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*Secretary of the Senate*

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Passed the Assembly August 16, 2018

\_\_\_\_\_

*Chief Clerk of the Assembly*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_

*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 714 to the Military and Veterans Code, relating to veterans.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1137, Vidak. Veterans: professional licensing benefits.

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans. Existing law establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency. Existing law provides for a variety of state benefits to veterans.

This bill would require the Department of Veterans Affairs and the Department of Consumer Affairs to, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans and their spouses, as specified.

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

SECTION 1. Section 714 is added to the Military and Veterans Code, to read:

714. (a) The Department of Veterans Affairs and the Department of Consumer Affairs shall both, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans and their spouses.

(b) The awareness efforts in subdivision (a) shall include, but not be limited to, both of the following:

(1) Posting information and resources on each department's respective Internet Web site.

(2) Including information about these benefits in any communications that these agencies have with veterans when it is appropriate.





Approved \_\_\_\_\_, 2018

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*Governor*

AMENDED IN ASSEMBLY JULY 3, 2018  
AMENDED IN ASSEMBLY JUNE 21, 2018  
AMENDED IN ASSEMBLY JUNE 19, 2018  
AMENDED IN SENATE MAY 25, 2018  
AMENDED IN SENATE MAY 1, 2018

**SENATE BILL**

**No. 984**

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**Introduced by Senator Skinner**

February 5, 2018

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An act to add Section 11142 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 984, as amended, Skinner. State boards and commissions: representation: appointments.

Existing law establishes various boards and commissions within state government. Under existing law, it is the policy of the State of California that the composition of these state boards and commissions broadly reflect the general public, including ethnic minorities and women. Under existing law, the Governor and other appointing authorities are responsible for nominating to these boards and commissions persons of different backgrounds, abilities, interests, and opinions.

This bill, on and after January 1, 2024, would require the composition of each appointed state board and commission to have a specified minimum number of women board members or commissioners based on the total number of board members or commissioners on that board. The bill would also require the office of the Governor to collect and

release, annually, at a minimum, aggregated demographic data provided by state board and commission applicants, nominees, and appointees.

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

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

1 SECTION 1. Section 11142 is added to the Government Code,  
 2 to read:  
 3 11142. (a) (1) Beginning on and after January 1, 2024, the  
 4 composition of each appointed state board and commission shall  
 5 comply with the following:  
 6 (A) If the number of board members or commissioners is ~~six~~  
 7 *five* or more, the state board or commission shall have a minimum  
 8 of 40 percent women board members or commissioners.  
 9 ~~(B) If the number of board members or commissioners is five,~~  
 10 ~~the state board or commission shall have a minimum of two women~~  
 11 ~~board members or commissioners.~~  
 12 ~~(C)~~  
 13 (B) If the number of board members or commissioners is four  
 14 or fewer, the state board or commission shall have a minimum of  
 15 one woman board member or commissioner.  
 16 (2) For the purposes of this section, “woman” means an  
 17 individual who self-identifies her gender as a woman, without  
 18 regard to the individual’s designated sex at birth.  
 19 (b) (1) The office of the Governor shall collect and release,  
 20 annually, at a minimum, and on an aggregate basis, both of the  
 21 following:  
 22 (A) Demographic data provided by all state board and  
 23 commission applicants relative to ethnicity, race, gender, gender  
 24 identity, and sexual orientation.  
 25 (B) Demographic data provided by all state board and  
 26 commission nominees or appointees relative to ethnicity, race,  
 27 gender, gender identity, and sexual orientation.  
 28 (2) Any demographic data disclosed or released pursuant to this  
 29 subdivision shall disclose only aggregated statistical data and shall  
 30 not identify any individual applicant, nominee, or appointed board  
 31 member or commissioner.

1 (3) Any demographic data disclosed or released pursuant to this  
2 subdivision shall also indicate the percentage of respondents who  
3 declined to respond.

4 (c) The provisions of this section are severable. If any provision  
5 of this section or its application is held invalid, that invalidity shall  
6 not affect other provisions or applications that can be given effect  
7 without the invalid provision or application.

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AMENDED IN ASSEMBLY AUGUST 24, 2018  
AMENDED IN ASSEMBLY AUGUST 20, 2018  
AMENDED IN ASSEMBLY AUGUST 6, 2018  
AMENDED IN ASSEMBLY JUNE 21, 2018  
AMENDED IN ASSEMBLY JUNE 12, 2018  
AMENDED IN SENATE MAY 10, 2018  
AMENDED IN SENATE APRIL 17, 2018

**SENATE BILL**

**No. 1480**

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**Introduced by Senator Hill**  
*(Coauthor: Assembly Member Low)*

February 16, 2018

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An act to amend Sections ~~101~~, 101.7, 328, 2064.5, 2065, 2135, 2428, 2499.5, 2529.1, 2529.5, 2529.6, 2708, ~~2715~~, 2816, 2892.6, 2895, 3047, 3147, 3680, ~~4008~~, 4518, 4548, 4604, 4809.7, 4830, 4836.2, and 11506 of, and to add Sections 1006.5, 2892.7, 4518.1, 4826.4, 4829.5, and 4841.2 to, the Business and Professions Code, to amend Sections 7000, 7103, 8731, 8778.5, 8785, 103775, and 103780 of the Health and Safety Code, and to amend an initiative act entitled “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners, and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent herewith” approved by voters on November 7, 1922, (the Chiropractic Act) by amending Sections 5 and 12 of the act, relating to professions and vocations, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as amended, Hill. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs, specifies the various boards that comprise the department, and requires the boards to meet at least 3 times a year.

This bill would instead require the boards to meet at least 2 times a year.

(2) Existing law requires the Director of Consumer Affairs to implement complaint prioritization guidelines for boards to use in prioritizing their respective complaint and investigative workloads.

This bill would require the director to amend those guidelines to include the category of “allegations of serious harm to a minor,” as specified.

(3) Existing law, the Medical Practice Act, establishes the Medical Board of California for the licensure and regulation of physicians and surgeons. Existing law prohibits a postgraduate trainee, intern, resident, postdoctoral fellow, or instructor from engaging in the practice of medicine unless he or she holds a valid, unrevoked, and unsuspended physician’s and surgeon’s certificate issued by the board. Existing law provides an exemption to this provision and authorizes a graduate of an approved medical school to engage in the practice of medicine as a part of a postgraduate training program, as specified. Existing law, on and after January 1, 2020, limits to 12 months the practice of medicine, and receipt of compensation for that practice, by a medical school graduate as a part of an approved first-year postgraduate training program. Existing law, on and after January 1, 2020, limits to 27 months the practice of medicine, and receipt of compensation for that practice, by a medical school graduate as a part of an approved residency or fellowship. Existing law, on and after January 1, 2020, requires all privileges and exemptions under these provisions to cease automatically if the resident or fellow fails to receive a license to practice medicine within 27 months from the commencement of the residency or fellowship or if the board denies his or her application for licensure. Existing law, on and after January 1, 2020, requires all approved postgraduate training that the medical school graduate has successfully completed in the United States or Canada to count toward the aggregate 39-month license exemption. Existing law, on and after January 1, 2020, requires a medical school graduate to successfully complete a minimum of 36 months of approved postgraduate training with at least 24

consecutive months in the same program to be eligible for a California physician's and surgeon's certificate.

This bill would, on and after January 1, 2020, delete the 12-month and 27-month limitations on the license exemptions for medical school graduates in first-year postgraduate training programs and residencies and fellowships, respectively. The bill would, on and after January 1, 2020, authorize the board, upon review of supporting documentation, to grant an extension beyond the 39-month license exemption to a postgraduate training licensee to successfully complete the 36 months of required approved postgraduate training. The bill would, on and after January 1, 2020, require an applicant who has successfully completed 36 months of approved postgraduate training in another state or in Canada and who is accepted into an approved postgraduate training program in California to obtain his or her license within 90 days after beginning the program. The bill would, on and after January 1, 2020, replace the requirement that the 24 months in the postgraduate training program be consecutive with a requirement that there be successful progression through the 24 months.

The bill would, on and after January 1, 2020, require the program director for a postgraduate training program in California to report to the board, on a form approved by the board, and provide any supporting documents as required by the board, specified events regarding a postgraduate trainee's status in the postgraduate program within 30 days of the event.

Existing law requires the board to issue a physician's and surgeon's certificate to an applicant who holds a specified license from another state or a Canadian province or Canadian provinces and who, in addition to meeting other requirements, has satisfactorily completed at least 2 years of approved postgraduate training or has satisfactorily completed at least one year of approved postgraduate training and takes and passes the clinical competency written examination. Existing law, on and after January 1, 2020, revises this provision to, among other things, exclude the applicant from licensure.

This bill instead would continue to include such an applicant who meets the other requirements as revised on and after January 1, 2020.

*Existing law authorizes a person who voluntarily cancels his or her license or fails to renew his or her license within 5 years after its expiration under the Medical Practice Act to apply for and obtain a new license upon satisfaction of specified requirements, including satisfactory completing 2 years of approved postgraduate training.*



*This bill would instead require the person to satisfactorily complete 3 years of approved postgraduate training.*

Existing law establishes various fees in connection with the issuance of licenses under the Medical Practice Act, and requires those fees to be paid into the State Treasury and credited to the Contingent Fund of the Medical Board of California, available to the board for specified purposes upon appropriation by the Legislature. Existing law requires that an applicant for a physician's and surgeon's postgraduate training license be required to pay only 50% of the initial license fee. Existing law requires the applicant to, among other things, pay the reduced licensing fee to be considered for a postgraduate training license.

This bill would instead require the applicant to pay a nonrefundable application and processing fee.

(4) Existing law regulates the practice of podiatric medicine by the California Board of Podiatric Medicine and prescribes various fees relating to, among others, an application, licensure, and renewal. All revenue received by the board is required to be deposited into the Board of Podiatric Medicine Fund, which is available to the board upon appropriation by the Legislature.

This bill would revise those fee provisions by, among other things, deleting the oral examination fee and increasing, until January 1, 2021, the amount of the biennial renewal fee.

(5) Existing law, the Nursing Practice Act, regulates the practice of nursing by the Board of Registered Nursing, *Nursing* and authorizes the board to appoint an executive officer and employ personnel, including legal counsel: *officer*.

This bill would authorize the executive officer to adopt a decision entered by default and a stipulation for surrender of a license. ~~The bill would require the board to directly employ legal counsel to work exclusively for and report directly to the board if the board makes a specified finding.~~

Existing law establishes various fees in connection with the issuance of licenses under the act, and requires those fees to be deposited in the Board of Registered Nursing Fund, available to the board upon appropriation by the Legislature. Existing law establishes that the fee paid by a registered nurse for an evaluation of his or her qualifications to use the title "public health nurse" shall be not less than \$500 or more than \$1,500.

This bill would instead establish a fee for that purpose of not less than \$300 or more than \$1,000, would establish a penalty for failure to renew

a certificate to practice as a public health nurse within the prescribed time, and would require the Board of Registered Nursing to reimburse any registered nurse who paid more than \$300 for an evaluation between April 5, 2018, and December 31, 2018.

(6) Existing law, the Vocational Nursing Practice Act, provides for the regulation of vocational nurses by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, establishes the Vocational Nursing and Psychiatric Technician Fund, and makes those funds available to the board upon appropriation by the Legislature. Existing law prescribes various fees in connection with the issuance of licenses under the act and requires the board to collect a biennial fee not to exceed \$200 from a continuing education course provider.

This bill would instead require the board to collect an initial approval and a biennial renewal fee of \$150 unless a higher fee, not to exceed \$250, is established by the board. The bill would also require the board to collect an initial approval and a biennial renewal fee of \$150, unless a higher fee, not to exceed \$250, is established by the board, from any provider of a course in intravenous therapy, blood withdrawal, or intravenous therapy with blood withdrawal. The bill would revise the fees and fee amounts to be assessed under the act, including, but not limited to, application, examination, and renewal fees.

(7) Existing law, the Optometry Practice Act, provides for the licensure and regulation of the practice of optometry by the State Board of Optometry. Existing law authorizes a person to renew an expired optometrist license by paying specified fees and filing a form prescribed by the board. Existing law, commencing July 1, 2018, requires the board to charge an applicant for licensure a fee of \$2, and an applicant for renewal a fee of \$4, for purposes of developing an interface with the National Practitioner Data Bank.

This bill would also authorize the renewal of expired statements of licensure, branch office licenses, and fictitious name permits by filing an application for renewal and paying renewal and delinquency fees prescribed by the board, and would make the National Practitioner Data Bank fee \$4 for both licensure and renewal applicants.

(8) Existing law, the Naturopathic Doctors Act, provides for the regulation of the practice of naturopathic medicine by the Naturopathic Medicine Committee within the Osteopathic Medical Board of California. Existing law establishes various fees in connection with the issuance of a license to practice naturopathic medicine, which are

deposited in the Naturopathic Doctor's Fund and are available to the committee upon appropriation by the Legislature.

This bill would revise those provisions by, among other things, increasing the application, initial licensing, and renewal fees, and establishing a fee for a certified license verification.

~~(9) Existing law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy and authorizes the board to employ legal counsel.~~

~~This bill would require the California State Board of Pharmacy to directly employ legal counsel who works exclusively for, and directly reports to, the board, as specified.~~

~~(10)~~

~~(9) Existing law relating to research psychoanalysts authorizes certain students and graduates in psychoanalysis to engage in psychoanalysis under prescribed circumstances if they register with the Medical Board of California and present evidence of their student or graduate status. law makes it unprofessional conduct for certain unlicensed persons who have completed clinical training in psychoanalysis and are registered to engage in psychoanalysis to use of controlled substances, dangerous drugs, or alcoholic beverages under prescribed circumstances, including if the use impairs the ability of the registrant to practice safely. Existing law requires an unlicensed person registered to engage in psychoanalysis pursuant to those provisions to pay a sum not in excess of \$100 and a renewal fee not in excess of \$50 to the Contingent Fund of the Medical Board of California. Existing law requires the board to revoke the exemption from licensure of any person who has been required to register as a sex offender, as specified. Existing law makes this provision all of the these provisions inoperative on and after January 1, 2019.~~

~~This bill would instead make that provision inoperative on and after January 1, 2022. delete the repeal of the above-specified provisions. By extending the term for an existing appropriation, the bill would make an appropriation.~~

~~(11)~~

~~(10) Existing law provides for the licensure and regulation of psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians of the State of California, and authorizes the board, if it adopts a continuing education program, to collect a fee from continuing education course providers. Existing law also prescribes~~

various fees in connection with the issuance of a psychiatric technician license.

This bill would instead require the board, if it adopts a continuing education or blood withdrawal program, to collect an initial approval and a biennial renewal fee from a provider of a course in continuing education or blood withdrawal, as specified. The bill would also revise the fees and fee amounts required for licensure as a psychiatric technician.

~~(12)~~

*(11)* Existing law, the Massage Therapy Act, provides for the certification and regulation of massage therapists by the California Massage Therapy Council and requires an applicant for certification as a massage therapist to pass a massage and bodywork competency assessment examination.

This bill would make that examination requirement inoperative from January 1, 2019, until January 1, 2021.

~~(13)~~

*(12)* The Veterinary Medicine Practice Act regulates the practice of veterinary medicine by the Veterinary Medical Board and makes a violation of its provisions a crime. Existing law separately provides immunity from liability to a veterinarian or registered veterinary technician who renders services during certain states of emergency.

This bill would authorize a California-licensed veterinarian at a registered premises located within a 25-mile radius of any declared condition of emergency to, in good faith, provide veterinary services without establishing a veterinarian-client-patient relationship and dispense or prescribe a dangerous drug or device where failure to provide services or medications may result in loss of life or intense suffering. The bill would provide immunity from liability for a veterinarian providing those services.

Existing law excludes specified persons from the provisions regulating the practice of veterinary medicine, including veterinary medicine students in 2 specified schools of veterinary medicine who participate in diagnosis and treatment, as specified.

This bill would instead exclude students from any veterinary medical program accredited by the American Veterinary Medical Association Council on Education who participate in diagnosis or treatment with direct supervision, or surgery with immediate supervision, subject to specified conditions.

Existing law provides for a veterinary assistant controlled substance permit issued by the Veterinary Medical Board to qualified applicants and authorizes the board to deny, revoke, or suspend a veterinary assistant controlled substance permit for specified reasons.

This bill would add to the list of reasons the conviction of a crime substantially related to the qualifications, functions, or duties of veterinary medicine, veterinary surgery, or veterinary dentistry. The bill would also authorize the board, in addition to denial, revocation, or suspension, to issue a probationary veterinary assistant controlled substance permit.

The bill would prohibit a graduate of a veterinary college from performing animal health care tasks otherwise performed by a registered veterinary technician, except as specified, and would require a veterinarian to offer a consultation to the client each time he or she initially prescribes, dispenses, or furnishes a dangerous drug, as defined, to an animal patient in an outpatient setting. Because a violation of that provision would be a crime, the bill would impose a state-mandated local program.

Existing law requires the Veterinary Medical Board to establish a regular inspection program, and provides that the board is required to make every effort to inspect at least 20% of veterinary premises annually.

This bill would instead require the board to inspect at least 20% of veterinary premises annually.

~~(14)~~

(13) Existing law requires a person to meet specified requirements in order to use the title “certified common interest development manager,” and requires a certified common interest development manager to make specified disclosures to the board of directors of a common interest development before providing services to the common interest development. Existing law repeals those provisions governing certified common interest development managers on January 1, 2019.

This bill would delete the repeal provision, thereby extending those provisions indefinitely.

~~(15)~~

(14) Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners, which is composed of 7 members appointed by the Governor, and establishes an application fee of not more than \$100 and, on and after January 1, 2019, a renewal fee of \$250. Existing

law authorizes the Legislature to fix the amounts of the fees payable by applicants and licensees, and directs the deposit of these fees into the State Board of Chiropractic Examiners’ Fund, a continuously appropriated fund.

This bill would delete the provisions providing for the application and renewal fees and would instead establish a schedule of regulatory fees necessary to carry out the responsibilities required by the Chiropractic Initiative Act, including, among others, application and renewal fees for licensure, fees to apply for approval for a continuing education course, and satellite office certificate fees. By increasing specified fees and establishing new fees for deposit into a continuously appropriated fund, the bill would make an appropriation.

(16)

(15) The bill would make technical changes to various provisions of the Business and Professions Code. The bill would also make technical changes to various provisions of the Health and Safety Code by eliminating cross-references to obsolete provisions governing cemeteries.

(17)

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1     ~~SECTION 1.—Section 101 of the Business and Professions~~
- 2     ~~Code, as added by Section 4 of Chapter 828 of the Statutes of~~
- 3     ~~2017, is amended to read:~~
- 4     ~~101. The department is comprised of the following:~~
- 5     ~~(a) The Dental Board of California.~~
- 6     ~~(b) The Medical Board of California.~~
- 7     ~~(c) The State Board of Optometry.~~
- 8     ~~(d) The California State Board of Pharmacy.~~
- 9     ~~(e) The Veterinary Medical Board.~~
- 10    ~~(f) The California Board of Accountancy.~~
- 11    ~~(g) The California Architects Board.~~

- 1 ~~(h) The State Board of Barbering and Cosmetology.~~
- 2 ~~(i) The Board for Professional Engineers, Land Surveyors, and~~
- 3 ~~Geologists.~~
- 4 ~~(j) The Contractors' State License Board.~~
- 5 ~~(k) The Bureau for Private Postsecondary Education.~~
- 6 ~~(l) The Bureau of Electronic and Appliance Repair, Home~~
- 7 ~~Furnishings, and Thermal Insulation.~~
- 8 ~~(m) The Board of Registered Nursing.~~
- 9 ~~(n) The Board of Behavioral Sciences.~~
- 10 ~~(o) The State Athletic Commission.~~
- 11 ~~(p) The Cemetery and Funeral Bureau.~~
- 12 ~~(q) The Bureau of Security and Investigative Services.~~
- 13 ~~(r) The Court Reporters Board of California.~~
- 14 ~~(s) The Board of Vocational Nursing and Psychiatric~~
- 15 ~~Technicians.~~
- 16 ~~(t) The Landscape Architects Technical Committee.~~
- 17 ~~(u) The Division of Investigation.~~
- 18 ~~(v) The Bureau of Automotive Repair.~~
- 19 ~~(w) The Respiratory Care Board of California.~~
- 20 ~~(x) The Acupuncture Board.~~
- 21 ~~(y) The Board of Psychology.~~
- 22 ~~(z) The California Board of Podiatric Medicine.~~
- 23 ~~(aa) The Physical Therapy Board of California.~~
- 24 ~~(ab) The Arbitration Review Program.~~
- 25 ~~(ac) The Physician Assistant Committee.~~
- 26 ~~(ad) The Speech-Language Pathology and Audiology and~~
- 27 ~~Hearing Aid Dispensers Board.~~
- 28 ~~(ae) The California Board of Occupational Therapy.~~
- 29 ~~(af) The Osteopathic Medical Board of California.~~
- 30 ~~(ag) The Naturopathic Medicine Committee.~~
- 31 ~~(ah) The Dental Hygiene Committee of California.~~
- 32 ~~(ai) The Professional Fiduciaries Bureau.~~
- 33 ~~(aj) The State Board of Chiropractic Examiners.~~
- 34 ~~(ak) The Bureau of Real Estate Appraisers.~~
- 35 ~~(al) The Structural Pest Control Board.~~
- 36 ~~(am) The Bureau of Cannabis Control.~~
- 37 ~~(an) Any other boards, offices, or officers subject to its~~
- 38 ~~jurisdiction by law.~~
- 39 ~~(ao) This section shall become operative on July 1, 2018.~~

1     ~~SEC. 2.~~

2     ~~SECTION 1.~~ Section 101.7 of the Business and Professions  
3 Code is amended to read:

4     101.7. (a) Notwithstanding any other provision of law, boards  
5 shall meet at least two times each calendar year. Boards shall meet  
6 at least once each calendar year in northern California and once  
7 each calendar year in southern California in order to facilitate  
8 participation by the public and its licensees.

9     (b) The director at his or her discretion may exempt any board  
10 from the requirement in subdivision (a) upon a showing of good  
11 cause that the board is not able to meet at least two times in a  
12 calendar year.

13     (c) The director may call for a special meeting of the board  
14 when a board is not fulfilling its duties.

15     (d) An agency within the department that is required to provide  
16 a written notice pursuant to subdivision (a) of Section 11125 of  
17 the Government Code, may provide that notice by regular mail,  
18 email, or by both regular mail and email. An agency shall give a  
19 person who requests a notice the option of receiving the notice by  
20 regular mail, email, or by both regular mail and email. The agency  
21 shall comply with the requester's chosen form or forms of notice.

22     (e) An agency that plans to Web cast a meeting shall include in  
23 the meeting notice required pursuant to subdivision (a) of Section  
24 11125 of the Government Code a statement of the board's intent  
25 to Web cast the meeting. An agency may Web cast a meeting even  
26 if the agency fails to include that statement of intent in the notice.

27     ~~SEC. 3.~~

28     ~~SEC. 2.~~ Section 328 of the Business and Professions Code is  
29 amended to read:

30     328. (a) In order to implement the Consumer Protection  
31 Enforcement Initiative of 2010, the director, through the Division  
32 of Investigation, shall implement "Complaint Prioritization  
33 Guidelines" for boards to utilize in prioritizing their respective  
34 complaint and investigative workloads. The guidelines shall be  
35 used to determine the referral of complaints to the division and  
36 those that are retained by the health care boards for investigation.

37     (b) Neither the Medical Board of California nor the California  
38 Board of Podiatric Medicine shall be required to utilize the  
39 guidelines implemented pursuant to subdivision (a).



1 (c) On or before July 1, 2019, the director shall amend the  
2 guidelines implemented pursuant to subdivision (a) to include the  
3 category of “allegations of serious harm to a minor” under the  
4 “urgent” or “highest priority” level.

5 ~~SEC. 4.~~

6 SEC. 3. Section 1006.5 is added to the Business and Professions  
7 Code, to read:

8 1006.5. Notwithstanding any other law, the amount of  
9 regulatory fees necessary to carry out the responsibilities required  
10 by the Chiropractic Initiative Act and this chapter are fixed in the  
11 following schedule:

12 (a) Fee to apply for a license to practice chiropractic: three  
13 hundred seventy-one dollars (\$371).

14 (b) Fee for initial license to practice chiropractic: one hundred  
15 eighty-six dollars (\$186).

16 (c) Fee to renew an active or inactive license to practice  
17 chiropractic: three hundred thirteen dollars (\$313).

18 (d) Fee to apply for approval as a continuing education provider:  
19 eighty-four dollars (\$84).

20 (e) Biennial continuing education provider renewal fee: fifty-six  
21 dollars (\$56).

22 (f) Fee to apply for approval of a continuing education course:  
23 fifty-six dollars (\$56) per course.

24 (g) Fee to apply for a satellite office certificate: sixty-two dollars  
25 (\$62).

26 (h) Fee to renew a satellite office certificate: thirty-one dollars  
27 (\$31).

28 (i) Fee to apply for a license to practice chiropractic pursuant  
29 to Section 9 of the Chiropractic Initiative Act: three hundred  
30 seventy-one dollars (\$371).

31 (j) Fee to apply for a certificate of registration of a chiropractic  
32 corporation: one hundred eighty-six dollars (\$186).

33 (k) Fee to renew a certificate of registration of a chiropractic  
34 corporation: thirty-one dollars (\$31).

35 (l) Fee to file a chiropractic corporation special report: thirty-one  
36 dollars (\$31).

37 (m) Fee to apply for approval as a referral service: five hundred  
38 fifty-seven dollars (\$557).

39 (n) Fee for an endorsed verification of licensure: one hundred  
40 twenty-four dollars (\$124).

1 (o) Fee for replacement of a lost or destroyed license: fifty  
2 dollars (\$50).

3 (p) Fee for replacement of a satellite office certificate: fifty  
4 dollars (\$50).

5 (q) Fee for replacement of a certificate of registration of a  
6 chiropractic corporation: fifty dollars (\$50).

7 (r) Fee to restore a forfeited or canceled license to practice  
8 chiropractic: double the annual renewal fee specified in subdivision  
9 (c).

10 (s) Fee to apply for approval to serve as a preceptor: thirty-one  
11 dollars (\$31).

12 (t) Fee to petition for reinstatement of a revoked license: three  
13 hundred seventy-one dollars (\$371).

14 (u) Fee to petition for early termination of probation: three  
15 hundred seventy-one dollars (\$371).

16 (v) Fee to petition for reduction of penalty: three hundred  
17 seventy-one dollars (\$371).

18 ~~SEC. 5.~~

19 *SEC. 4.* Section 2064.5 of the Business and Professions Code  
20 is amended to read:

21 2064.5. (a) Within 180 days after enrollment in a  
22 board-approved postgraduate training program pursuant to Section  
23 2065, medical school graduates shall obtain a physician's and  
24 surgeon's postgraduate training license. To be considered for a  
25 postgraduate training license, the applicant shall submit the  
26 application forms and primary source documents required by the  
27 board, shall successfully pass all required licensing examinations,  
28 shall pay a nonrefundable application and processing fee, and shall  
29 not have committed any act that would be grounds for denial.

30 (1) Each application submitted pursuant to this section shall be  
31 made upon a form provided by the board, and each application  
32 form shall contain a legal verification to be signed by the applicant  
33 verifying under penalty of perjury that the information provided  
34 by the applicant is true and correct and that any information in  
35 supporting documents provided by the applicant is true and correct.

36 (2) Each application shall include the following:

37 (A) A diploma issued by a board-approved medical school. The  
38 requirements of the school shall not have been less than those  
39 required under this chapter at the time the diploma was granted or  
40 by any preceding medical practice act at the time that the diploma

1 was granted. In lieu of a diploma, the applicant may submit  
2 evidence satisfactory to the board of having possessed the same.

3 (B) An official transcript or other official evidence satisfactory  
4 to the board showing each approved medical school in which a  
5 resident course of professional instruction was pursued covering  
6 the minimum requirements for certification as a physician and  
7 surgeon, and that a diploma and degree were granted by the school.

8 (C) Other information concerning the professional instruction  
9 and preliminary education of the applicant as the board may  
10 require.

11 (D) An affidavit showing to the satisfaction of the board that  
12 the applicant is the person named in each diploma and transcript  
13 that he or she submits, that he or she is the lawful holder thereof,  
14 and that the diploma or transcript was procured in the regular  
15 course of professional instruction and examination without fraud  
16 or misrepresentation.

17 (E) Either fingerprint cards or a copy of a completed Live Scan  
18 form from the applicant in order to establish the identity of the  
19 applicant and in order to determine whether the applicant has a  
20 record of any criminal convictions in this state or in any other  
21 jurisdiction, including foreign countries. The information obtained  
22 as a result of the fingerprinting of the applicant shall be used in  
23 accordance with Section 11105 of the Penal Code, and to determine  
24 whether the applicant is subject to denial of licensure under the  
25 provisions of Division 1.5 (commencing with Section 475) and  
26 Section 2221 of this code.

27 (F) If the medical school graduate graduated from a foreign  
28 medical school approved by the board pursuant to Section 2084,  
29 an official Educational Commission for Foreign Medical Graduates  
30 (ECFMG) Certification Status Report confirming the graduate is  
31 ECFMG certified.

32 (b) The physician's and surgeon's postgraduate training license  
33 shall be valid until 90 days after the holder has successfully  
34 completed 36 months of board-approved postgraduate training.  
35 The physician's and surgeon's postgraduate training licensee may  
36 engage in the practice of medicine only in connection with his or  
37 her duties as an intern or resident physician in a board-approved  
38 program, including its affiliated sites, or under those conditions  
39 as are approved in writing and maintained in the postgraduate  
40 training licensee's file by the director of his or her program.

1 (c) The postgraduate training licensee may engage in the practice  
2 of medicine in locations authorized by subdivision (b), and as  
3 permitted by the Medical Practice Act and other applicable statutes  
4 and regulations, including, but not limited to, the following:

5 (1) Diagnose and treat patients.

6 (2) Prescribe medications without a cosigner, including  
7 prescriptions for controlled substances, if the training licensee has  
8 the appropriate Drug Enforcement Agency registration or permit  
9 and is registered with the Department of Justice CURES program.

10 (3) Sign birth certificates without a cosigner.

11 (4) Sign death certificates without a cosigner.

12 (d) The postgraduate training licensee may be disciplined by  
13 the board at any time for any of the grounds that would subject  
14 the holder of a physician's and surgeon's certificate to discipline.

15 (e) If the medical school graduate fails to obtain a postgraduate  
16 training license within 180 days after enrollment in a  
17 board-approved postgraduate training program or if the board  
18 denies his or her application for a postgraduate training license,  
19 all privileges and exemptions under this section shall automatically  
20 cease.

21 (f) Each medical school graduate enrolled in a board-approved  
22 postgraduate training program on January 1, 2020, shall apply for  
23 and obtain a postgraduate training license by June 30, 2020, in  
24 order to continue in postgraduate training pursuant to Section 2065.

25 (g) Each medical school graduate who was issued a postgraduate  
26 training authorization letter by the board prior to January 1, 2020,  
27 and is enrolled in a board-approved postgraduate training program  
28 by April 30, 2025, will be issued a postgraduate training license  
29 automatically by June 30, 2020, or by June 30 of the year following  
30 initial enrollment into a board-approved postgraduate training  
31 program, whichever is earlier, upon proof of enrollment in the  
32 postgraduate training program.

33 (h) The board shall confidentially destroy the file of each  
34 medical school graduate who was issued a postgraduate training  
35 authorization letter by the board prior to January 1, 2020, who did  
36 not enroll in a postgraduate training program by April 30, 2025.

37 (i) This section shall become operative on January 1, 2020.

1     ~~SEC. 6.~~

2     *SEC. 5.* Section 2065 of the Business and Professions Code,  
3 as added by Section 29 of Chapter 775 of the Statutes of 2017, is  
4 amended to read:

5     2065. (a) Unless otherwise provided by law, no postgraduate  
6 trainee, intern, resident, postdoctoral fellow, or instructor may  
7 engage in the practice of medicine, or receive compensation  
8 therefor, or offer to engage in the practice of medicine unless he  
9 or she holds a valid, unrevoked, and unsuspended physician’s and  
10 surgeon’s certificate issued by the board. However, a graduate of  
11 an approved medical school may engage in the practice of medicine  
12 whenever and wherever required as a part of a postgraduate training  
13 program under the following conditions:

14     (1) The medical school graduate has taken and passed the  
15 board-approved medical licensing examinations required to qualify  
16 the applicant to participate in an approved postgraduate training  
17 program.

18     (2) If the medical school graduate graduated from a foreign  
19 medical school approved by the board pursuant to Section 2084,  
20 the Educational Commission for Foreign Medical Graduates  
21 (ECFMG) has submitted an official ECFMG Certification Status  
22 Report directly to the board confirming the graduate is ECFMG  
23 certified.

24     (3) The medical school graduate is enrolled in a postgraduate  
25 training program approved by the board.

26     (4) The board-approved postgraduate training program has  
27 submitted the required board-approved form to the board  
28 documenting the medical school graduate is enrolled in an  
29 approved postgraduate training program.

30     (5) The medical school graduate obtains a physician’s and  
31 surgeon’s postgraduate training license in accordance with Section  
32 2064.5.

33     (b) A medical school graduate enrolled in an approved first-year  
34 postgraduate training program in accordance with this section may  
35 engage in the practice of medicine whenever and wherever required  
36 as a part of the training program, and may receive compensation  
37 for that practice.

38     (c) A graduate who has completed the first year of postgraduate  
39 training may, in an approved residency or fellowship, engage in  
40 the practice of medicine whenever and wherever required as part

1 of that residency or fellowship, and may receive compensation for  
2 that practice. The resident or fellow shall qualify for, take, and  
3 pass the next succeeding written examination for licensure. If the  
4 resident or fellow fails to receive a license to practice medicine  
5 under this chapter within 27 months from the commencement of  
6 the residency or fellowship, except as otherwise allowed under  
7 subdivision (g) or (h), or if the board denies his or her application  
8 for licensure, all privileges and exemptions under this section shall  
9 automatically cease.

10 (d) All approved postgraduate training the medical school  
11 graduate has successfully completed in the United States or Canada  
12 shall count toward the 39-month license exemption, except as  
13 otherwise allowed under subdivision (h).

14 (e) A medical school graduate from a medical school approved  
15 by the board shall have successfully completed a minimum of 36  
16 months of approved postgraduate training, which includes  
17 successful progression through 24 months in the same program,  
18 to be eligible for a California physician's and surgeon's certificate.

19 (f) The program director for an approved postgraduate training  
20 program in California shall report to the board, on a form approved  
21 by the board, and provide any supporting documents as required  
22 by the board, the following actions within 30 days of the action:

23 (1) A postgraduate trainee is notified that he or she has received  
24 partial or no credit for a period of postgraduate training, and his  
25 or her postgraduate training period is extended.

26 (2) A postgraduate trainee takes a leave of absence or any break  
27 from his or her postgraduate training, and he or she is notified that  
28 his or her postgraduate training period is extended.

29 (3) A postgraduate trainee is terminated from the postgraduate  
30 training program.

31 (4) A postgraduate trainee resigns, dies, or otherwise leaves the  
32 postgraduate training program.

33 (5) A postgraduate trainee has completed a one-year contract  
34 approved by the postgraduate training program.

35 (g) Upon review of supporting documentation, the board, in its  
36 discretion, may grant an extension beyond 39 months to a  
37 postgraduate training licensee to successfully complete the 36  
38 months of required approved postgraduate training.

39 (h) An applicant for a physician's and surgeon's license who  
40 has successfully completed 36 months of approved postgraduate

1 training in another state or in Canada and who is accepted into an  
2 approved postgraduate training in another state or in Canada and  
3 who is accepted into an approved postgraduate training program  
4 in California shall obtain his or her physician’s and surgeon’s  
5 license within 90 days after beginning that postgraduate training  
6 program or all privileges and exemptions under this section shall  
7 automatically cease.

8 (i) This section shall become operative on January 1, 2020.

9 ~~SEC. 7.~~

10 *SEC. 6.* Section 2135 of the Business and Professions Code,  
11 as added by Section 64 of Chapter 775 of the Statutes of 2017, is  
12 amended to read:

13 2135. The board shall issue a physician’s and surgeon’s  
14 certificate to an applicant who meets all of the following  
15 requirements:

16 (a) The applicant holds an unlimited license as a physician and  
17 surgeon in another state or states, or in a Canadian province or  
18 Canadian provinces, which was issued upon:

19 (1) Successful completion of a resident course of professional  
20 instruction leading to a degree of medical doctor from a  
21 board-approved medical school pursuant to Section 2084.

22 (2) Taking and passing a written examination that is recognized  
23 by the board to be equivalent in content to that administered in  
24 California.

25 (b) The applicant has held an unrestricted license to practice  
26 medicine, in a state or states, in a Canadian province or Canadian  
27 provinces, or as a member of the active military, United States  
28 Public Health Services, or other federal program, for a period of  
29 at least four years. Any time spent by the applicant in an approved  
30 postgraduate training program or clinical fellowship acceptable to  
31 the board shall not be included in the calculation of this four-year  
32 period.

33 (c) The board determines that no disciplinary action has been  
34 taken against the applicant by any medical licensing authority and  
35 that the applicant has not been the subject of adverse judgments  
36 or settlements resulting from the practice of medicine that the  
37 board determines constitutes evidence of a pattern of negligence  
38 or incompetence.

39 (d) The applicant (1) has satisfactorily completed at least one  
40 year of approved postgraduate training and is certified by a

1 specialty board approved by the American Board of Medical  
2 Specialties or approved by the board pursuant to subdivision (h)  
3 of Section 651, (2) has satisfactorily completed at least two years  
4 of approved postgraduate training, or (3) has satisfactorily  
5 completed at least one year of approved postgraduate training and  
6 takes and passes the clinical competency written examination.

7 (e) The applicant has not committed any acts or crimes  
8 constituting grounds for denial of a certificate under Division 1.5  
9 (commencing with Section 475) or Article 12 (commencing with  
10 Section 2220).

11 (f) Any application received from an applicant who has held an  
12 unrestricted license to practice medicine, in a state or states, or  
13 Canadian province or Canadian provinces, or as a member of the  
14 active military, United States Public Health Services, or other  
15 federal program for four or more years shall be reviewed and  
16 processed pursuant to this section. Any time spent by the applicant  
17 in an approved postgraduate training program or clinical fellowship  
18 acceptable to the board shall not be included in the calculation of  
19 this four-year period. This subdivision does not apply to  
20 applications that may be reviewed and processed pursuant to  
21 Section 2151.

22 (g) This section shall become operative on January 1, 2020.

23 *SEC. 7. Section 2428 of the Business and Professions Code is*  
24 *amended to read:*

25 2428. (a) A person who voluntarily cancels his or her license  
26 or who fails to renew his or her license within five years after its  
27 expiration shall not renew it, but that person may apply for and  
28 obtain a new license if he or she:

29 (1) Has not committed any acts or crimes constituting grounds  
30 for denial of licensure under Division 1.5 (commencing with  
31 Section 475).

32 (2) Takes and passes the examination, if any, which would be  
33 required of him or her if application for licensure was being made  
34 for the first time, or otherwise establishes to the satisfaction of the  
35 licensing authority that passes on the qualifications of applicants  
36 for the license that, with due regard for the public interest, he or  
37 she is qualified to practice the profession or activity for which the  
38 applicant was originally licensed.

39 (3) Pays all of the fees that would be required if application for  
40 licensure was being made for the first time.



1 The licensing authority may provide for the waiver or refund of  
2 all or any part of an examination fee in those cases in which a  
3 license is issued without an examination pursuant to this section.

4 Nothing in this section shall be construed to authorize the  
5 issuance of a license for a professional activity or system or mode  
6 of healing for which licenses are no longer required.

7 (b) In addition to the requirements set forth in subdivision (a),  
8 an applicant shall establish that he or she meets one of the  
9 following requirements: (1) satisfactory completion of at least ~~two~~  
10 *three* years of approved postgraduate training; (2) certification by  
11 a specialty board approved by the American Board of Medical  
12 Specialties or approved by the board pursuant to subdivision (h)  
13 of Section 651; or (3) passing of the clinical competency written  
14 examination.

15 (c) Subdivision (a) shall apply to persons who held licenses to  
16 practice podiatric medicine except that those persons who failed  
17 to renew their licenses within three years after its expiration may  
18 not renew it, and it may not be reissued, reinstated, or restored,  
19 except in accordance with subdivision (a).

20 SEC. 8. Section 2499.5 of the Business and Professions Code  
21 is amended to read:

22 2499.5. The following fees apply to certificates to practice  
23 podiatric medicine. The amount of fees prescribed for doctors of  
24 podiatric medicine shall be determined by the board and shall be  
25 as described below. Fees collected pursuant to this section shall  
26 be fixed by the board in amounts not to exceed the actual costs of  
27 providing the service for which the fee is collected.

28 (a) Each applicant for a certificate to practice podiatric medicine  
29 shall pay an application fee of one hundred dollars (\$100) at the  
30 time the application is filed. If the applicant qualifies for a  
31 certificate, he or she shall pay a fee of one hundred dollars (\$100).

32 (b) Each applicant who qualifies for a certificate, as a condition  
33 precedent to its issuance, in addition to other fees required by this  
34 section, shall pay an initial license fee. The initial license fee shall  
35 be eight hundred dollars (\$800). The initial license shall expire  
36 the second year after its issuance on the last day of the month of  
37 birth of the licensee. The board may reduce the initial license fee  
38 by up to 50 percent of the amount of the fee for any applicant who  
39 is enrolled in a postgraduate training program approved by the  
40 board or who has completed a postgraduate training program

1 approved by the board within six months prior to the payment of  
2 the initial license fee.

3 (c) Before January 1, 2021, the biennial renewal fee shall be  
4 one thousand one hundred dollars (\$1,100). Any licensee enrolled  
5 in an approved residency program shall be required to pay only  
6 50 percent of the biennial renewal fee at the time of his or her first  
7 renewal.

8 (d) On and after January 1, 2021, the biennial renewal fee shall  
9 be nine hundred dollars (\$900). Any licensee enrolled in an  
10 approved residency program shall be required to pay only 50  
11 percent of the biennial renewal fee at the time of his or her first  
12 renewal.

13 (e) The delinquency fee shall be one hundred fifty dollars  
14 (\$150).

15 (f) The duplicate wall certificate fee shall be one hundred dollars  
16 (\$100).

17 (g) The duplicate renewal receipt fee shall be fifty dollars (\$50).

18 (h) The endorsement fee shall be thirty dollars (\$30).

19 (i) The letter of good standing fee or for loan deferment shall  
20 be one hundred dollars (\$100).

21 (j) There shall be a fee of one hundred dollars (\$100) for the  
22 issuance of a resident's license under Section 2475.

23 (k) The fee for approval of a continuing education course or  
24 program shall be two hundred fifty dollars (\$250).

25 *SEC. 9. Section 2529.1 of the Business and Professions Code*  
26 *is amended to read:*

27 2529.1. (a) The use of any controlled substance or the use of  
28 any of the dangerous drugs specified in Section 4022, or of  
29 alcoholic beverages, to the extent, or in such a manner as to be  
30 dangerous or injurious to the registrant, or to any other person or  
31 to the public, or to the extent that this use impairs the ability of  
32 the registrant to practice safely or more than one misdemeanor or  
33 any felony conviction involving the use, consumption, or  
34 self-administration of any of the substances referred to in this  
35 section, or any combination thereof, constitutes unprofessional  
36 conduct. The record of the conviction is conclusive evidence of  
37 this unprofessional conduct.

38 (b) A plea or verdict of guilty or a conviction following a plea  
39 of nolo contendere is deemed to be a conviction within the meaning  
40 of this section. The board may order discipline of the registrant in

1 accordance with Section 2227 or may order the denial of the  
2 registration when the time for appeal has elapsed or the judgment  
3 of conviction has been affirmed on appeal or when an order  
4 granting probation is made suspending imposition of sentence,  
5 irrespective of a subsequent order under the provisions of Section  
6 1203.4 of the Penal Code allowing this person to withdraw his or  
7 her plea of guilty and to enter a plea of not guilty, or setting aside  
8 the verdict of guilty, or dismissing the accusation, complaint,  
9 information, or indictment.

10 ~~(e) This section shall become inoperative on January 1, 2019,~~  
11 ~~and shall be repealed as of that date.~~

12 *SEC. 10. Section 2529.5 of the Business and Professions Code*  
13 *is amended to read:*

14 2529.5. (a) Each person to whom registration is granted under  
15 the provisions of this chapter shall pay into the Contingent Fund  
16 of the Medical Board of California a fee to be fixed by the Medical  
17 Board of California at a sum not in excess of one hundred dollars  
18 (\$100).

19 (b) The registration shall expire after two years. The registration  
20 may be renewed biennially at a fee to be fixed by the board at a  
21 sum not in excess of fifty dollars (\$50). Students seeking to renew  
22 their registration shall present to the board evidence of their  
23 continuing student status.

24 (c) The money in the Contingent Fund of the Medical Board of  
25 California shall be used for the administration of this chapter.

26 ~~(d) This section shall become inoperative on January 1, 2019,~~  
27 ~~and shall be repealed as of that date.~~

28 ~~SEC. 9.~~

29 *SEC. 11. Section 2529.6 of the Business and Professions Code*  
30 *is amended to read:*

31 2529.6. (a) Except as provided in subdivisions (b) and (c), the  
32 board shall revoke the registration of any person who has been  
33 required to register as a sex offender pursuant to Section 290 of  
34 the Penal Code for conduct that occurred on or after January 1,  
35 2017.

36 (b) This section shall not apply to a person who is required to  
37 register as a sex offender pursuant to Section 290 of the Penal  
38 Code solely because of a misdemeanor conviction under Section  
39 314 of the Penal Code.

1 (c) This section shall not apply to a person who has been relieved  
2 under Section 290.5 of the Penal Code of his or her duty to register  
3 as a sex offender, or whose duty to register has otherwise been  
4 formally terminated under California law.

5 (d) A proceeding to revoke a registration pursuant to this section  
6 shall be conducted in accordance with Chapter 5 (commencing  
7 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
8 Government Code.

9 ~~(e) This section shall become inoperative on January 1, 2022,  
10 and shall be repealed as of that date.~~

11 ~~SEC. 10.~~

12 *SEC. 12.* Section 2708 of the Business and Professions Code  
13 is amended to read:

14 2708. (a) The board shall appoint an executive officer who  
15 shall perform the duties delegated by the board and who shall be  
16 responsible to it for the accomplishment of those duties.

17 (b) The executive officer shall be a nurse currently licensed  
18 under this chapter and shall possess other qualifications as  
19 determined by the board.

20 (c) The executive officer shall not be a member of the board.

21 (d) The executive officer is authorized to adopt a decision  
22 entered by default and a stipulation for surrender of a license.

23 (e) This section shall remain in effect only until January 1, 2022,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2022, deletes or extends that date.

26 ~~SEC. 11. Section 2715 of the Business and Professions Code  
27 is amended to read:~~

28 ~~2715. (a) The board shall prosecute all persons guilty of  
29 violating this chapter.~~

30 ~~(b) Except as provided by Section 159.5, the board, in  
31 accordance with the Civil Service Law, may employ personnel as  
32 it deems necessary to carry into effect this chapter. The board shall  
33 directly employ legal counsel, who shall work exclusively for, and  
34 report directly to, the board upon a finding by the board that  
35 directly employing legal counsel will further the board's mission.~~

36 ~~(c) The board shall have and use a seal bearing the name "Board  
37 of Registered Nursing." The board may adopt, amend, or repeal,  
38 in accordance with the Administrative Procedure Act (Chapter 3.5  
39 (commencing with Section 11340) of Part 1 of Division 3 of Title~~

1 ~~2 of the Government Code), the rules and regulations that may be~~  
2 ~~reasonably necessary to enable it to carry into effect this chapter.~~

3 ~~SEC. 12.~~

4 *SEC. 13.* Section 2816 of the Business and Professions Code  
5 is amended to read:

6 2816. The nonrefundable fee to be paid by a registered nurse  
7 for an evaluation of his or her qualifications to use the title “public  
8 health nurse” shall not be less than three hundred dollars (\$300)  
9 or more than one thousand dollars (\$1,000). The fee to be paid  
10 upon the application for renewal of the certificate to practice as a  
11 public health nurse shall not be less than one hundred twenty-five  
12 dollars (\$125) and not more than five hundred dollars (\$500). The  
13 penalty fee for failure to renew a certificate to practice as a public  
14 health nurse within the prescribed time shall be 50 percent of the  
15 renewal fee in effect on the date of renewal of the certificate, but  
16 not less than sixty-two dollars and fifty cents (\$62.50), and not  
17 more than two hundred fifty dollars (\$250). All fees payable under  
18 this section shall be collected by and paid to the Board of  
19 Registered Nursing Fund. It is the intention of the Legislature that  
20 the costs of carrying out the purposes of this article shall be covered  
21 by the revenue collected pursuant to this section. The board shall  
22 refund any registered nurse who paid more than three hundred  
23 dollars (\$300) for an evaluation of his or her qualifications to use  
24 the title “public health nurse” between April 5, 2018, and December  
25 31, 2018.

26 ~~SEC. 13.~~

27 *SEC. 14.* Section 2892.6 of the Business and Professions Code  
28 is amended to read:

29 2892.6. The board shall collect an initial approval fee and a  
30 biennial renewal fee of one hundred fifty dollars (\$150) unless a  
31 higher fee, not to exceed two hundred fifty dollars (\$250), is  
32 established by the board, from any provider of a course in  
33 continuing education who requests approval by the board of such  
34 course for purposes of continuing education requirements under  
35 this chapter. That fee, however, shall in no event exceed that cost  
36 required for the board to administer the approval of continuing  
37 education courses by continuing education providers.

38 ~~SEC. 14.~~

39 *SEC. 15.* Section 2892.7 is added to the Business and  
40 Professions Code, to read:

1 2892.7. The board shall collect an initial approval and a biennial  
2 renewal fee in the amount of one hundred fifty dollars (\$150)  
3 unless a higher fee, not to exceed two hundred fifty dollars (\$250),  
4 is established by the board, from any provider of a course in  
5 intravenous therapy, blood withdrawal, or intravenous therapy  
6 with blood withdrawal, who requests approval by the board of  
7 such a course for purposes of intravenous therapy, blood  
8 withdrawal, or intravenous therapy with blood withdrawal  
9 requirements under this chapter. That fee, however, shall not  
10 exceed the regulatory cost required for the board to administer the  
11 approval of intravenous therapy, blood withdrawal, or intravenous  
12 therapy with blood withdrawal courses by intravenous therapy,  
13 blood withdrawal, or intravenous therapy with blood withdrawal  
14 providers.

15 ~~SEC. 15.~~

16 *SEC. 16.* Section 2895 of the Business and Professions Code  
17 is amended to read:

18 2895. The amount of the fees prescribed by this chapter in  
19 connection with the issuance of licenses under its provisions shall  
20 be according to the following schedule:

21 (a) The fee to be paid upon the filing of an application for  
22 licensure by examination by applicants who have successfully  
23 completed a prescribed course of study in a California-approved  
24 vocational nursing program shall be two hundred twenty dollars  
25 (\$220) unless a higher fee, not to exceed three hundred dollars  
26 (\$300), is established by the board.

27 (b) The fee to be paid upon the filing of an application for  
28 licensure by examination by applicants who are qualified to take  
29 the examination by methods other than as specified in subdivision  
30 (a) shall be two hundred fifty dollars (\$250) unless a higher fee,  
31 not to exceed three hundred thirty dollars (\$330), is established  
32 by the board.

33 (c) The fee to be paid upon the filing of an application for  
34 licensure by endorsement shall be two hundred twenty dollars  
35 (\$220) unless a higher fee, not to exceed three hundred dollars  
36 (\$300), is established by the board.

37 (d) The fee to be paid for taking each examination for licensure  
38 shall be the actual cost to purchase the examination from a vendor  
39 approved by the board.

1 (e) The fee to be paid for any examination for licensure after  
2 the first shall be two hundred twenty dollars (\$220) unless a higher  
3 fee, not to exceed three hundred dollars (\$300), is established by  
4 the board.

5 (f) The biennial renewal fee to be paid upon the filing of an  
6 application for renewal shall be two hundred twenty dollars (\$220)  
7 unless a higher fee, not to exceed three hundred dollars (\$300), is  
8 established by the board. In addition, an assessment of five dollars  
9 (\$5) shall be collected and credited to the Vocational Nurse  
10 Education Fund, pursuant to Section 2895.5.

11 (g) Notwithstanding Section 163.5, the delinquency fee for  
12 failure to pay the biennial renewal fee within the prescribed time  
13 shall be one hundred ten dollars (\$110) unless a higher fee, not to  
14 exceed 50 percent of the regular renewal fee and in no case no  
15 more than one hundred fifty dollars (\$150), is established by the  
16 board.

17 (h) The initial license fee is an amount equal to the biennial  
18 renewal fee in effect on the date the application for the license is  
19 filed.

20 (i) The fee to be paid for an interim permit shall be twenty  
21 dollars (\$20) unless a higher fee, not to exceed fifty dollars (\$50),  
22 is established by the board.

23 (j) The fee to be paid for a duplicate license or wall certificate  
24 shall be in an amount not less than twenty-five dollars (\$25) and  
25 may be fixed by the board at an amount no more than fifty dollars  
26 (\$50).

27 (k) The fee to be paid for verification of licensure papers to  
28 other states shall be one hundred dollars (\$100) unless a higher  
29 fee, not to exceed one hundred fifty dollars (\$150), is established  
30 by the board.

31 (l) The fee to be paid for postlicensure certification in  
32 intravenous therapy, blood withdrawal, or intravenous therapy  
33 with blood withdrawal shall be twenty dollars (\$20) unless a higher  
34 fee, not to exceed fifty dollars (\$50), is established by the board.

35 No further fee shall be required for a license or a renewal thereof  
36 other than as prescribed by this chapter.

37 ~~SEC. 16.~~

38 *SEC. 17.* Section 3047 of the Business and Professions Code  
39 is amended to read:

1 3047. (a) The board shall develop an interface with the  
2 National Practitioner Data Bank for the purpose of conducting  
3 inquiries on applicants for licensure, applicants for renewal of  
4 licensure, and current licensees.

5 (b) The board shall limit its inquiries to both of the following:

6 (1) Whether an applicant or current licensee has been subject  
7 to discipline.

8 (2) Whether an applicant or current licensee has been the subject  
9 of an action required to be reported to the National Practitioner  
10 Data Bank by federal law.

11 (c) On and after July 1, 2018, the board shall charge, in addition  
12 to the fees in Section 3152, an applicant for licensure and an  
13 applicant for renewal of licensure four dollars (\$4) for the purposes  
14 of this section.

15 ~~SEC. 17.~~

16 *SEC. 18.* Section 3147 of the Business and Professions Code  
17 is amended to read:

18 3147. (a) Except as otherwise provided by Section 114, an  
19 expired optometrist license may be renewed at any time within  
20 three years after its expiration, and a retired license issued for less  
21 than three years may be reactivated to active status, by filing an  
22 application for renewal or reactivation on a form prescribed by the  
23 board, paying all accrued and unpaid renewal fees or reactivation  
24 fees determined by the board, paying any delinquency fees  
25 prescribed by the board, and submitting proof of completion of  
26 the required number of hours of continuing education for the last  
27 two years, as prescribed by the board pursuant to Section 3059.  
28 Renewal or reactivation to active status under this section shall be  
29 effective on the date on which all of those requirements are  
30 satisfied. If so renewed or reactivated to active status, the license  
31 shall continue as provided in Sections 3146 and 3147.5.

32 (b) Expired statements of licensure, branch office licenses, and  
33 fictitious name permits issued pursuant to Sections 3070, 3077,  
34 and 3078, respectively, may be renewed at any time by filing an  
35 application for renewal, paying all accrued and unpaid renewal  
36 fees, and paying any delinquency fees prescribed by the board.

37 ~~SEC. 18.~~

38 *SEC. 19.* Section 3680 of the Business and Professions Code  
39 is amended to read:



1 3680. (a) The application fee for a doctor of naturopathic  
2 medicine shall be no more than five hundred dollars (\$500) and  
3 may be increased to not more than six hundred dollars (\$600).

4 (b) The initial license fee shall be one thousand dollars (\$1,000)  
5 and may be increased to not more than one thousand two hundred  
6 dollars (\$1,200).

7 (c) The renewal fee for a license shall be one thousand dollars  
8 (\$1,000) and may be increased to not more than one thousand two  
9 hundred dollars (\$1,200).

10 (d) The late renewal fee for a license shall be two hundred  
11 twenty-five dollars (\$225).

12 (e) The fee for processing fingerprint cards shall be the current  
13 fee charged by the Department of Justice.

14 (f) The fee for a duplicate or replacement license shall be  
15 thirty-eight dollars (\$38).

16 (g) The fee for a certified license verification shall be thirty  
17 dollars (\$30).

18 ~~SEC. 19. Section 4008 of the Business and Professions Code~~  
19 ~~is amended to read:~~

20 ~~4008. (a) (1) Except as provided by Section 159.5, the board~~  
21 ~~may employ inspectors of pharmacy. The inspectors, whether the~~  
22 ~~inspectors are employed by the board or the department's Division~~  
23 ~~of Investigation, may inspect during business hours all pharmacies,~~  
24 ~~wholesalers, dispensaries, stores, or places where drugs or devices~~  
25 ~~are compounded, prepared, furnished, dispensed, or stored.~~

26 ~~(2) The board shall directly employ legal counsel, who shall~~  
27 ~~work exclusively for, and report directly to, the board, upon a~~  
28 ~~finding by the board that directly employing legal counsel will~~  
29 ~~further the board's mission.~~

30 ~~(b) Notwithstanding subdivision (a), a pharmacy inspector may~~  
31 ~~inspect or examine a physician's office or clinic that does not have~~  
32 ~~a permit under Section 4180 or 4190 only to the extent necessary~~  
33 ~~to determine compliance with and to enforce either Section 4080~~  
34 ~~or 4081.~~

35 ~~(c) (1) (A) A pharmacy inspector employed by the board or in~~  
36 ~~the department's Division of Investigation shall have the authority,~~  
37 ~~as a public officer, to arrest, without warrant, any person whenever~~  
38 ~~the officer has reasonable cause to believe that the person to be~~  
39 ~~arrested has, in his or her presence, violated a provision of this~~

1 ~~chapter or of Division 10 (commencing with Section 11000) of~~  
2 ~~the Health and Safety Code.~~

3 ~~(B) If the violation is a felony, or if the arresting officer has~~  
4 ~~reasonable cause to believe that the person to be arrested has~~  
5 ~~violated any provision that is declared to be a felony, although no~~  
6 ~~felony has in fact been committed, he or she may make an arrest~~  
7 ~~although the violation or suspected violation did not occur in his~~  
8 ~~or her presence.~~

9 ~~(2) In any case in which an arrest authorized by this subdivision~~  
10 ~~is made for an offense declared to be a misdemeanor, and the~~  
11 ~~person arrested does not demand to be taken before a magistrate,~~  
12 ~~the arresting inspector may, instead of taking the person before a~~  
13 ~~magistrate, follow the procedure prescribed by Chapter 5C~~  
14 ~~(commencing with Section 853.5) of Title 3 of Part 2 of the Penal~~  
15 ~~Code. That chapter shall thereafter apply with reference to any~~  
16 ~~proceeding based upon the issuance of a citation pursuant to this~~  
17 ~~authority.~~

18 ~~(d) There shall be no civil liability on the part of, and no cause~~  
19 ~~of action shall arise against, a person, acting pursuant to subdivision~~  
20 ~~(a) within the scope of his or her authority, for false arrest or false~~  
21 ~~imprisonment arising out of an arrest that is lawful, or that the~~  
22 ~~arresting officer, at the time of the arrest, had reasonable cause to~~  
23 ~~believe was lawful. An inspector shall not be deemed an aggressor~~  
24 ~~or lose his or her right to self-defense by the use of reasonable~~  
25 ~~force to effect the arrest, to prevent escape, or to overcome~~  
26 ~~resistance.~~

27 ~~(e) Any inspector may serve all processes and notices throughout~~  
28 ~~the state.~~

29 ~~(f) A pharmacy inspector employed by the board may enter a~~  
30 ~~facility licensed pursuant to subdivision (c) or (d) of Section 1250~~  
31 ~~of the Health and Safety Code to inspect an automated drug~~  
32 ~~delivery system operated pursuant to Section 4119 or 4119.1.~~

33 SEC. 20. Section 4518 of the Business and Professions Code  
34 is amended to read:

35 4518. In the event the board adopts a continuing education or  
36 blood withdrawal program, the board shall collect an initial  
37 approval and a biennial renewal fee as prescribed under Sections  
38 4548 and 4518.1 from any provider of a course in continuing  
39 education or blood withdrawal who requests approval by the board  
40 of the course for purposes of continuing education or blood

1 withdrawal requirements adopted by the board. The fee, however,  
2 shall in no event exceed the cost required for the board to  
3 administer the approval of continuing education or blood  
4 withdrawal courses by continuing education or blood withdrawal  
5 providers.

6 SEC. 21. Section 4518.1 is added to the Business and  
7 Professions Code, to read:

8 4518.1. The board shall collect an initial approval and a biennial  
9 renewal fee in the amount of one hundred fifty dollars (\$150)  
10 unless a higher fee, not to exceed two hundred fifty dollars (\$250),  
11 is established by the board, from any provider of continuing  
12 education or a course to meet the certification requirements for  
13 blood withdrawal who requests approval by the board of the course  
14 for purposes of continuing education or blood withdrawal  
15 requirements under this chapter. That fee, however, shall not  
16 exceed the regulatory cost required for the board to administer the  
17 approval of continuing education or blood withdrawal by  
18 continuing education or blood withdrawal providers.

19 SEC. 22. Section 4548 of the Business and Professions Code  
20 is amended to read:

21 4548. The amount of the fees prescribed by this chapter in  
22 connection with the issuance of licenses under its provisions shall  
23 be according to the following schedule:

24 (a) The fee to be paid upon the filing of an application for  
25 licensure by examination by applicants who have successfully  
26 completed a prescribed course of study in a California-approved  
27 school for preparation of psychiatric technicians shall be two  
28 hundred sixty-five dollars (\$265) unless a higher fee, not to exceed  
29 three hundred forty-five dollars (\$345), is established by the board.

30 (b) The fee to be paid upon the filing of an application for  
31 licensure by examination by applicants who are qualified to take  
32 the examination by methods other than as described in subdivision  
33 (a) shall be two hundred ninety-five dollars (\$295) unless a higher  
34 fee, not to exceed three hundred seventy-five dollars (\$375), is  
35 established by the board.

36 (c) The fee to be paid upon the filing of an application for  
37 licensure by endorsement shall be two hundred twenty dollars  
38 (\$220) unless a higher fee, not to exceed three hundred dollars  
39 (\$300), is established by the board.

1 (d) The fee to be paid for taking each examination for licensure  
2 shall be the actual cost to purchase an examination from a vendor  
3 approved by the board.

4 (e) The fee to be paid for any examination for licensure after  
5 the first shall be two hundred sixty-five dollars (\$265) unless a  
6 higher fee, not to exceed three hundred forty-five dollars (\$345),  
7 is established by the board.

8 (f) The biennial renewal fee to be paid upon the filing of an  
9 application for renewal shall be two hundred twenty dollars (\$220)  
10 unless a higher fee, not to exceed three hundred dollars (\$300), is  
11 established by the board.

12 (g) Notwithstanding Section 163.5, the delinquency fee for  
13 failure to pay the biennial renewal fee within the prescribed time  
14 shall be one hundred ten dollars (\$110) unless a higher fee, not to  
15 exceed 50 percent of the regular renewal fee and in no case more  
16 than one hundred fifty dollars (\$150), is established by the board.

17 (h) The initial license fee is an amount equal to the biennial  
18 renewal fee in effect on the date the application for the license is  
19 filed.

20 (i) The fee to be paid for an interim permit shall be twenty  
21 dollars (\$20) unless a higher fee, not to exceed fifty dollars (\$50),  
22 is established by the board.

23 (j) The fee to be paid for a duplicate license or wall certificate  
24 shall be in an amount not less than twenty-five dollars (\$25) and  
25 may be fixed by the board at an amount no more than fifty dollars  
26 (\$50).

27 (k) The fee to be paid for processing verification of licensure  
28 papers to other states shall be twenty dollars (\$20) unless a higher  
29 fee, not to exceed fifty dollars (\$50), is established by the board.

30 (l) The fee to be paid for postlicensure certification in blood  
31 withdrawal shall be twenty dollars (\$20) unless a higher fee, not  
32 to exceed fifty dollars (\$50), is established by the board.

33 SEC. 23. Section 4604 of the Business and Professions Code  
34 is amended to read:

35 4604. (a) In order to obtain certification as a massage therapist,  
36 an applicant shall submit a written application and provide the  
37 council with satisfactory evidence that he or she meets all of the  
38 following requirements:

39 (1) The applicant is 18 years of age or older.

1 (2) The applicant has successfully completed the curricula in  
2 massage and related subjects totaling a minimum of 500 hours, or  
3 the credit unit equivalent, that incorporates appropriate school  
4 assessment of student knowledge and skills.

5 (A) Of the 500 hours, a minimum of 100 hours of instruction  
6 shall address anatomy and physiology, contraindications, health  
7 and hygiene, and business and ethics.

8 (B) All of the 500 hours shall be from approved schools. The  
9 council shall accept the 500 hours if, at the time all of the hours  
10 were completed, the school or schools were approved. The 500  
11 hours may be completed at more than one approved school.  
12 Notwithstanding any other law, pursuant to its policies and  
13 procedures for approval of schools, the council shall accept hours  
14 earned by an applicant for certification as a massage therapist if  
15 those hours were completed before July 1, 2016, and were earned  
16 from a school providing education in this state that was unapproved  
17 by the council after July 1, 2016, based solely on the fact that the  
18 National Certification Board for Therapeutic Massage and  
19 Bodywork took denial or disciplinary action against the school.  
20 For purposes of this section, “unapproved” means that the council  
21 determined that it will not accept hours from a school toward  
22 certification.

23 (3) The applicant has passed a massage and bodywork  
24 competency assessment examination that meets generally  
25 recognized psychometric principles and standards and that is  
26 approved by the council. The successful completion of this  
27 examination may have been accomplished before the date the  
28 council is authorized by this chapter to begin issuing certificates.  
29 This paragraph shall be inoperative commencing on January 1,  
30 2019, and shall become operative on January 1, 2021.

31 (4) The applicant has successfully passed a background  
32 investigation pursuant to Section 4606, and has not violated any  
33 of the provisions of this chapter.

34 (5) All fees required by the council have been paid.

35 (6) The council may issue a certificate to an applicant who meets  
36 the qualifications of this chapter if he or she holds a current and  
37 valid registration, certification, or license from any other state  
38 whose licensure requirements meet or exceed those defined within  
39 this chapter. If an applicant has received education at a school that  
40 is not approved by the council, the council shall have the discretion

1 to give credit for comparable academic work completed by an  
2 applicant in a program outside of California.

3 (b) A certificate issued pursuant to this chapter and any  
4 identification card issued by the council shall be surrendered to  
5 the council by any certificate holder whose certificate is suspended  
6 or revoked.

7 SEC. 24. Section 4809.7 of the Business and Professions Code  
8 is amended to read:

9 4809.7. The board shall establish a regular inspection program  
10 that will provide for random, unannounced inspections and the  
11 board shall inspect at least 20 percent of veterinary premises on  
12 an annual basis.

13 SEC. 25. Section 4826.4 is added to the Business and  
14 Professions Code, to read:

15 4826.4. (a) A California-licensed veterinarian at premises  
16 registered in accordance with Section 4853 that is located within  
17 a 25-mile radius of any condition of emergency specified in Section  
18 8558 of the Government Code may, in good faith, do both of the  
19 following in addition to any other acts authorized by law:

20 (1) Render necessary and prompt care and treatment to an animal  
21 patient without establishing a veterinarian-client-patient  
22 relationship if conditions are such that one cannot be established  
23 in a timely manner.

24 (2) Dispense or prescribe a dangerous drug or device, as defined  
25 in Section 4022, in reasonable quantities where failure to provide  
26 services or medications, including controlled substances, may  
27 result in loss of life or intense suffering of the animal patient. Prior  
28 to refilling a prescription pursuant to this paragraph, the  
29 veterinarian shall make a reasonable effort to contact the originally  
30 prescribing veterinarian.

31 (b) A veterinarian acting under this section shall make an  
32 appropriate record that includes the basis for proceeding under  
33 this section.

34 (c) A veterinarian who performs services pursuant to this section  
35 shall have immunity from liability pursuant to subdivision (b) of  
36 Section 8659 of the Government Code.

37 SEC. 26. Section 4829.5 is added to the Business and  
38 Professions Code, to read:

39 4829.5. (a) Each time a veterinarian initially prescribes,  
40 dispenses, or furnishes a dangerous drug, as defined in Section

1 4022, to an animal patient in an outpatient setting, the veterinarian  
2 shall offer to provide, in person or through electronic means, to  
3 the client responsible for the animal, or his or her agent, a  
4 consultation that includes the following information:

5 (1) The name and description of the dangerous drug.  
6 (2) Route of administration, dosage form, dosage, duration of  
7 drug therapy, the duration of the effects of the drug, and the  
8 common severe adverse effects associated with the use of a  
9 short-acting or long-acting drug.

10 (3) Any special directions for proper use and storage.

11 (4) Actions to be taken in the event of a missed dose.

12 (5) If available, precautions and relevant warnings provided by  
13 the drug’s manufacturer, including common severe adverse effects  
14 of the drug.

15 (b) If requested, a veterinarian shall provide drug documentation,  
16 if available.

17 (c) A veterinarian may delegate to a registered veterinary  
18 technician or veterinary assistant the task of providing the  
19 consultation and drug documentation required by this section.

20 (d) It shall be noted in the medical record of the animal patient  
21 if the consultation described in this section is provided or declined  
22 by the client or his or her agent.

23 SEC. 27. Section 4830 of the Business and Professions Code  
24 is amended to read:

25 4830. (a) This chapter does not apply to:

26 (1) Veterinarians while serving in any armed branch of the  
27 military service of the United States or the United States  
28 Department of Agriculture while actually engaged and employed  
29 in their official capacity.

30 (2) Veterinarians holding a current, valid license in good  
31 standing in another state or country who provide assistance to a  
32 California-licensed veterinarian and attend on a specific case. The  
33 California-licensed veterinarian shall maintain a valid  
34 veterinarian-client-patient relationship. The veterinarian providing  
35 the assistance shall not establish a veterinarian-client-patient  
36 relationship with the client by attending the case or at a future time  
37 and shall not practice veterinary medicine, open an office, appoint  
38 a place to meet patients, communicate with clients who reside  
39 within the limits of this state, give orders, or have ultimate authority

1 over the care or primary diagnosis of a patient that is located within  
2 this state.

3 (3) Veterinarians called into the state by a law enforcement  
4 agency or animal control agency pursuant to subdivision (b).

5 (4) A student of a veterinary medical program accredited by the  
6 American Veterinary Medical Association Council on Education  
7 who participates as part of his or her formal curriculum in the  
8 diagnosis and treatment with direct supervision, or in surgery with  
9 immediate supervision, provided all of the following requirements  
10 are met:

11 (A) The clinical training site has been approved by the university  
12 where the student is enrolled.

13 (B) The student has prior training in diagnosis, treatment, and  
14 surgery as part of the formal curriculum.

15 (C) The student is being supervised by a California-licensed  
16 veterinarian in good standing, as that term is defined in paragraph  
17 (1) of subdivision (b) of Section 4848.

18 (5) A veterinarian who is employed by the Meat and Poultry  
19 Inspection Branch of the California Department of Food and  
20 Agriculture while actually engaged and employed in his or her  
21 official capacity. A person exempt under this paragraph shall not  
22 otherwise engage in the practice of veterinary medicine unless he  
23 or she is issued a license by the board.

24 (6) Unlicensed personnel employed by the Department of Food  
25 and Agriculture or the United States Department of Agriculture  
26 when in the course of their duties they are directed by a veterinarian  
27 supervisor to conduct an examination, obtain biological specimens,  
28 apply biological tests, or administer medications or biological  
29 products as part of government disease or condition monitoring,  
30 investigation, control, or eradication activities.

31 (b) (1) For purposes of paragraph (3) of subdivision (a), a  
32 regularly licensed veterinarian in good standing who is called from  
33 another state by a law enforcement agency or animal control  
34 agency, as defined in Section 31606 of the Food and Agricultural  
35 Code, to attend to cases that are a part of an investigation of an  
36 alleged violation of federal or state animal fighting or animal  
37 cruelty laws within a single geographic location shall be exempt  
38 from the licensing requirements of this chapter if the law  
39 enforcement agency or animal control agency determines that it  
40 is necessary to call the veterinarian in order for the agency or



1 officer to conduct the investigation in a timely, efficient, and  
2 effective manner. In determining whether it is necessary to call a  
3 veterinarian from another state, consideration shall be given to the  
4 availability of veterinarians in this state to attend to these cases.  
5 An agency, department, or officer that calls a veterinarian pursuant  
6 to this subdivision shall notify the board of the investigation.

7 (2) Notwithstanding any other provision of this chapter, a  
8 regularly licensed veterinarian in good standing who is called from  
9 another state to attend to cases that are a part of an investigation  
10 described in paragraph (1) may provide veterinary medical care  
11 for animals that are affected by the investigation with a temporary  
12 shelter facility, and the temporary shelter facility shall be exempt  
13 from the registration requirement of Section 4853 if all of the  
14 following conditions are met:

15 (A) The temporary shelter facility is established only for the  
16 purpose of the investigation.

17 (B) The temporary shelter facility provides veterinary medical  
18 care, shelter, food, and water only to animals that are affected by  
19 the investigation.

20 (C) The temporary shelter facility complies with Section 4854.

21 (D) The temporary shelter facility exists for not more than 60  
22 days, unless the law enforcement agency or animal control agency  
23 determines that a longer period of time is necessary to complete  
24 the investigation.

25 (E) Within 30 calendar days upon completion of the provision  
26 of veterinary health care services at a temporary shelter facility  
27 established pursuant to this section, the veterinarian called from  
28 another state by a law enforcement agency or animal control agency  
29 to attend to a case shall file a report with the board. The report  
30 shall contain the date, place, type, and general description of the  
31 care provided, along with a listing of the veterinary health care  
32 practitioners who participated in providing that care.

33 (c) For purposes of paragraph (3) of subdivision (a), the board  
34 may inspect temporary facilities established pursuant to this  
35 section.

36 SEC. 28. Section 4836.2 of the Business and Professions Code  
37 is amended to read:

38 4836.2. (a) Applications for a veterinary assistant controlled  
39 substance permit shall be upon a form furnished by the board.

1 (b) The fee for filing an application for a veterinary assistant  
2 controlled substance permit shall be set by the board in an amount  
3 the board determines is reasonably necessary to provide sufficient  
4 funds to carry out the purposes of this section, not to exceed one  
5 hundred dollars (\$100).

6 (c) The board may suspend or revoke the controlled substance  
7 permit of a veterinary assistant after notice and hearing for any  
8 cause provided in this subdivision. The proceedings under this  
9 section shall be conducted in accordance with the provisions for  
10 administrative adjudication in Chapter 5 (commencing with Section  
11 11500) of Part 1 of Division 3 of Title 2 of the Government Code,  
12 and the board shall have all the powers granted therein. The board  
13 may deny, revoke, or suspend a veterinary assistant controlled  
14 substance permit, or, subject to terms and conditions deemed  
15 appropriate by the board, issue a probationary veterinary assistant  
16 controlled substance permit, for any of the following reasons:

17 (1) The employment of fraud, misrepresentation, or deception  
18 in obtaining a veterinary assistant controlled substance permit.

19 (2) Chronic inebriety or habitual use of controlled substances.

20 (3) The applicant or permitholder has been convicted of a state  
21 or federal felony controlled substance violation.

22 (4) Violating or attempts to violate, directly or indirectly, or  
23 assisting in or abetting the violation of, or conspiring to violate,  
24 any provision of this chapter, or of the regulations adopted under  
25 this chapter.

26 (5) Conviction of a crime substantially related to the  
27 qualifications, functions, or duties of veterinary medicine,  
28 veterinary surgery, or veterinary dentistry, in which case the record  
29 of the conviction shall be conclusive evidence.

30 (d) The board shall not issue a veterinary assistant controlled  
31 substance permit to any applicant with a state or federal felony  
32 controlled substance conviction.

33 (e) (1) As part of the application for a veterinary assistant  
34 controlled substance permit, the applicant shall submit to the  
35 Department of Justice fingerprint images and related information,  
36 as required by the Department of Justice for all veterinary assistant  
37 applicants, for the purposes of obtaining information as to the  
38 existence and content of a record of state or federal convictions  
39 and state or federal arrests and information as to the existence and  
40 content of a record of state or federal arrests for which the

1 Department of Justice establishes that the person is free on bail or  
2 on his or her own recognizance pending trial or appeal.

3 (2) When received, the Department of Justice shall forward to  
4 the Federal Bureau of Investigation requests for federal summary  
5 criminal history information that it receives pursuant to this section.  
6 The Department of Justice shall review any information returned  
7 to it from the Federal Bureau of Investigation and compile and  
8 disseminate a response to the board summarizing that information.

9 (3) The Department of Justice shall provide a state or federal  
10 level response to the board pursuant to paragraph (1) of subdivision  
11 (p) of Section 11105 of the Penal Code.

12 (4) The Department of Justice shall charge a reasonable fee  
13 sufficient to cover the cost of processing the request described in  
14 this subdivision.

15 (f) The board shall request from the Department of Justice  
16 subsequent notification service, as provided pursuant to Section  
17 11105.2 of the Penal Code, for persons described in paragraph (1)  
18 of subdivision (e).

19 (g) This section shall become operative on July 1, 2015.

20 SEC. 29. Section 4841.2 is added to the Business and  
21 Professions Code, to read:

22 4841.2. (a) Except as provided in subdivision (b), a graduate  
23 of a recognized veterinary college shall not perform animal health  
24 care tasks otherwise performed by a registered veterinary technician  
25 unless the graduate has obtained licensure or registration as  
26 otherwise required under this chapter.

27 (b) If, on or before January 1, 2020, a graduate of a recognized  
28 veterinary college has performed animal health care tasks otherwise  
29 performed by a registered veterinary technician, the graduate shall  
30 discontinue performing such duties on or after January 1, 2020,  
31 unless the graduate is issued a license or registration as otherwise  
32 required under this chapter.

33 SEC. 30. Section 11506 of the Business and Professions Code  
34 is amended to read:

35 11506. This part shall be subject to review by the appropriate  
36 policy committees of the Legislature.

37 SEC. 31. Section 7000 of the Health and Safety Code is  
38 amended to read:

39 7000. The definitions in this chapter apply to this division,  
40 Division 8 (commencing with Section 8100) and Division 102

1 (commencing with Section 102100) of this code and Chapter 12  
2 (commencing with Section 7600) of Division 3 of the Business  
3 and Professions Code.

4 SEC. 32. Section 7103 of the Health and Safety Code is  
5 amended to read:

6 7103. (a) Every person, upon whom the duty of interment is  
7 imposed by law, who omits to perform that duty within a  
8 reasonable time is guilty of a misdemeanor.

9 (b) Every licensee or registrant pursuant to Chapter 12  
10 (commencing with Section 7600) of Division 3 of the Business  
11 and Professions Code, and the agents and employees of the licensee  
12 or registrant, or any unlicensed person acting in a capacity in which  
13 a license from the Cemetery and Funeral Bureau is required, upon  
14 whom the duty of interment is imposed by law, who omits to  
15 perform that duty within a reasonable time is guilty of a  
16 misdemeanor that shall be punishable by imprisonment in a county  
17 jail not exceeding one year, by a fine not exceeding ten thousand  
18 dollars (\$10,000), or both that imprisonment and fine.

19 (c) In addition, any person, registrant, or licensee described in  
20 subdivision (a) or (b) is liable to pay the person performing the  
21 duty in his or her stead treble the expenses incurred by the latter  
22 in making the interment, to be recovered in a civil action.

23 SEC. 33. Section 8731 of the Health and Safety Code is  
24 amended to read:

25 8731. (a) The cemetery authority may appoint a board of  
26 trustees of not less than three in number as trustees of its  
27 endowment care fund. The members of the board of trustees shall  
28 hold office subject to the direction of the cemetery authority.

29 (b) If within 30 days after notice of nonreceipt by the Cemetery  
30 and Funeral Bureau or other agency with regulatory authority over  
31 cemetery authorities, the cemetery authority fails to file the report  
32 required by Section 7612.6 of the Business and Professions Code,  
33 or if the report is materially not in compliance with law or the  
34 endowment care fund is materially not in compliance with law,  
35 the cemetery authority may be required to appoint as sole trustee  
36 of its endowment care fund under Section 8733.5, any bank or  
37 trust company qualified under the provisions of the Banking Law  
38 (Division 1 (commencing with Section 99) of the Financial Code)  
39 to engage in the trust business. That requirement may be imposed  
40 by the Cemetery and Funeral Bureau or other agency with

1 regulatory authority over cemetery authorities, provided that the  
2 cemetery authority has received written notice of the alleged  
3 violation and has been given the opportunity to correct the alleged  
4 violation, and there has been a finding of a material violation in  
5 an administrative hearing.

6 (c) (1) Each member of the board of trustees shall provide  
7 signatory acknowledgment of understanding of the role of a trustee  
8 in managing trust funds in the following areas:

9 (A) Trustee duties, powers, and liabilities as contained in Part  
10 4 (commencing with Section 16000) of Division 9 of the Probate  
11 Code.

12 (B) Reporting and regulatory requirements contained in Article  
13 1.5 (commencing with Section 7611) of Chapter 12 of Division 3  
14 of the Business and Professions Code.

15 (C) Provisions related to the care of active cemeteries contained  
16 in Chapter 5 (commencing with Section 8700) of Part 3 of Division  
17 8.

18 (2) The signatory acknowledgment shall be retained by the  
19 cemetery authority during the duration of the trustee's term of  
20 office.

21 SEC. 34. Section 8778.5 of the Health and Safety Code is  
22 amended to read:

23 8778.5. Each special care trust fund established pursuant to  
24 this article shall be administered in compliance with the following  
25 requirements:

26 (a) (1) The board of trustees shall honor a written request of  
27 revocation by the trustor within 30 days upon receipt of the written  
28 request.

29 (2) Except as provided in paragraph (3), the board of trustees  
30 upon revocation of a special care trust may assess a revocation fee  
31 on the earned income of the trust only, the amount of which shall  
32 not exceed 10 percent of the trust corpus, as set forth in subdivision  
33 (c) of Section 2370 of Title 16 of the California Code of  
34 Regulations.

35 (3) If, prior to or upon the death of the beneficiary of a revocable  
36 special care trust, the cemetery authority is unable to perform the  
37 services of the special care trust fund agreement, the board of  
38 trustees shall pay the entire trust corpus and all earned income to  
39 the beneficiary or trustor, or the legal representative of either the  
40 beneficiary or trustor, without the imposition of a revocation fee.

1 (b) Notwithstanding subdivision (d) of Section 2370 of Title 16  
2 of the California Code of Regulations, the board of trustees may  
3 charge an annual fee for administering a revocable special care  
4 trust fund, which may be recovered by administrative withdrawals  
5 from current trust income, but the total administrative withdrawals  
6 in any year shall not exceed 4 percent of the trust balance.

7 (c) Notwithstanding Section 8785, any person, partnership, or  
8 corporation who violates this section shall be subject to disciplinary  
9 action as provided in Article 6 (commencing with Section 7686)  
10 of Chapter 12 of Division 3 of the Business and Professions Code,  
11 or by a civil fine not exceeding five hundred dollars (\$500), or by  
12 both, as determined by the Cemetery and Funeral Bureau and shall  
13 not be guilty of a crime.

14 SEC. 35. Section 8785 of the Health and Safety Code is  
15 amended to read:

16 8785. Any person, partnership, or corporation administering,  
17 managing, or having responsibility for endowment care or special  
18 care funds who violates the provisions of this chapter relating to  
19 the collection, investment, or use of those funds shall be punished  
20 either by imprisonment in a county jail for a period not exceeding  
21 six months or by fine not exceeding five hundred dollars (\$500),  
22 or by both such imprisonment and fine, or by imprisonment  
23 pursuant to subdivision (h) of Section 1170 of the Penal Code for  
24 16 months, or two or three years. If the violator is a cemetery  
25 licensee or the holder of a certificate of authority, he, she, or it  
26 shall be subject to disciplinary action as provided in Article 6  
27 (commencing with Section 7686) of Chapter 12 of Division 3 of  
28 the Business and Professions Code.

29 SEC. 36. Section 103775 of the Health and Safety Code is  
30 amended to read:

31 103775. (a) Every person, except a parent informant for a  
32 certificate of live birth and as provided in subdivision (b), who is  
33 responsible for supplying information who refuses or fails to  
34 furnish correctly any information in his or her possession that is  
35 required by this part, or furnishes false information affecting any  
36 certificate or record required by this part, is guilty of a  
37 misdemeanor.

38 (b) Every licensee or registrant pursuant to Chapter 12  
39 (commencing with Section 7600) of Division 3 of the Business  
40 and Professions Code, and the agents and employees of the

1 licensee, or any unlicensed person acting in a capacity in which a  
2 license from the Cemetery and Funeral Bureau is required, who  
3 is responsible for supplying information and who refuses or fails  
4 to furnish correctly any information in his or her possession that  
5 is required by this part, or furnishes false information with intent  
6 to defraud affecting a death certificate or record required by this  
7 part, is guilty of a misdemeanor that shall be punishable by  
8 imprisonment in a county jail not exceeding one year, by a fine  
9 not exceeding ten thousand dollars (\$10,000), or by both that  
10 imprisonment and fine.

11 SEC. 37. Section 103780 of the Health and Safety Code is  
12 amended to read:

13 103780. (a) Every person, except as provided in subdivision  
14 (b), who willfully alters or knowingly possesses more than one  
15 altered document, other than as permitted by this part, or falsifies  
16 any certificate of birth, fetal death, or death, or marriage license,  
17 or any record established by this part is guilty of a misdemeanor.

18 (b) Every licensee or registrant pursuant to Chapter 12  
19 (commencing with Section 7600) of Division 3 of the Business  
20 and Professions Code, and the agents and employees of the  
21 licensee, or any unlicensed person acting in a capacity in which a  
22 license from the Cemetery and Funeral Bureau is required, who  
23 willfully alters or knowingly possesses more than one altered  
24 document, other than as permitted by this part, or falsifies any  
25 certificate of death, is guilty of a misdemeanor that shall be  
26 punishable by imprisonment in a county jail not exceeding one  
27 year, by a fine not exceeding ten thousand dollars (\$10,000), or  
28 by both that imprisonment and fine.

29 SEC. 38. Section 5 of the Chiropractic Act, as amended by  
30 Section 1 of Chapter 533 of the Statutes of 1983, is amended to  
31 read:

32 *Sec.5:*

33 *Sec. 5.* (a) It shall be unlawful for any person to practice  
34 chiropractic in this state without a license so to do.

35 (b) Any person wishing to practice chiropractic in this state  
36 shall make application to the board 45 days prior to any meeting  
37 thereof, upon such form and in such manner as may be provided  
38 by the board.

1 (c) Proof of graduation from an approved chiropractic school  
2 or college, as defined in Section 4, must reach the board 15 days  
3 prior to any meeting thereof.

4 (d) On and after January 1, 2019, each application must be  
5 accompanied by the fee specified in subdivision (a) of Section  
6 ~~1007~~ 1006.5 of the Business and Professions Code.

7 (e) Except in the cases herein otherwise prescribed, each  
8 applicant shall present to the board at the time of making such  
9 application a diploma from a high school and a transcript of 60  
10 prechiropractic college credits satisfactory to the board, or proof,  
11 satisfactory to the board, of education equivalent in training power  
12 to such high school and college courses.

13 (f) The schedule of minimum educational requirements to enable  
14 any person to practice chiropractic in this state is as follows, except  
15 as herein otherwise provided:

- 16 Group 1
- 17
- 18 Anatomy, including embryology and histology.....14%
- 19
- 20 Group 2
- 21
- 22 Physiology.....6%
- 23
- 24 Group 3
- 25
- 26 Biochemistry and clinical nutrition.....6%
- 27
- 28 Group 4
- 29
- 30 Pathology and bacteriology.....10%
- 31
- 32 Group 5
- 33
- 34 Public health, hygiene and sanitation.....3%
- 35
- 36 Group 6
- 37
- 38 Diagnosis, dermatology, syphilology and geriatrics, and
- 39 radiological technology, safety, and interpretation.....18%
- 40



1	Group 7	
2		
3	Obstetrics and gynecology and pediatrics.....	3%
4		
5	Group 8	
6		
7	Principles and practice of chiropractic, physical therapy,	
8	psychiatry, and office procedure.....	25%
9		
10	Total.....	85%
11		
12	Electives.....	15%
13		

14 (g) Any applicant who had matriculated at a chiropractic college  
 15 prior to the effective date of the amendments to this section  
 16 submitted to the electors by the 1977–78 Regular Session of the  
 17 Legislature shall meet all requirements that existed immediately  
 18 prior to the effective date of those amendments but need not meet  
 19 the change in requirements made by said amendments.

20 SEC. 39. Section 12 of the Chiropractic Act, as amended by  
 21 Section 78 of Chapter 429 of the Statutes of 2017, is amended to  
 22 read:

23 Sec. 12. (a) Licenses issued under the provisions of this section  
 24 expire at 12 midnight on the last day of the month of birth of  
 25 licentiates of the board.

26 (b) The board shall establish regulations for the administration  
 27 of a birth month renewal program.

28 (c) A person practicing chiropractic within this state shall, on  
 29 or before the last day of the person’s month of birth of each year,  
 30 after a license is issued to the person under this act, pay to the  
 31 Board of Chiropractic Examiners the renewal fee specified under  
 32 subdivision (d).

33 (d) On and after January 1, 2019, the renewal fee shall be the  
 34 amount specified in subdivision (c) of Section ~~1007~~ 1006.5 of the  
 35 Business and Professions Code.

36 (e) The secretary shall mail to a licensed chiropractor in this  
 37 state, on or before 60 days prior to the last day of the month of the  
 38 licensee’s birth each year, a notice that the renewal fee will be due  
 39 on or before the last day of the next month following the licensee’s

1 birth. Nothing in this act shall be construed to require the receipts  
2 to be recorded in like manner as original licenses.

3 (f) The failure, neglect or refusal of a person holding a license  
4 or certificate to practice under this act in the State of California to  
5 pay the annual fee during the time the license remains in force  
6 shall, after a period of 60 days from the last day of the month of  
7 the licensee's birth, automatically work a forfeiture of the license  
8 or certificate, and it shall not be restored except upon the written  
9 application therefor and the payment to the board of a fee of twice  
10 the annual amount of the renewal fee in effect at the time the  
11 restoration application is filed except that a licensee who fails,  
12 refuses, or neglects to pay the annual tax within a period of 60  
13 days after the last day of the month of the licensee's birth of each  
14 year shall not be required to submit to an examination for the  
15 reissuance of the certificate.

16 SEC. 40. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.

**REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT**

1. Update on August 23, 2018 REC Meeting
2. Discuss and Possible Action on REC's Recommendations to the Board Regarding 2017-2018 Strategic Plan Objectives to:
  - a. Measure the Effectiveness of the Board's Citation Collection Methods as a Means of Protecting Future Consumers
  - b. Develop Educational Materials for Newly Licensed Architects to Provide More Information About the Requirements in Order to Avoid Future Violations
  - c. Determine the Necessity and Implementation Alternatives of a Licensure Fingerprint Requirement as a Means of Protecting Consumers
3. Discuss and Possible Action on REC's Recommendation to the Board Regarding Proposed Language to Amend Business and Professions Code (BPC) Section 5536.22 (Written Contract)

**UPDATE ON AUGUST 23, 2018 REC MEETING**

The Regulatory and Enforcement Committee met on August 23, 2018, in Sacramento. Attached is the meeting notice. Staff will provide an update on the meeting.

Attachment:

August 23, 2018 Notice of Meeting



# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.  
GOVERNOR

## NOTICE OF MEETING

### REGULATORY AND ENFORCEMENT COMMITTEE

*Action may be taken  
on any item listed on  
the agenda.*

#### Regulatory and Enforcement Committee Members

Barry Williams, Chair  
Robert C. Pearman, Jr., Vice-Chair  
Fred Cullum  
Robert De Pietro  
Robert Ho  
Gary McGavin  
Matthew McGuinness  
Michael Merino  
Sheran Voigt

**August 23, 2018**

**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 meeting as noted above.

#### Agenda

**10:00 a.m. - 2:00 p.m.**

**(or until completion of business)**

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Public Comment on Items Not on the Agenda  
*The Regulatory and Enforcement 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 August 24, 2017 Regulatory and Enforcement Committee Meeting Minutes
- D. Update on Board's Enforcement Program and Complaint, Citation, and Disciplinary Action Statistical Data and Information
- E. Discuss and Possible Action on the Following 2017-2018 Strategic Plan Objectives to:
  1. Update the *Building Official Information Guide* to Better Educate Local Building Officials on the Architects Practice Act
  2. Educate Consumers on the Standard of Care so They Understand What to Expect From an Architect When Choosing to Hire One

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)*

3. Measure the Effectiveness of the Board's Citation Collection Methods as a Means of Protecting Future Consumers
  4. Develop Educational Materials for Newly Licensed Architects to Provide More Information About the Requirements in Order to Avoid Future Violations
  5. Determine the Necessity and Implementation Alternatives of a Licensure Fingerprint Requirement as a Means of Protecting Consumers
- F. Discuss and Possible Action on Alternative Methods of Disclosure to Consumers That Architects are Licensed and Regulated by the Board
- G. 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 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 Committee are open to the public. This meeting will not be webcast. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the 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 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:

**Person:** Kristin Walker

**Telephone:** (916) 575-7203

**Email:** kristin.walker@dca.ca.gov

**Telecommunications Relay Service:** Dial 711

**Mailing Address:**

California Architects Board

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

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

## **Agenda Item H.2**

### **DISCUSS AND POSSIBLE ACTION ON REC'S RECOMMENDATIONS TO THE BOARD REGARDING 2017-2018 STRATEGIC PLAN OBJECTIVES TO:**

- a. Measure the Effectiveness of the Board's Citation Collection Methods as a Means of Protecting Future Consumers
- b. Develop Educational Materials for Newly Licensed Architects to Provide More Information About the Requirements in Order to Avoid Future Violations
- c. Determine the Necessity and Implementation Alternatives of a Licensure Fingerprint Requirement as a Means of Protecting Consumers

**DISCUSS AND POSSIBLE ACTION ON REC'S RECOMMENDATIONS TO THE BOARD REGARDING 2017-2018 STRATEGIC PLAN OBJECTIVES TO:**

**a. MEASURE THE EFFECTIVENESS OF THE BOARD'S CITATION COLLECTION METHODS AS A MEANS OF PROTECTING FUTURE CONSUMERS**

The Board's 2017-2018 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers.

The Board's overall citation collection rate over the past five years is approximately 59%, with collection rates of 81% for licensees and 43% for unlicensed individuals. Currently, if a licensee fails to satisfy a citation, the Board places a hold on his or her license preventing it from being renewed without payment of both the renewal fee and the administrative fine assessed (Business and Professions Code section 125.9(b)(5)).

However, the majority of the Board's outstanding, unpaid administrative fines are against unlicensed individuals, and some choose to ignore their citations, as they do not have licenses in jeopardy from failing to pay the administrative fines. The Board currently utilizes the Franchise Tax Board "Intercept Program" as an additional tool to collect unpaid administrative fines from unlicensed individuals, but the success in collecting fines through this program has not been significant, as the potential sources of recovery are limited to State tax refunds, Lottery proceeds, and unclaimed property.

The Board's prior Strategic Plan contained an objective to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties. Staff identified accounts that could be referred to a collection agency for full-service debt collection services, including "skip-tracing," credit reporting, and filing legal actions, as appropriate. Staff is working with the Department of Consumer Affairs to secure a contract with a collection agency through the informal solicitation method (Government Code section 14838.5) to allow the Board to refer unpaid accounts aged beyond 90 days to the agency. Staff is working with the Department of Consumer Affairs to initiate a contract with a collection agency. The contract is anticipated to be executed in early 2019.

At its August 23, 2018 meeting, the REC voted to recommend to the Board that this objective to measure the effectiveness of collection efforts be carried over to the next Strategic Plan for 2019-2020 until sufficient data to measure is captured.

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



**DISCUSS AND POSSIBLE ACTION ON REC'S RECOMMENDATIONS TO THE BOARD REGARDING 2017-2018 STRATEGIC PLAN OBJECTIVES TO:**

**b. DEVELOP EDUCATIONAL MATERIALS FOR NEWLY LICENSED ARCHITECTS TO PROVIDE MORE INFORMATION ABOUT THE REQUIREMENTS IN ORDER TO AVOID FUTURE VIOLATIONS**

The Board's 2017-2018 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to develop educational materials for newly licensed architects to provide more information about the requirements in order to avoid future violations.

The Board currently provides its Business Entity Report Form, information regarding the stamp requirements, *Consumer's Guide to Hiring an Architect*, *Consumer Tips for Design Projects*, Twitter card, and bookmark, to new licensees with the initial license.

In order to further educate new licensees about the Architects Practice Act (Act), staff created a draft *New Licensee Information Guide* (Attachment) outlining the: license renewal process and coursework provisions; mailing address and business entity reporting requirements; stamp and signature requirements; notification requirements for convictions, disciplinary actions, and judgments, settlements, or arbitration awards; most common violations of the Act; and Architect Consultants' Education and Information Program.

The REC reviewed and discussed the proposed content of the *New Licensee Information Guide* at its August 23, 2018 meeting and voted to approve the draft *Guide*, direct staff to work with Department of Consumer Affairs (DCA) legal counsel to obtain approval of the publication and present the publication to the Board at its next meeting. Following the meeting, DCA legal counsel reviewed and approved the proposed content of the *Guide*.

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

After the content of the *Guide* has been approved by the Board, staff intends to work with the DCA Office of Publications, Design & Editing on the graphic design and format of the publication. When finalized, this new publication would be distributed to each newly licensed architect with the initial license and posted on the Board's website.

Attachment:

*New Licensee Information Guide* (draft)

## NEW LICENSEE INFORMATION GUIDE

### **Introduction**

Congratulations on obtaining your California architect license! The California Architects Board (Board) created this Guide to assist you in understanding the Architects Practice Act (Act), Board regulations, and the various filing and notification requirements. However, this list is not intended to be inclusive of all requirements, so you should review the Act and regulations in their entirety to ensure compliance.

Provided below is a basic overview of the topics covered in this Guide:

<p><b>Laws and Regulations</b></p>	<p><u>Architects Practice Act</u> – Business and Professions Code (BPC) sections 5500-5610.7 <u>Board Regulations</u> – California Code of Regulations (CCR), title 16, division 2, sections 100-160</p>
<p><b>Address of Record</b> (BPC section 5558 and CCR, title 16, section 104)</p>	<p>The address of record is used for all Board correspondence. Immediately notify the Board of any changes to your address of record by submitting a Change of Address form.</p>
<p><b>Business Entity Information</b> (BPC section 5558 and CCR, title 16, section 104)</p>	<p>Licensees must file the proper and current name and address of the entity through which they provide architectural services by completing a Business Entity Report Form. Immediately notify the Board of any changes to your business entity information by submitting an updated form.</p>
<p><b>License Renewal Process</b> (BPC sections 5600-5600.4)</p>	<p>Licenses expire at midnight on the last day of the licensee’s birth month in odd-numbered years and must be renewed every two years by completing the required coursework and mailing a license renewal application with the renewal fee.</p>
<p><b>Continuing Education Coursework Requirement</b> (BPC section 5600.05)</p>	<p>Complete five hours of coursework on disability access requirements within the previous two years prior to license renewal. Maintain records of completion for two years from the date of license renewal and, if selected for an audit, provide those records to the Board.</p>
<p><b>Convictions or Disciplinary Actions by a Public Agency</b> (BPC section 5600(c))</p>	<p>A criminal conviction* or disciplinary action by a public agency must be disclosed to the Board on the license renewal application. * A conviction of an infraction with a fine of less than \$1,000 does not need to be reported unless the infraction involved alcohol or a controlled substance.</p>
<p><b>Judgment, Settlement, Arbitration Award, or Administrative Action of \$5,000 or Greater</b> (BPC section 5588)</p>	<p>Any civil action judgment, settlement, arbitration award, or administrative action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture resulting in a judgment, settlement, or arbitration award of \$5,000 or greater against the licensee must be reported to the Board within 30 days by completing a Report of Settlement or Arbitration Award Form.</p>

## **Laws and Regulations**

The Act, with Board regulations, can be found in BPC sections 5500-5610.7 and CCR, title 16, division 2, sections 100-160, respectively. Key provisions of the Act and regulations to be aware of include:

- **BPC Section 5500.1 – Practice of Architecture Defined**

Subdivision (a) defines the practice of architecture as “offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.”

Pursuant to BPC section 5500.1(b), an architect’s professional services may include any or all of the following:

1. Investigation, evaluation, consultation, and advice.
2. Planning, schematic and preliminary studies, designs, working drawings, and specifications.
3. Coordination of the work of technical and special consultants.
4. Compliance with generally applicable codes and regulations, and assistance in the governmental review process.
5. Technical assistance in the preparation of bid documents and agreements between clients and contractors.
6. Contract administration.
7. Construction observation.

It is important to note that the practice of architecture is not limited to “stamping and signing” documents.

- **BPC Section 5536.1 and CCR, Title 16, Section 136 – Stamp and Signature Requirement**

Architects are required to stamp and sign plans, specifications, and other instruments of service as evidence of their responsibility for those documents (BPC § 5536.1, subd. (a)).

BPC section 5536.1(b) specifies that the architect’s stamp must be of a design authorized by the board and contain the following:

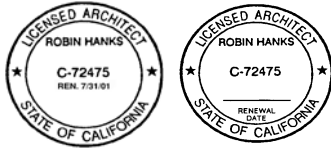
1. The legend “State of California”;
2. The term “Licensed Architect”;
3. The architect’s name (as licensed with the Board);
4. The architect’s license number; and
5. A means for noting the renewal date of the license.

The renewal date may be handwritten or typeset. The typeset version will require replacement every two years.

CCR, title 16, section 136 requires the stamp to be of a one-inch minimum to two-inch maximum diameter circular shape. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming

the circle. Embellishments (stars, graphic designs) are also acceptable as long as the stamp is legible. The stamp shall not be of the embossing type.

Provided below are basic examples of recommended formats for a California architect's stamp (CCR, title 16, § 136). Stamps can be ordered from any source—stationary stores, business supply houses, rubber stamp manufacturers, and print shops.



Note: The Board has not adopted any regulations that require a “wet” (original) stamp or signature or prohibit the use of an electronic stamp or signature.

- **BPC Section 5536.22 – Written Contract Requirement**

Pursuant to BPC section 5536.22(a), an architect must use a written contract when contracting to provide professional services to a client. The written contract must 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 must include, but is not limited to, all of the following items:

1. A description of services to be provided by the architect to the client.
2. A description of any basis of compensation applicable to the contract and method of payment agreed upon by both parties.
3. The name, address, and license number of the architect and the name and address of the client.
4. A description of the procedure that the architect and the client will use to accommodate additional services.
5. A description of the procedure to be used by either party to terminate the contract.

As outlined in BPC section 5536.22(b), this requirement does 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 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).

Note: The law does not preclude the architect or client from using or insisting there be a written contract for work that falls under one or more of these categories; it simply gives the client or the architect the option not to use one.

- **BPC Sections 5582 and 5582.1 and CCR, Title 16, Section 151 – Aiding and Abetting**

Licenses should be aware that the following actions constitute grounds for disciplinary action against a licensee, as outlined in BPC sections 5582 and 5582.1:

- Aiding or abetting in the practice of architecture any person not authorized to practice architecture under the provisions of this chapter.
- Affixing his or her signature to plans, drawings, specifications, or other instruments of service which have not been prepared by him or her, or under his or her responsible control.
- Permitting his or her name to be used for the purpose of assisting any person to evade the provisions of this chapter.

CCR, title 16, section 151(a) further states that aiding and abetting takes place when a licensed architect signs any instrument of service which has been prepared by any person who is not: (1) a California licensed architect or civil or structural engineer; (2) a subordinate employee under his or her immediate and responsible direction; or (3) an individual, who is associated by written agreement with the architect and who is under the architect's immediate and responsible direction.

- **CCR, Title 16, Section 160 – Rules of Professional Conduct**

The Board adopted the Rules of Professional Conduct to protect the public by setting out areas of behavior for which an architect risks being disciplined. Architects are required to comply with these rules covering competency, misconduct, conflict of interest, full disclosure, and copyright infringement. CCR, title 16, section 160 states:

A violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action. Every person who holds a license issued by the Board shall comply with the following:

(a) Competence:

- (1) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.
- (2) In addition to subsection (a)(1) above, when practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in this state under similar circumstances and conditions.

(b) Willful Misconduct:

- (1) In designing a project, an architect shall have knowledge of all applicable building laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations and shall not knowingly design a project in violation of such laws, codes and regulations.
- (2) Whenever the Board is conducting an investigation, an architect or a candidate for licensure shall respond to the Board's requests for information and/or evidence within 30

days of the date mailed to or personally delivered on the architect or a candidate for licensure.

(c) Conflict of Interest:

- (1) An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all such parties.
- (2) If an architect has any business association or financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the architect shall either terminate such association or interest or offer to give up the project or employment.
- (3) An architect shall not solicit or accept payments, rebates, refunds, or commissions whether in the form of money or otherwise from material or equipment suppliers in return for specifying their products to a client of the architect.
- (4) An architect shall not engage in a business or activity outside his or her capacity as an officer, employee, appointee, or agent of a governmental agency knowing that the business or activity may later be subject, directly or indirectly to the control, inspection, review, audit, or enforcement by the architect.
- (5) When acting as the interpreter of construction contract documents and the judge of construction contract performance, an architect shall endeavor to secure faithful performance of all parties to the construction contract and shall not show partiality to any party.

(d) Full Disclosure:

- (1) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is claiming credit.
- (2) An architect shall respond in writing within 30 days to any request from the Board for information solicited in connection with a candidate's application for a license to practice architecture. When providing information in connection with a candidate's application for a license to practice architecture, an architect shall accurately report the candidate's training or experience for the period of time that the architect had direct supervision of the candidate.

(e) Copyright Infringement:

- (1) An architect shall not have been found by a court to have infringed upon the copyrighted works of other architects or design professionals.

(f) Informed Consent:

- (1) An architect shall not materially alter the scope or objective of a project without first fully informing the client and obtaining the consent of the client in writing.

## **Address of Record**

A licensee's mailing address, commonly referred to as the "address of record," is public information. The Board sends all correspondence to the licensee's address of record, including notifications for license renewal, coursework audits, and complaints filed against the licensee.

Licenses must file their current mailing address with the Board and immediately notify the Board of any changes, giving both the old and new addresses (BPC section 5558 and CCR, title 16, section 104).

The Board provides a Change of Address Form available on its website to assist licensees in complying with this requirement.

## **Business Entity Information**

BPC section 5558 requires each licensee to report to the Board the name and address of the entity through which he or she provides architectural services. For reporting purposes, "architectural services" are those services defined in BPC section 5500.1(b).

The Board provides a Business Entity Report Form available on its website to assist licensees in complying with this reporting requirement.

All licensees who provide architectural services whether they are sole proprietors, owners, part-owners, or employees of a business entity are required to comply with this provision. This filing provides the public and Board with a means to determine if a business providing architectural services has an architect in responsible control.

Licenses must immediately notify the Board of any changes to the name or address of the business entity, giving both the old and new business names or addresses (CCR, title 16, § 104).

## **License Renewal Process**

California architect licenses expire at midnight on the last day of the licensee's birth month in odd-numbered years and must be renewed every two years.

Architects may renew their license by:

1. Completing continuing education coursework on disability access requirements within the previous two years as mandated by BPC section 5600.05 (see additional coursework information provided below);
2. Completing an Architect License Renewal Application;
3. Paying the \$300 license renewal fee; and
4. Mailing the signed original License Renewal Application and fee to the Board with a postmark on or before the license renewal date.

Renewing your license on time is critical. Renewal notices are sent to the licensee's address of record approximately 60 days prior to the expiration date. If a licensee does not receive the renewal notice within 30 days of the license expiration date, the licensee may renew by downloading an

Architect License Renewal Application from the Board's website, [cab.ca.gov](http://cab.ca.gov), and mailing the signed original renewal application and applicable renewal fee to the Board. Licensees may not submit a renewal application and payment more than 60 days before their current license period ends.

Please allow up to eight weeks for processing. The most frequent cause of delay in renewal processing is an incomplete renewal application. Be sure that your renewal application is complete and signed.

A licensee who has submitted a complete license renewal application prior to the expiration of the license may continue to engage in legal practice of the profession until receipt of the renewed license if the delay was not the fault of the licensee (BPC § 121). Please note that the safe harbor provision of BPC section 121 will not apply if the renewal application is untimely or incomplete.

### **Continuing Education Coursework Requirement**

Pursuant to BPC section 5600.05, architects must comply with the following as a condition of license renewal:

- Complete five hours of coursework on state and federal disability access requirements within the previous two years. The coursework must be presented by trainers or educators with knowledge and experience in the disability access requirements.
- Certify to the Board on the renewal application that he or she has completed the required coursework.
- Maintain records documenting completion of the required coursework for two years from the date of license renewal.
- Provide, upon request, records to the Board for auditing. Records must include the following:
  1. Course title;
  2. Subjects covered;
  3. Name of provider;
  4. Name of educator or trainer;
  5. Date of completion;
  6. Number of hours completed; and
  7. Statement about the trainer's or educator's knowledge and experience background.

Licensees are encouraged to complete these requirements timely in order to avoid a delay in the processing of their license renewal. Licensees who fail to complete the required coursework cannot renew their license or practice architecture until they have fulfilled these requirements.

The coursework on disability access requirements must include information and practical guidance concerning the requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws.

The Board does not have the authority to approve course providers or courses. Coursework on disability access requirements is available from a variety of sources. Below are some of the sources to assist architects in finding courses. However, the Board does not endorse any specific course or



provider. Other providers are available, including online providers. When selecting a course, be sure to choose one that the course content meets the requirements described above. Verify that the material is presented by trainers or educators with knowledge and expertise in disability access requirements.

- The American Institute of Architects, California Council  
(916) 448-9082  
aiacc.org
- California Building Officials  
(916) 457-1103  
calbo.org
- Division of the State Architect  
(916) 445-8100  
dsaacademy.dgs.ca.gov

You may also check with your local building department.

The Board conducts audits of completed coursework. Licensees who are selected for an audit will be required to submit coursework documentation confirming that they have fulfilled the requirement. Licensees must keep their coursework documentation for at least two years from the date of their license renewal (BPC § 5600.05(b)).

**Important:** Licensees who submit false or misleading information will be subject to an administrative citation, which may include an administrative fine or disciplinary action (BPC § 5600.05). Further, a failure to respond to the Board’s request for documentation may subject the licensee to disciplinary action.

### **Disclosure of a Criminal Conviction or Disciplinary Action by a Public Agency**

Each license renewal application includes the following 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 U.S.A. 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?*

If you are convicted of a crime\* or disciplined by a public agency, you must disclose the action to the Board by answering “Yes” to the question above on your license renewal application. You will then be contacted by the Board’s Enforcement Unit and you may be asked to submit additional information and/or documentation relating to the disclosed action.

\*“Conviction” includes a plea or verdict of guilty or a conviction following a plea of nolo contendere and any conviction that has been set aside or deferred pursuant to Penal Code (PC) section 1000 or 1203.4, including infractions, misdemeanors, and felonies. You do not need to report a conviction of an infraction with a fine of less than \$1,000 unless the infraction involved alcohol or a controlled substance. You must, however, disclose any convictions in which you

entered a plea or no contest and any convictions that were subsequently set aside or deferred pursuant to PC sections 1000 or 1203.4.

**Notification of a Judgment, Settlement, Arbitration Award, or Administrative Action of \$5,000 or Greater**

Licenses must report to the Board in writing within 30 days of the date the licensee has knowledge of any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture if the amount or value of the judgment, settlement, or arbitration award is \$5,000 or greater (BPC § 5588, subd. (a)).

The Board provides a Report of Settlement or Arbitration Award Form on its website to assist licensees in complying with this requirement.

It is important to note that the licensee is responsible for notifying the Board of the reportable event, and the failure of a licensee to report the event in the time and manner required by BPC section 5588(a) constitutes a ground for disciplinary action. (BPC § 5588, subd. (d).)

**Questions?**

If you have any questions about the Act, Board regulations, or the content of this Guide, please contact:

California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7203  
cab.ca.gov  
cab@dca.ca.gov

Additionally, through the Architect Consultants' Education and Information Program, the Board's architect consultants are available to discuss technical and/or practice-related issues with you. For further information, contact the Board's Enforcement Unit at (916) 575-7209.

**DISCUSS AND POSSIBLE ACTION ON REC'S RECOMMENDATIONS TO THE BOARD REGARDING 2017-2018 STRATEGIC PLAN OBJECTIVES TO:**

**c. DETERMINE THE NECESSITY AND IMPLEMENTATION ALTERNATIVES OF A LICENSURE FINGERPRINT REQUIREMENT AS A MEANS OF PROTECTING CONSUMERS**

The Board's 2017-2018 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers.

The Board does not have the statutory authority to use fingerprinting for background checks, and at this time, is 1 of 6 programs within the Department of Consumer Affairs' (DCA) 39 boards and bureaus without such authority. The Board currently relies on applicants and licensees to honestly disclose conviction information on their applications at the time they initially apply and renew.

Applicants are required to disclose whether they have ever been convicted of a crime, excluding a traffic infraction with a fine of less than \$1,000 or any incident that was sealed or disposed of under California Welfare and Institutions Code section 781 and California Penal Code sections 1000.3, 1000.5, or 1203.45, on the applications for eligibility, examination, and licensure. Similarly, on each license renewal application, licensees must disclose whether they have been convicted of a crime within the preceding renewal period, excluding an infraction with a fine of less than \$1,000 unless the violation involved alcohol or a controlled substance. Applicants and licensees are required to sign, under penalty of perjury, that all statements provided on the applications are true, correct, and contain no material omissions of fact.

The applications with conviction information indicated are referred to the Board's Enforcement Unit for review and possible disciplinary action. Staff determines, based on the Board's regulations and relevant statutes, whether the offense is related to the practice of architecture or to the applicant's or licensee's ability to practice architecture in the interest of the public health, safety, or welfare.

At the August 23, 2018 REC meeting, staff provided the REC with a presentation containing: the Board's review of applicant and licensee convictions; additional information regarding the state and federal criminal offender record information searches available through the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI); an overview of the licensure fingerprint requirements for all DCA boards and bureaus; and specific information regarding the Contractors State License Board's (CSLB) and the Board for Professional Engineers, Land Surveyors, and Geologists' (BPELSG) applicant fingerprint requirements.

The REC extensively discussed the necessity of a fingerprint requirement at the meeting and considered the health, safety, and welfare of the public, consumer protection, and potential impacts to applicants, licensees, and the Board. The REC recognized the benefit of a fingerprint requirement, but also noted:

1. There is a low percentage of the Board's applicant and licensee population with criminal records and most of those crimes are not substantially related to the qualifications, functions, or duties of an architect.

2. Applicants and licensees are already required to disclose convictions to the Board on their applications.
3. A fingerprint requirement would result in increased costs for applicants and licensees.
4. BPELSG and CSLB fingerprint their applicants, but only deny a negligible percentage of applications due to prior convictions.
5. The Texas Board of Architectural Examiners is the only architectural licensing board in the United States with a fingerprint requirement.
6. A fingerprint requirement would only apply to applicants and licensees, not unlicensed employees of architectural firms who may also enter consumers' homes and businesses.
7. Licensees who work on school projects where children are present are already required to have a background check conducted by submitting their fingerprints.

The REC ultimately concluded there is insufficient data to justify the need for fingerprinting at this time and voted to recommend to the Board that it not pursue a fingerprint requirement for applicants or licensees at this time unless mandated to do so.

At this meeting, staff will provide the Board with a presentation regarding the existing review process for applicant and licensee convictions, criminal offender record information searches through the DOJ and FBI, and fingerprint requirements for other DCA boards and bureaus and in other states. Following the presentation, the Board is asked to consider the REC's recommendation and take possible action.

Attachments:

1. Information Regarding Fingerprint Background Checks from DOJ's Website
2. Fingerprinting, Disclosure, and Background Review Information from CSLB's Website
3. Fingerprinting Frequently Asked Questions from BPELSG's Website



**XAVIER BECERRA**  
*Attorney General*

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## Fingerprint Background Checks

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The California Department of Justice (DOJ) is mandated to maintain the statewide criminal record repository for the State of California. In this capacity, sheriff, police and probation departments, district attorney offices, and courts submit arrest and corresponding disposition information. The DOJ uses this information to compile records of arrest and prosecution, known as "RAP sheets," for individuals and disseminates the information for law enforcement and regulatory (employment and licensing) purposes. RAP sheets are based upon fingerprint submissions, and therefore positively identified biometrically; a process by which a person's unique identity is confirmed.

Authorized by California statute, the DOJ has processed State of California and Federal Bureau of Investigation (FBI) fingerprint-based background checks for decades. While all criminal background check requests must be authorized by statute, some are mandatory while others are permissive. In the past few years there has been a heightened awareness of the availability of criminal background checks to aid in regulatory hiring decisions. Consequently, the number of requests for criminal background checks continues to increase exponentially. Today there are over 45,000 agencies authorized to perform background checks. DOJ technicians process approximately 2 million state level background checks and 1.2 million federal level background checks annually.

### Purpose of Background Checks

Securing a criminal background check prior to employment, licensure, or certification provides a hiring or licensing authority an important resource, which aids in the evaluation of the applicant. These applicants are often candidates for positions that place them in a position of trust for some of California's most vulnerable citizenry, elderly, and dependent adults and children. As such, it is vital for the hiring or licensing authority to be aware of specified active arrests or convictions. Entrusting applicants with the responsibility of the position prior to a criminal background check potentially jeopardizes the safety and integrity of the workplace and may leave some individuals exposed to unnecessary harm. Employment and licensing authorities may also face legal liability if applicants with specified active arrests or convictions are employed or licensed when statute prohibits such action based on the successful completion of a criminal background check.

### The Background Check Process

The background check process begins when an applicant agency provides an applicant with a **BCIA 8016, REQUEST FOR LIVE SCAN SERVICE** form. The applicant completes the form with his/her personal information and takes the form to a live scan operator where the applicant must provide the appropriate identification. *In California, fingerprinting must be performed by a certified fingerprint roller or qualified law enforcement personnel.*

### Fingerprints & Background Checks

[Fingerprints & Background Checks Overview](#)

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The live scan operator checks the applicant's identification, inputs the applicant's personal descriptor information, captures the applicant's fingerprints electronically, and transmits the data to the DOJ. At the conclusion of the session, the applicant should be provided an applicant transaction identifier (ATI) number, a number used to identify the transaction. The assignment of an ATI number, generated by the live scan device, does not necessarily mean the fingerprint images and personal information was submitted to the DOJ. Although the fingerprint images and personal information are to be transmitted to the DOJ within 24 hours, the actual transmission of the information to the DOJ is at the control of the live scan operator; and varies in timeliness.

Once the transaction is received by the DOJ, the fingerprint images are used to automatically search against all other fingerprint images in the fingerprint database. If there are no fingerprints matching the applicant's fingerprints, the transaction is generally processed electronically without technician intervention within 48 to 72 hours. If an applicant's fingerprints match fingerprints in the database, the associated RAP sheet must be reviewed by a technician. ***This is a manual process that can take an indeterminate amount of time.*** The applicant agency is automatically sent a delay notice response. Questions or status inquiries related to a delayed transaction cannot be responded to, as there is no pertinent information that can be statutorily provided until the manual review of the transaction is complete. The next communiqué the applicant agency will receive is the completed response.

A DOJ technician first reviews the RAP sheet to determine if there is a corresponding disposition for each arrest. If there is, the technician applies the dissemination criterion statutorily mandated for the applicant type, e.g., the type of employment, certification, or license, and prepares a background check response for the applicant agency pursuant to Penal Code section 11105 (k-p). The response may be sent electronically or via hard copy mail, depending on how the applicant agency requested to receive their responses.

If there is not a matching disposition for every arrest, the DOJ is mandated by statute and case law to perform a "genuine effort" to determine the disposition of each arrest that does not have a corresponding disposition. To fulfill this "genuine effort," the DOJ must contact the booking police or sheriff's department to determine who affected the arrest, and then the arresting agency is contacted to determine if the arrest was a "release detention only" encounter. Depending on what the technician learns, the DOJ may contact the District Attorney's office to determine if the arrest was referred for review or action and to determine if any action was taken or if the District Attorney's office declined to prosecute on the arrest. If there is no information available from the District Attorney's office, the DOJ will contact the court to determine if this arrest event was handled in their court and if there is a disposition of that arrest event. The probation department may also be contacted to gather any missing information. Each contact is accomplished via telephone call or fax request. The research is labor intensive on the part of these agencies contacted, and as such, sometimes they limit the number of information requests the DOJ may make to them each day. Once the "genuine effort" is fulfilled, the criminal history record is updated, the RAP sheet is reviewed again, the dissemination criterion applied, and the background check response is prepared and sent to the applicant agency.

## Federal Level (FBI) Background Checks

If an FBI criminal background check is requested, the fingerprint images are forwarded to the FBI to perform a fingerprint-based search of records in the national criminal history database. If the applicant's fingerprints match fingerprints in the national criminal history database, the FBI sends the DOJ a cumulative RAP sheet that contains criminal history information from any states or federal agencies that have reported the information to the FBI. If there is not a matching disposition for every out-of-state or

## Live Scan Information

Public Live Scan Sites

Live Scan Operators

federal arrest, the DOJ is again mandated by statute to perform the “genuine effort” to obtain the missing disposition information, just as with California arrests that are missing disposition information. Once the “genuine effort” is fulfilled, a DOJ technician must review the updated Rap sheet and prepare the background check response according to the statutory dissemination criterion.

## FBI Record Review Notification

Agencies authorized to submit fingerprints and receive FBI identification records must provide written notification to the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. These officials must also advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in Title 28, C.F.R., § 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so.

## Causes of and Preventing Delays

In addition to fingerprints matching CORI in the criminal history database, delays can be caused for a variety of other reasons; some of which occur before the transaction ever reaches the DOJ. For example, poor fingerprint quality or incorrect data in the electronic transaction can cause a delay.

Poor fingerprint quality means the fingerprint image is not as clear as it should be, which impacts the system’s ability to confirm or dismiss a potential fingerprint match. When the ambiguity is identified, the potential match or matches must be manually (visually) compared and verified before the transaction can be processed. It is also entirely possible that fingerprints accepted by the DOJ system could be rejected by the FBI, because the FBI uses a higher threshold (sensitivity when comparing one print to another) to define a match.

Incorrect data entries can be prevented by making sure the live scan operator has entered all the information provided on the **BCIA 8016, REQUEST FOR LIVE SCAN SERVICE** and that the information has been entered correctly. The applicant agency must also ensure they have provided complete and accurate information, specifically the applicant agency ORI (a unique code assigned by the DOJ), the name of the agency authorized to receive the CORI, mail code (a five-digit code assigned by the DOJ), the authorized type of applicant, and a description of the type of license, certification, or permit; also referred to as the working title of the applicant. If the description of the type of license, certification, or permit was assigned by the DOJ, it *must* be included in the submission exactly as it was assigned.

- If the “level of service” indicated on the form is “FBI”, the FBI may use the description to verify the agency is authorized to receive a background check response from them. If the FBI cannot verify the type of employment, license, certification, or permit (working title) transmitted to them, they will reject the transaction for confirmation and/or clarification. If this happens, the applicant must be fingerprinted a second time so the transaction can be resubmitted to the FBI by the DOJ.
- If the designated mail code is incorrect, the background check results will be sent to the incorrect agency; therefore, not received by the applicant agency.
- If the mail code is omitted, the background check results will be sent via hard copy mail to the applicant agency.

Fingerprint images can be rejected by the DOJ and/or the FBI. Fingerprints that are rejected twice by the DOJ due to poor print quality will be processed by the DOJ using the applicant's name to check the criminal history database for any existing criminal history. If an applicant's fingerprints are rejected twice by the FBI due to poor print quality, the form **BCIA 8020, REQUEST FOR APPLICANT NAME CHECK BY THE FEDERAL BUREAU OF INVESTIGATION (FBI)** must be submitted to the DOJ's FBI Response Unit by the applicant agency, to request a name check of the FBI national criminal history database. The FBI name check request must be received by the DOJ within 75 calendar days of the second rejection notice or the applicant will need to be reprinted. This allows the DOJ to process the request for the FBI name check and forward it to the FBI within the required 90 days. After 90 days, the FBI deletes the fingerprint background check transactions and considers the FBI background check request complete. The applicant has to be fingerprinted again, which starts the FBI fingerprint background check process over.

## Background Check Response

The results of background checks are sent to the agency (the agency who requested the criminal background check,) except where statutorily mandated. There are very few instances where statute mandates a second copy of the response be sent to another agency when certain conditions exist. For example, pursuant to Health and Safety Code 1522 *if there is no matching fingerprint in the criminal history database* a copy of the background check results is also sent to the community care licensing facility, foster family home, or a certified family home of a licensed foster family agency. The community care licensing facility, foster family home, or a certified family home of a licensed foster family agency is not considered an authorized applicant agency, such as the Department of Social Services is, and therefore, is **not** statutorily authorized to receive the results of a background check containing criminal history.

DOJ technicians are strictly prohibited from discussing an applicant's criminal record, neither can they provide legal advice or offer any other information related to the fingerprint background check itself. Pursuant to Penal Code section 11105 (t), if an adverse employment, licensing, or certification decision is made based on the results of the criminal history background check, the applicant agency must provide a copy of those results to the applicant immediately.

## Things You Should Know

**BACKGROUND CHECK STATUS:** The Applicant Background Check Status provides the applicant with a simplistic view of the fingerprint background check status; this status should not be construed as indication of the employment or licensing status. The review of an applicant's criminal history is only one piece of an agency's process in making a suitability determination. The Applicant Background Check Status is located at: <https://applicantstatus.doj.ca.gov/>. The ATI Number and Date of Birth are required to perform a search.

An applicant may otherwise request a status of their fingerprint background check only with the agency that requested their background check. Questions regarding the background check process will only be responded to if submitted by the agency's designated point-of-contact, referred to as their Custodian of Records.

**DISCREPANCIES:** If you believe there is a discrepancy in your criminal history record, you can obtain a copy of your California criminal history record by completing the form **BCIA 8016RR, REQUEST FOR LIVE SCAN SERVICE**. The form is available online by clicking on the link, Criminal Records - Request Your Own. After you receive the copy of your own criminal history record, you should review it, identify any incomplete, inaccurate, or missing court information, and follow up with the court where your case was



held to request the court submit any corrected information to the DOJ Bureau of Criminal Information and Analysis (BCIA). You should also follow the instructions in the letter included with your copy of your criminal history record for disputing inaccuracies. If you choose, you may designate your legal counsel to receive a copy of your criminal history record (pursuant to Penal Code section 11124.)

RECORD REVIEW AFTER RECEIVING A COPY OF YOUR BACKGROUND CHECK RESPONSE: If you, the applicant, wants to discuss your criminal history with a DOJ technician, you must first request a record review and obtain a copy of your criminal history record. This step is required because the background check results will only contain portions of your criminal history record the DOJ is authorized to release. The copy of your criminal history record you receive as a result of a record review will contain **all** the information on your criminal history record. The fingerprint-based record review copy of your criminal history record also protects you and ensures only rightful access to your criminal history.



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OFFICE OF THE ATTORNEY GENERAL**

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## Agenda Item H.2.c Attachment 2

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# Fingerprinting, Disclosure, and Background Review

**Pursuant to California law\*, all Contractors State License Board (CSLB) license applicants are required to submit a full set of fingerprints for criminal background check. Fingerprints are compared to the records of the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to determine if the applicant has a criminal history. The questions and answers below will guide you through the fingerprinting process and prevent unnecessary delays in processing your application.**

\*Business and Professions Code sections 144 and 7069, and California Code of Regulations sections 869.1, 869.2, 869.3, 869.4, and 869.5.

## Fingerprinting

### Who must be fingerprinted?

All applicants for license and each officer, partner, owner, and responsible managing employee, as well as home improvement salesperson applicants, must be fingerprinted. Individuals currently licensed by CSLB who do not apply for any changes to their license and applicants for a joint venture license are not required to be fingerprinted.

### How do I get fingerprinted?

After an application has been accepted by CSLB as complete (also known as "posted"), each individual listed on the application is sent instructions on the process for obtaining and submitting fingerprints and a "Request for Live Scan Service" (form BCII 8016). You must complete the third section (applicant information) in its entirety and take three copies of the completed form to a Live Scan station to have your fingerprints processed and submitted to DOJ and FBI. Live Scan fingerprinting services are available at most local police and sheriff departments, and any public Live Scan site. A listing of Live Scan locations is available at: <http://caag.state.ca.us/fingerprints/publications/contact.htm>.

Please see information below for out-of-state applicants who must submit hard copy fingerprints.

### What do I do with the three copies of the Request for Live Scan Service forms after being fingerprinted?

The first copy of the form will be retained by the Live Scan operator. You should retain the second copy of the form for your records. You must submit the third copy of the form to CSLB within 90 days after you receive the packet that contained the Request for Live Scan Service form. Failure to do so may result in your application being voided.

### Is there a cost for fingerprinting?

Yes, you are required to pay the Live Scan operator the \$32 DOJ fingerprint processing fee and the \$17 FBI fingerprint processing fee, as well as the Live Scan "rolling" fee. NOTE: The rolling fees vary because each Live Scan location sets its own fee—CSLB does not set the price. The listing of Live Scan locations includes information about the rolling fee.

### What if I'm located outside of California or do not have access to a Live Scan facility?

A. If you do not live in California and do not plan to come to California during the application process, or if you do not have access to a Live Scan site, you will be fingerprinted using hard copy fingerprint cards. For out-of-state residents, the hard copy cards automatically will be generated and sent after your application has been posted. For California residents who do not have access to

a Live Scan site, you may contact CSLB's automated telephone system at (800) 321-CSLB (2752) to request hard copy fingerprint cards. When the system answers, press 2-1-4 and provide the requested information. Hard copy fingerprint cards will be sent to you. You must take the cards to a **law enforcement agency within the United States** to have your rolled fingerprints. Return the cards with the required processing fee of \$49 to CSLB for submission to DOJ and FBI. You also may be charged a "rolling" fee by the agency providing the service. **Please note that the processing time required for hard copy fingerprint cards is substantially longer than Live Scan fingerprinting, taking three to six months or longer.**

I have heard about applicants who had their fingerprints rejected or who had "delays" through DOJ or FBI— what does this mean?

Fingerprint submissions may be rejected if there is a problem with quality of the fingerprint image— whether Live Scan or hard copy cards. Applicants who have had their fingerprints rejected will be asked to make a second attempt at fingerprinting. If there is a second rejection, CSLB will request that DOJ and/or FBI do a name check, which can be a lengthy process.

Delays may occur if DOJ and/or FBI are researching an issue, which also can be a lengthy process. The outcome of a delay may be a clear record or a conviction record.

What can I do to prevent any unnecessary delays with my application?

The number one reason that an application may be denied is the applicant's failure to accurately disclose his/her conviction record. Therefore, checking the application's "Yes" boxes, when appropriate, and providing the required information regarding each conviction are the most important things that an applicant can do to avoid unnecessary delays. In addition, please respond promptly if contacted by CSLB's Criminal Background Unit staff.

#### APPLICATION - DISCLOSURE

I only have misdemeanor convictions from many years ago—do I need to check the "Yes" box on the application's conviction question (Question #11)?

Yes, if you have any conviction of any kind (misdemeanor, felony, etc.), regardless of the nature of the conviction or when the conviction occurred, you must check the "Yes" box and provide the requested information. A conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Please be aware that if you have any criminal record, all convictions are reported to CSLB, including those that have been sealed, expunged, or reduced under Penal Code section 1203.4 or an applicable code of another state. Failure to disclose all convictions is falsification of the application, which was signed under penalty of perjury, and is grounds for denial.

What information/records should I provide with my application if I have a criminal conviction and how should I provide it?

You must start by checking the "Yes" box for Question #11 (regarding applicants' convictions) on the application. You are required to attach a statement disclosing all pleas/convictions, including laws violated, and thoroughly explain in your own words the acts or circumstances that resulted in the plea/conviction. In addition, the following must be included for each plea/conviction: date of the plea/conviction, county and state where the violation took place, name of the court, court case number, sentence imposed, jail/prison term served, terms and conditions of parole or probation, parole or probation completion dates, and parole agent/probation officer names and phone numbers. You may submit the required information using the "Disclosure Statement Regarding Criminal Plea/Conviction" form. Applicants also may be asked to provide certified copies of the court records, including the complaint, complete docket, judgment and sentence, and probation reports, if any, for all convictions. You also may be asked to provide copies of police and/or other investigating agency reports, as well as certified copies of decisions from other state or federal agencies, if applicable. Providing these documents will assist CSLB in processing your application as quickly as possible.

How can I demonstrate rehabilitation?

Applicants are given the opportunity to explain any criminal conviction. You may be asked to do this in writing. In addition to providing an explanation, you may provide evidence of rehabilitation such as counseling, gainful employment, completion of an appropriate rehabilitation program, etc. See CCR section 869 for CSLB's regulation on criteria for rehabilitation at <http://www.cslb.ca.gov/GeneralInformation/Library/Laws/SubstantialRelationshipApproved.asp>.

Applicants who still are on probation after a conviction, particularly a felony conviction, should be aware that they may experience more difficulty in demonstrating rehabilitation, due, in part, to the limited amount of time that has elapsed since the conviction.

## CRIMINAL BACKGROUND REVIEW - PROCESS AND TIMELINES

### What happens if I have a criminal record?

Just because you have been convicted of a crime does not automatically mean your application will be denied. CSLB's Criminal Background Unit (CBU) reviews all criminal convictions to determine if the crime is substantially related to the duties, qualifications, and/or functions of a contractor. Since no two conviction records are the same, they are reviewed on a case-by-case basis. The criteria used by CSLB include whether the crime shows the present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare. In addition, CSLB reviews and considers any evidence of rehabilitation submitted by the applicant or licensee. Please see the above link to the California Code of Regulations sections 868 and 869 for more specific information on the criteria for determining substantial relationship and rehabilitation.

Depending on the conviction record, CBU may either clear an applicant for further processing toward licensure or request additional documentation or statements from the applicant that may be necessary for a thorough evaluation of the applicant's criminal record. Upon completion of the CBU review, there will be one of three outcomes:

- 1) the record is cleared for further processing toward licensure, or
- 2) the applicant is offered a probationary license for a specified term in lieu of denial, pursuant to Business and Professions Code section 7073 (see below), or
- 3) the application is denied based on the applicant's criminal conviction history.

### What kinds of convictions might cause the denial of an application for licensure?

As stated above, since no two conviction records are the same, CBU reviews conviction records on a case-by-case basis. A single conviction of one type may be cleared on one application, while that same type of conviction may be cause for denial on another application when there are multiple occurrences of the same conviction or when combined with other convictions. The primary factors in the evaluation of conviction records are the nature and severity of the crimes, the amount of time that has elapsed since the conviction, and any rehabilitation that has been demonstrated by the applicant.

Convictions may be deemed substantially related to the contracting business for numerous reasons—substantial relationship does not mean solely that the crime must have occurred on a job site or involve financial matters. While those types of convictions may be substantially related, many other convictions may be considered substantially related to the contracting business because they may indicate the present or potential unfitness (in relation to the public health, safety, or welfare) of an applicant to hold a license.

### What is a probationary license that may be issued pursuant to Business and Professions Code section 7073?

In some cases, based on the applicant's criminal record, CBU may offer an applicant the opportunity to be issued a probationary license in lieu of denying the license because of a criminal conviction. The issuance of this probationary license is authorized by subsection (e) of Business and Professions Code section 7073, which states, in part, that in lieu of denying a license, a probationary license may be issued with terms and conditions. It is a fully functioning license that will remain on probationary status for a set period of time—typically two to four years.

### What are my rights if CSLB denies my application for licensure because of a criminal conviction?

If CSLB determines that an applicant is not qualified to receive a license at the present time due to prior criminal conviction(s), he/she has the right to request a hearing on the decision. This request must be submitted to CSLB in writing no later than 60 days after the date of the decision to deny. These rights are stated in Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. Failure to request a hearing in a timely manner results in the applicant losing the right to a hearing. Please note that there can be lengthy delays before a hearing is scheduled.

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Contractors State License Board



## Fingerprinting FAQ's

### Why is the Board requiring applicants to be fingerprinted?

The mission of the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is to diligently protect the life, health, property, and welfare of the public. By conducting a background check for licensees, the Board ensures standards for licensure and actively enforces laws and regulations while educating licensees and consumers.

Title 16, California Code of Regulations (CCR) Sections 420.1 and 3021.1 read, in part, “Pursuant to Section 144 of the Business and Professions Code (B&P Code), the Board has authority to obtain and review criminal offender record information.” Please refer to 16 CCR §420.1 and 16 CCR §3021.1 for further information.

### Who must be fingerprinted?

16 CCR §420.1(g) states that “This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 6750, 6758, 6759, 6760, 6763, 6796.3, 8740, 8746, 8748, and 8803 of the Business and Professions Code and Section 424.5 of Division 5 of Title 16 of the California Code of Regulations.”

16 CCR §3021.1(g) states that “This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, 7846, 7847, 7848, 7848.1, and 7884 of the Business and Professions Code.”

### What if I don't want to be fingerprinted?

16 CCR §420.1(e) and 16 CCR §3021.1(e) state, “Failure to comply with the requirements of this section renders the application for license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.”

I am applying for an EIT/LSIT/GIT certificate, which is not a license. Do I still have to be fingerprinted?

Yes. 16 CCR §420.1(h) and CCR §3021.1(h) read, in part, “As used in this section, “license” includes certification as ...” an engineer-in-training or a land surveyor-in-training or a geologist-in-training.

## Once I am fingerprinted for EIT/LSIT/GIT will I have to get fingerprinted again when I apply for my PE/PS/PG license?

No. Once you have submitted fingerprints to the Board and they have been verified as valid, you do not need to submit fingerprints again with subsequent applications.

## I HAVE ALREADY SUBMITTED FINGERPRINTS TO THE BOARD FOR A PREVIOUS APPLICATION, DO I NEED TO SUBMIT THEM FOR EACH SUBSEQUENT APPLICATION THAT I FILE WITH THE BOARD?

No. Once you have submitted fingerprints to the Board and they have been verified as valid, you do not need to submit fingerprints again with subsequent applications.

## How do I get fingerprinted?

In California, the process is completed using Live Scan, which is an electronic fingerprinting process. Your prints will be sent to both the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to search for any criminal history. Out-of-state applicants may submit the traditional paper fingerprint cards approved to be used in California (see question below) or come to California to use Live Scan.

- ▶ [Live Scan Form](#)
- ▶ [Live Scan Locations](#)
- ▶ [Request Fingerprint Cards](#)

## I don't live in California; how can I get paper fingerprint cards?

If you live out-of-state, you may request a set of fingerprint cards via our [online request form](#). You will receive two (2) traditional paper fingerprint cards approved to be used in California. Please allow up to 10 business days to receive the fingerprint cards in the mail.

You will take the fingerprint cards to your local law enforcement agency to have your fingerprints rolled (a rolling fee may be required). **Both** fingerprint cards **must be** submitted to the Board upon submittal of application for licensure or certification. The background check must be completed before a license or certificate can be issued.

## Do I have to pay for the fingerprint process?

Yes. 16 CCR 420.1(c) and 16 CCR 3021.1(c) state, “The applicant shall pay any costs for furnishing the fingerprints and conducting the searches.” If you live in California, you are required to pay the Live Scan operator the \$49 processing fees (\$32 DOJ and \$17 FBI), as well as the Live Scan “rolling” fee. The rolling fees vary because each Live Scan location sets its own fee. The listing of [Live Scan Locations](#) includes information about the rolling fee for each location.

If you live out-of-state and are using fingerprint cards, you would pay the rolling fee to the law enforcement agency that is rolling your prints. Send both cards back to the Board with a check or money order for \$49 to cover the processing fees (\$32 DOJ and \$17 FBI) along with your application.

## Do I send separate checks for fingerprints and the application, or can I write one check for the total amount owed?

One check is preferred.

## I have already been fingerprinted previously from another agency/entity; can the Board for Professional Engineers, Land Surveyors, and Geologists access those prints?

No. Federal law allows a Criminal Records Report to be released only to the requesting agency. You will need to undergo the fingerprinting and criminal history check process again specifically for the Board for Professional Engineers, Land Surveyors, and Geologists.

## Do I have to get fingerprinted if I am renewing my license?

No. At this time the law only provides that any “New” applicants for licensure furnish a full set of fingerprints.

## What do I do if my fingerprints get rejected?

You will be contacted by our office with instructions for you to follow based on the reason for rejection.

## Questions About Criminal Convictions



## Must I disclose all criminal convictions, even minor offenses in college?

You must disclose all convictions as well as all cases in which you pled guilty or nolo contendere, even if they have been dismissed or expunged pursuant to Section 1203.4 of the Penal Code. Please refer to 16 CCR §416 and §3060 for more information regarding criminal convictions. Applicants should be aware that the Board receives information regarding actions that have been dismissed or expunged, and the application forms advise applicants to disclose all prior convictions including those that have been dismissed or expunged. **If in doubt as to whether a conviction should be disclosed, it is best to disclose the conviction on the application.** Please be aware, the Board will be notified of all future criminal actions through subsequent reports from the DOJ and/or FBI.

## What happens if I fail to disclose information on a criminal conviction?

As an applicant, you are personally responsible for all information disclosed on your application. Failure to disclose a conviction is considered to be a violation of the law. Failure to disclose a conviction may subject you to disciplinary action up to and including denial of licensure/certification or revocation of the license/certificate if the failure to disclose is discovered after the license/certificate is issued.

## What information/records should I provide with my application if I have a criminal conviction and how should I provide it?

You must respond "Yes" when asked if you have committed of a crime in Section 4 of the application even if it was expunged or dismissed (see answer above). You are required to attach a written statement disclosing all pleas/convictions and thoroughly explain in your own words the acts or circumstances which resulted in the plea/conviction.

Applicants **must** also provide **certified copies** of the court records, including the complaint, complete docket, judgment and sentence and probation reports, if any, for all convictions. You may also be asked to provide copies of police and/or other investigating agency reports, as well as certified copies of decisions from other state or federal agencies, if applicable. Providing these documents will assist the Board in processing the application as quickly as possible.

## I was arrested but not convicted of a crime. How should I respond to the criminal Record question?

You are not required to disclose an arrest which did not result in a conviction.

## How might a criminal conviction affect my application for licensure or certification?

The Board is unable to provide legal advice to applicants or their representatives. Every situation is unique and is addressed on an individual basis at the time the application is reviewed. The Board reviews each conviction based not only on the conviction itself in relation to the statutes, but also on the underlying issues that led to the conviction.

A conviction that does not, at first glance, appear to be substantially related to the qualifications, functions or duties of an engineer, land surveyor, or geologist may, under closer scrutiny, be revealed otherwise. All information related to an applicant's criminal history is considered. The specific conviction; when it occurred; the circumstances surrounding the conviction; the number of convictions; compliance with the court's terms and conditions; and rehabilitation are all factors considered when determining an applicant's eligibility for licensure. Further information can be found in the regulations relating to Substantial Relationship Criteria, 16 CCR §416 and 16 CCR §3060, and Criteria for Rehabilitation, 16 CCR §418 and 16 CCR §3061.

## How can I demonstrate rehabilitation?

Applicants are given the opportunity to explain any criminal conviction. You may be asked to do this in writing. In addition to providing an explanation, you may provide evidence of rehabilitation such as counseling, gainful employment, completion of an appropriate rehabilitation program, etc.

Further information can be found in the regulations relating to Criteria for Rehabilitation, 16 CCR §418 and 16 CCR §3061.

## What if I get denied licensure?

If your application has been denied, you have the right to appeal the denial by requesting a Statement of Issues hearing, pursuant to the California Administrative Procedure Act (Government Code section 11370, et seq.). Engineering and land surveying applicants must submit a written request for a hearing within 60 days of the date of denial, pursuant to 16 CCR §429 (e). Geologist and geophysicist applicants must submit a written request for a hearing within 30 days of the date of denial, pursuant to B&P Code §7855.

## What can I do to ensure that my application will not experience any unnecessary delays?

Please be aware that the number one reason that an application may be denied is the applicant's failure to accurately disclose his/her conviction record. Therefore, checking the

"Yes" box when appropriate and providing the required information regarding each conviction are the most important things that an applicant can do to avoid unnecessary delays. In addition, responding promptly if contacted by staff will help.

## I still have more questions. How can I obtain more specific information?

If you have any other questions about the fingerprint process you can contact Cheryl Guidi, our fingerprint coordinator, by email at [bpelsg.fingerprint.questions@dca.ca.gov](mailto:bpelsg.fingerprint.questions@dca.ca.gov) or by calling (916) 263-2325.



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### **DISCUSS AND POSSIBLE ACTION ON REC'S RECOMMENDATION TO THE BOARD REGARDING PROPOSED LANGUAGE TO AMEND BUSINESS AND PROFESSIONS CODE (BPC) SECTION 5536.22 (WRITTEN CONTRACT)**

The Board's 2015-2016 Strategic Plan contained 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.

BPC section 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.

A proposal was previously 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 section 5536.22 sought 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 the proposal was substantive and, as such, would need to be included in another bill.

At its April 28, 2016 meeting, the REC accepted staff's recommendation to also include a: 1) statement identifying the ownership and/or use 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 section 5536.22. Staff developed proposed language for BPC section 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 term "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 section 5536.22 with the words "concerns about" instead of "complaints concerning" in the proposed subsection (a)(9).

The Board considered the REC's recommendation at its December 15, 2016 meeting and approved the proposed language to amend BPC section 5536.22 with the exception of the proposed subsection (a)(9); the Board returned subsection (a)(9) to the REC for further study and consideration of alternative methods of disclosure.

At its August 23, 2018 meeting, the REC reviewed the proposed subsection (a)(9), discussed the Board's and REC's prior issues regarding the phrase "Any questions or concerns about an architect may be referred to the California Architects Board," and noted the potential challenges with

including subsection (a)(9) in a written contract with a public agency, as the public agencies, not the architects, typically provide the architectural services contracts for public works projects. The REC supported revising the proposed notification in subsection (a)(9) to state: “Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.”

The REC ultimately voted to recommend to the Board that it approve revised wording of subsection (a)(9) (highlighted) in the proposed language to amend BPC section 5536.22 (Attachment 1) and consider exempting public agency contracts from the requirement(s) in subsection (a)(9) or all of subdivision (a).

Staff reviewed the written contract requirements for landscape architects (Attachment 2) and professional engineers (Attachment 3), which include an exemption for professional services rendered to a public agency, and recommends the Board consider including a similar provision, subsection (b)(5), in the proposed language to amend BPC section 5536.22. Staff also recommends changing the minimum type size from 10-point to 12-point for consistency with current accessibility requirements (see highlighted proposed changes in Attachment 1).

At this meeting, the Board is asked to consider the REC’s and staff’s recommendations regarding the proposed language to amend BPC section 5536.22 and take possible action.

The Board’s proposal to amend BPC section 5536.22 is planned to be presented to the Legislature for consideration via the “New Issues” section of the Sunset Review Report.

Attachments:

1. Proposed Language to Amend BPC Section 5536.22
2. BPC Section 5616 (Written Contract Requirement for Landscape Architects)
3. BPC Section 6749 (Written Contract Requirement for Professional Engineers)

**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.
  - (~~2~~3) A description of any basis of compensation applicable to the contract and the method of payment agreed upon by both parties.
  - (~~3~~4) The name, address, and license number of the architect, and the name and address of the client and the project address.
  - (~~4~~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.
  - (~~5~~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.
  - (9) A statement in at least 1012-point type that reads: "Architects are licensed and regulated by the California Architects Board. Any questions or concerns about an architect may be referred to the California Architects Board, located at 2420 Del Paso Road, Suite 105, Sacramento, 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).
  - (5) Professional services rendered by an architect to a public agency.

**BUSINESS AND PROFESSIONS CODE SECTION 5616 (WRITTEN CONTRACT REQUIREMENT FOR LANDSCAPE ARCHITECTS)**

- (a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape 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:
- (1) A description of services to be provided by the landscape architect to the client.
  - (2) A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract, and the method of payment agreed upon by both parties.
  - (3) A notice that reads:  
“Landscape architects are licensed by the State of California.”
  - (4) The name, address, and license number of the landscape architect and the name and address of the client.
  - (5) A description of the procedure that the landscape architect and client will use to accommodate additional services.
  - (6) A description of the procedure to be used by either party to terminate the contract.
- (b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with this section is not required.
- (c) This section shall not apply to any of the following:**
- (1) Professional services rendered by a landscape 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 landscape architect’s services are of the same general kind that the landscape architect has previously rendered to, and received payment for from, the same client.
  - (3) Professional services rendered by a landscape architect to any of the following:**
    - (A) A landscape architect licensed under this chapter.
    - (B) An architect licensed under Chapter 3 (commencing with Section 5500).
    - (C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).
    - (D) A contractor licensed under Chapter 9 (commencing with Section 7000).
    - (E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).
    - (F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).
    - (G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.
    - (H) A public agency.**
- (d) As used in this section, “written contract” includes a contract that is in electronic form.



**BUSINESS AND PROFESSIONS CODE SECTION 6749 (WRITTEN CONTRACT REQUIREMENT FOR PROFESSIONAL ENGINEERS)**

(a) A professional engineer shall use a written contract when contracting to provide professional engineering services to a client pursuant to this chapter. The written contract shall be executed by the professional engineer and the client or the client's representative prior to the professional engineer 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:

- (1) A description of the services to be provided to the client by the professional engineer.
- (2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.
- (3) The name, address, and license or certificate number of the professional engineer, and the name and address of the client.
- (4) A description of the procedure that the professional engineer and the client will use to accommodate additional services.
- (5) A description of the procedure to be used by both parties to terminate the contract.

(b) This section shall not apply to any of the following:

- (1) Professional engineering services rendered by a professional engineer for which the client will not pay compensation.
- (2) A professional engineer who has a current or prior contractual relationship with the client to provide engineering services, and that client has paid the professional engineer all of the fees that are due under the contract.
- (3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.

(4) Professional engineering services rendered by a professional engineer to any of the following:

- (A) A professional engineer licensed or registered under this chapter.
- (B) A land surveyor licensed under Chapter 15 (commencing with Section 8700).
- (C) An architect licensed under Chapter 3 (commencing with Section 5500).
- (D) A contractor licensed under Chapter 9 (commencing with Section 7000).
- (E) A geologist or a geophysicist licensed under Chapter 12.5 (commencing with Section 7800).
- (F) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with or incidental to the products, systems, or services of that corporation or its affiliates.

(G) A public agency.

(c) "Written contract" as used in this section includes a contract that is in electronic form.

**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT**

1. Update on July 20, 2018 LATC Meeting
2. Review and Possible Action on LATC's Recommendation to the Board Regarding Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)
3. Review and Possible Action on LATC's Recommendations to the Board Regarding 2017-2018 Strategic Plan Objectives to:
  - a. Research the Possibility of Enhancing the Statutory Written Contract Requirement to Include a Consumer Notification to Enhance Consumer Education
  - b. Follow the Board's Determination Regarding the Necessity for a Licensure Fingerprint Requirement and the Alternatives for Implementation as a Means of Protecting Consumers

**UPDATE ON JULY 20, 2018 LATC MEETING**

The LATC met on July 20, 2018, in San Diego at Woodbury University. Attached is the meeting notice. LATC Program Manager, Brianna Miller, will provide an update on the meeting.

Attachment:

July 20, 2018 Notice of Meeting

**NOTICE OF MEETING**  
**Landscape Architects Technical Committee**

**LATC MEMBERS**

Patricia Trauth, Chair  
Marq Truscott, Vice Chair  
Andy Bowden  
Susan M. Landry  
David Allen (DJ) Taylor, Jr.

**July 20, 2018**

*Action may be  
taken on any  
item listed on  
the agenda.*

**Woodbury University  
Showroom  
2212 Main Street  
San Diego, CA 92113  
(619) 235-2900 or (916) 575-7230 (LATC)**

The Landscape Architects Technical Committee (LATC) will hold a meeting, as noted above.

**Agenda**

**10:00 a.m. – 3:30 p.m.**  
**(or until completion of business)**

- 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 the 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 4, 2018 LATC Meeting Minutes
- E. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs
- F. Presentation Regarding the Model Water Efficient Landscape Ordinance (MWELo) by Julie Saare Edmonds, Senior Environmental Scientist of the California Department of Water Resources
- G. Discuss and Possible Action on LATC's Certification of Experience Form to Incorporate Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620 (Education and Training Credits)
- H. Discuss and Possible Action on CCR, Title 16, Division 26, Article 1, Section 2620.5 (Requirements of an Approved Extension Certificate Program)

*(Continued)*

- I. Council of Landscape Architectural Registration Boards (CLARB)
  - 1. Review CLARB September 27-29, 2018 Annual Meeting Agenda
  - 2. Review and Possible Action on 2018 CLARB Board of Directors and Committee on Nominations Elections Ballot
  - 3. Review and Possible Action on Resolution to Approve Proposed Amendments to CLARB Bylaws
  
- J. Discuss and Possible Action on 2017-2018 Strategic Plan Objectives to:
  - 1. Revisit Development of the Annual Enforcement Report Using the Board as a Model to Assess the Effectiveness of Consumer Protection Efforts
  - 2. Review Data Respective to Unlicensed Activity and Licensee Violations to Identify if Trends Exist in Order to Shape Consumer Education and Enhance Enforcement Efforts
  - 3. Research the Possibility of Enhancing the Statutory Written Contract Requirement to Include a Consumer Notification to Enhance Consumer Education
  
- K. Discuss and Possible Action on LATC's 2018 Sunset Review Report and Member Administrative Procedure Manual
  
- L. Review of Future LATC Meeting Dates
  
- M. Adjournment

The notice and agenda for this and other meetings of the LATC can be found on the LATC's website: [latc.ca.gov](http://latc.ca.gov). For further information regarding this agenda, please see below, or you may contact Tremaine Palmer at (916) 575-7233.

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 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 Committee are open to the public. This meeting may be webcast. Webcast availability cannot be guaranteed due to limitations on 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 the physical location.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the 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 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)).

*(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:

**Person:** Tremaine Palmer

**Telephone:** (916) 575-7233

**Email:** [tremaine.palmer@dca.ca.gov](mailto:tremaine.palmer@dca.ca.gov)

**Telecommunication Relay Service:** Dial 711

**Mailing Address:**

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

***Protection of the public shall be the highest priority for the 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).***

### **REVIEW AND POSSIBLE ACTION ON LATC'S RECOMMENDATION TO THE BOARD REGARDING PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTIONS 2615 (FORM OF EXAMINATIONS) AND 2620 (EDUCATION AND TRAINING CREDITS)**

The Landscape Architects Technical Committee's (LATC) 2017-2018 Strategic Plan contains objectives to expand pathways to both initial and reciprocal licensure by exploring requirements for applicants who have degrees related to the field of landscape architecture or experience-only. Currently, applicants for both initial and reciprocal licensure must verify a minimum of six years of combined education and training credit. Education credit may be granted for either a degree or approved extension certificate in landscape architecture, or a degree in architecture accredited by the National Architectural Accreditation Board (NAAB).

At its December 7, 2017 meeting, the Board reviewed and approved LATC's proposal to amend CCR section 2620 which would expand initial licensure pathways to include:

- Related degrees (accredited architecture and civil engineering degrees);
- Non-related baccalaureate degrees;
- An experience-only pathway; and
- Experience supervised by a landscape contractor.

Following Board approval of amendments to CCR section 2620, it was determined in consultation with DCA legal counsel that revisions were also necessary to CCR sections 2620(a)(12-15). It was recommended that the phrase "qualifying foreign country" be removed from subsections (a)(12) and (13). Unlike for the Architects Practice Act, there is currently no list of countries that have been vetted to be considered a qualifying foreign country for purposes of landscape architecture licensure and including this phrase could improperly limit candidates from countries arbitrarily deemed as not qualifying. In regard to subsections (a)(14) and (15), DCA legal counsel suggested to clarify acceptance of registered landscape contractor experience, where in the last revision only the term "licensed" was included. Attachment 1 shows these suggested amendments to CCR section 2620 in yellow highlight.

Further, per LATC and Board directive to align reciprocity and initial license requirements, staff evaluated CCR section 2615 to determine if updates are necessary to bring reciprocity requirements in congruence with the newly proposed initial licensure requirements. Staff determined that updates related to reciprocity are not needed as the existing language defers to CCR section 2620 to determine licensure eligibility. However, it was found that two minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7). Attachment 2 shows the suggested amendments to CCR section 2615.

At the May 4, 2018 LATC meeting, staff presented to the Committee the amendments to CCR sections 2620 (Attachment 1) and 2615 (Attachment 2) with the recommendation that, upon approval, they be submitted to the Office of Administrative Law (OAL) in a single regulatory change proposal as they are closely connected. Following discussion, the Committee recommended approval of these amendments to the Board.

At the LATC's May 4, 2018 meeting, staff also presented to the LATC updates to the Certification of Experience form reflective of the proposed pathways via the amendments to CCR section 2620 along with references to other states' experience verification forms. In absence of a structured internship program to facilitate experience gained via the proposed experience-only pathway, the LATC sought to investigate whether the Certification of Experience form could structure the type of experience gained by a candidate and, in doing so, directed staff to review the experience verification forms of two states (Washington and New York) with experience-only pathways to determine the states' regulatory authority to assess the detailed experience criteria on their verification forms as well as ascertain their review procedures. Based on this directive, the Committee also determined that the request for Board approval of CCR sections 2615 and 2620 would not yet proceed in the event that staff's research would result in further amendments to the regulatory language.

Following the meeting, staff identified 10 states that have an experience-only pathway and experience verification forms which delineate specific experience criteria and/or include supervisory ratings for the experience gained. Staff reached out to each of these states with a questionnaire requesting information about the states' regulatory authority to include the experience criteria on their respective experience verification forms as well as their review procedures for these applications. In summary, staff determined that none of these 10 states have statutory or regulatory authority requiring diversity in gained experience. In addition, these states do not specify their procedures for reviewing experience verification forms in their laws or regulations. Minor exception to this is New York which does have regulatory language that allows the Board to deny an application if a supervisor rates the candidate as unsatisfactory on the experience verification form. However, the regulations do not support the various experience criteria on the form. It is important to note that, according to California rulemaking law, all information collected on an application or form must be outlined in regulation, as well as how that information will be used to evaluate a candidate's eligibility for licensure with clear justification.

Given the LATC has, historically, not had provisions in regulation that stipulate experience criteria beyond the amount of experience required to qualify for licensure, staff conducted additional research into the "performance" of candidates and licensees who qualify for, or gained licensure with, one year of education credit (for an associate degree in landscape architecture or a degree in architecture) and five years of experience to further inform the Committee's discussion on this matter. Staff reviewed the records of active candidates and individuals licensed after the transition from the Board of Landscape Architects to LATC in 1998 who met the experience requirement for examination with five years of qualifying work experience and one year of education credit for an associate degree in landscape architecture or degree in architecture (notably, architecture became an accepted degree in 2012). Staff presented the findings of its research at the LATC meeting on July 20, 2018. With respect to the data collected for candidates and licensees who qualify for licensure with one year of education credit, staff presented to the Committee data showing that none of the licensees who qualified for licensure via this pathway have disciplinary actions taken against their license, as well as referential examination statistics demonstrating similar passage rates as all other applicants relative to the California Supplemental Examination (CSE) and the current iteration of the Landscape Architect Registration Examination (LARE).

Following review of the provided research data, the Committee acknowledged the absence of similar regulations from the polled states as well as lack of data from California candidates supporting the need for structured training and determined that the Certification of Experience form (Attachment 3)



would remain unchanged for the time being. Further, the Committee determined that, upon implementation of the experience-only pathway, the LATC would collect data for these candidates over a period of time to determine if changes to the regulations will be needed. If so, this would provide the LATC with data justifying this regulatory change. In the meantime, the Committee directed staff to create an informational sheet to advise candidates of the CSE and LARE components to guide them insofar as how experience might be diversified. The Committee also determined that enhanced efforts should be made to encourage the Council of Landscape Architectural Registration Boards to implement a structured experience program for all states that provide an experience-only pathway for candidates. Following discussion, the Committee directed staff to seek Board approval of the proposed amendments to CCR sections 2615 and 2620 at the next Board meeting and continue the process to promulgate these regulatory changes.

At today's meeting, the Board is asked to review, and take possible action to approve, the proposed amendments to CCR sections 2615 and 2620. Please note, amendments to CCR 2620 (Attachment 1) that the Board has not yet considered are shown in yellow highlight. In addition, the Board is asked to approve the LATC's recommendation to submit the proposed amendments to OAL as a single regulatory package.

Attachments:

1. Proposed Amendments to CCR section 2620
2. Proposed Amendments to CCR section 2615
3. Draft Certification of Experience form (Draft July 2018)

**CALIFORNIA ARCHITECTS BOARD**

**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

**PROPOSED REGULATORY LANGUAGE**

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend section 2620 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2620. Education and Training Credits**

(a) Experience Equivalents. The Board’s evaluation of a candidate’s ~~training and~~ educational and training experience is based on the following table:

Experience Description	Education Max. Credit Allowed	Training and/ or Practice Max. Credit Allowed
<del>(a) Experience Equivalent:</del>		
(1) Degree in landscape architecture <del>from an approved school where the degree program has been accredited by the Landscape Architectural Accreditation Board (LAAB).</del> <u>from an approved school where the degree program has been accredited by the Landscape Architectural Accreditation Board (LAAB).</u>	4 years	
(2) Degree in landscape architecture <del>from a non-approved school where the degree program has not been accredited by LAAB and where the program consists of at least a four-year curriculum.</del> <u>from a non-approved school where the degree program has not been accredited by LAAB and where the program consists of at least a four-year curriculum.</u>	3 years	
(3) <del>Extension certificate in landscape architecture from an approved school.</del> Degree in architecture, where the degree program has been accredited by the National Architectural Accrediting Board (NAAB).	2 years	
(4) Degree in civil engineering, where the degree program has been accredited by the Accreditation Board for Engineering and Technology (ABET).	<u>2 years</u>	
(5) Degree where the degree program consists of at least a four-year curriculum.	<u>1 year</u>	
(4) Associate <del>d</del> Degree in landscape architecture <del>from a community college which where the degree program</del> consists of at least a <del>2</del> two-year curriculum.	1 year	
(7) Extension certificate in landscape architecture from an Extension Certificate Program that meets the requirements of section 2620.5.	<u>2 years</u>	
(5) Extension certificate as specified in subdivision (a)(3) and a degree <del>from a university or college</del> which consists of <u>at least a 4</u> four-year curriculum.	4 years	
(6) Associate degree <del>from a college specified in subdivision (a)(4) and an e</del> Extension certificate as specified in subdivision (a)(3) <del>of this section</del> and a degree as specified in subdivision (a)(6).	3 years	

<del>(7)10</del> Partial completion, as defined in subsection (b)(1), of a degree in landscape architecture <u>where the degree program has been accredited by the LAAB</u> <del>from an approved school.</del>	1 year	
<del>(8)11</del> Partial completion, as defined in subsection (b)(1), of an extension certificate in landscape architecture from an <u>Extension Certificate Program that meets the requirements of section 2620.5</u> <del>approved school along with</del> <u>where the applicant has a degree from a university or college</u> <del>where the degree program</del> <u>which consists of at least a four-year curriculum.</u>	1 year	
<del>(9)</del> A degree in architecture which consists of at least a four-year curriculum that has been accredited by the National Architectural Accrediting Board.	<del>1 year</del>	
<del>(10)12</del> Self-employment Experience as, or employment by experience obtained under the direct supervision of, a landscape architect licensed <u>or registered in the jurisdiction where the experience occurred</u> <del>shall be granted credit on a 100% basis.</del>		<del>5</del> 1-6 years
<del>(11)13</del> Self-employment Experience as, or employment by experience obtained under the direct supervision of, an <u>licensed architect or registered civil engineer licensed or registered in the jurisdiction where the experience occurred</u> <del>shall be granted credit on a 100% basis.</del>		<del>4</del> up to 3 years
<del>(12)14</del> Self-employment Experience as a California-licensed landscape contractor or a <u>licensed landscape contractor licensed or registered in another jurisdiction where the scope of practice for landscape contracting is equivalent to that allowed in this State pursuant to Business and Professions Code Section 7027.5 of the Code and Cal. Code Regs. Title 16, Section 832.27 of Article 3, Division 8, Title 16 of the California Code of Regulations</u> <del>shall be granted credit on a 100% basis.</del>		up to 4 years
(15) Experience obtained under the direct supervision of a California-licensed landscape contractor or a landscape contractor <u>licensed or registered in another jurisdiction where the scope of practice for landscape contracting is equivalent to that allowed pursuant to section 7027.5 of the Code and section 832.27 of Article 3, Division 8, Title 16 of the California Code of Regulations.</u>		up to 1 year
<del>(13)16</del> Teaching in a landscape architecture degree program <u>as specified in subdivisions (a)(1),(2), and (4) of this section, under the supervision of a licensed landscape architect and where the degree program consists of at least a two-year curriculum.</u>		1 year

(b) Education Credits

- ~~— (1) Candidates shall possess at least one year of educational credit to be eligible for the examination.~~
- ~~— (2) A degree from a school with a landscape architecture program shall be defined as one of the following:~~
  - ~~— (A) Bachelor of Landscape Architecture.~~
  - ~~— (B) Bachelor of Science in landscape architecture.~~
  - ~~— (C) Bachelor of Arts in landscape architecture.~~
  - ~~— (D) Masters degree in landscape architecture.~~
- ~~— (3) The maximum credit which may be granted for a degree or combination of degrees from an approved school shall be four years of educational credit.~~
- ~~— (4) A degree from a school with a landscape architecture program shall be deemed to be approved by the Board if the landscape architectural curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB) as specified in its publication: "Accreditation Standards And Procedures" dated February 6, 2010 or the Board determines that the program has a curriculum equivalent to a curriculum having LAAB~~

~~accreditation.~~

~~(51)~~ For purposes of subdivisions (a)(~~7~~10) and (~~8~~11), “partial completion” shall mean that the candidate completed at least 80 percent of the total units required for completion of the ~~4~~four-year degree or extension certificate program.

~~(62)~~ Except as provided in subdivisions (a)(~~7~~10) and (~~8~~11), no credit shall be granted for academic units obtained without earning a degree or extension certificate ~~under categories of subdivisions (a)(1), (2), (3) or (4) of this section.~~

~~(73)~~ ~~A~~eCandidates ~~enrolled~~ in a degree program ~~where~~ earning credit ~~earned is~~ based on work experience courses (e.g., internship or co-op program) shall not receive more than the maximum credit otherwise granted ~~allowed~~ for degrees under ~~subdivisions (a)(1), (2) or (3) of this section.~~

~~(84)~~ ~~Except as specified in subdivision (a)(5) and (6) of this section,~~ eCandidates with multiple degrees shall not be granted education ~~able to accumulate~~ credit for more than one degree.

(5) Candidates with multiple extension certificates shall not be granted education credit for more than one extension certificate.

(6) Except as provided in subdivisions (a)(8) and (9), candidates with both a degree and an extension certificate shall only be granted education credit for either the degree or the extension certificate, whichever holds the greater credit value.

~~(97) The maximum education credit allowed to any candidate is four years. The Board shall not grant more than four years of credit for any degree or certificate or any combination thereof for qualifying educational experience.~~

(c) Training Credits

~~(1)(A)~~ Candidates shall possess at least ~~two years of training/practice credit to be eligible for the examination.~~  
~~—(B) At least one of the two years of training/practice credit shall be as, or~~ under the direct supervision of, a landscape architect licensed in a United States jurisdiction, ~~and shall be gained in one of the following forms:~~

~~1. After graduation from an educational institution specified in subdivisions (a)(1), (2), (3) or (4) of this section.~~

~~—2. After completion of education experience specified in subdivisions (a)(7) and (8) of this section.~~

~~(A)~~ ~~A~~eCandidates shall be deemed to have met the ~~provisions of requirements in~~ subdivision (c)(1)(~~B~~) if the candidate ~~he or she~~ possesses either:

i. a degree from a school specified in subdivision (a)(1) or an extension certificate as specified in subdivision (a)(8) and ~~has~~ at least two years of training/practice credit as a licensed landscape contractor as specified in subdivision (a)(14); or

ii. possesses an extension certificate ~~from a school as~~ specified in subdivision (a)(~~3~~7) and ~~has~~ at least four years of training/practice credit as a licensed landscape contractor as specified in subdivision (a)(14).

(2) Candidates shall be at least 18 years of age or a high school graduate before they ~~shall be~~ are eligible to receive training/practice credit ~~for work experience.~~

(3) Candidates may receive one ~~A~~ year of training/practice ~~experience credit shall consist of for~~ 1500 hours of qualifying employment. ~~Training/practice experience Candidates may be accrued training/practice credit on the basis of part-time employment. Candidates will not receive training/practice credit for~~ ~~E~~employment in excess of 40 hours per week ~~shall not be considered.~~

~~—(d) Miscellaneous Information~~

~~(14) Candidates will not receive training/practice credit for~~ ~~I~~independent, non-licensed practice or experience, regardless of claimed coordination, liaison, or supervision of licensed professionals ~~shall not be considered.~~

~~(2d) The Board may purge application records after five (5) years of lack of communication or inactivity from candidates. shall retain inactive applications for a five (5) year period. Thereafter, the Board shall purge these records unless otherwise notified by the candidate. A~~eCandidates who wishes to reapply to the Board, ~~shall be required to re-obtain~~ submit the required documents to allow the Board to determine their current eligibility.

**Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.**

# CALIFORNIA ARCHITECTS BOARD

## LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

### PROPOSED REGULATORY LANGUAGE

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend section 2615 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

#### § 2615. Form of Examinations.

(a)(1) A candidate who has a combination of six years of education and training experience as specified in section 2620 shall be eligible and may apply for the Landscape Architect Registration Examination.

(2) Notwithstanding subdivision (a)(1), a candidate who has a ~~Board-approved~~ degree from an accredited program in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(~~37~~) shall be eligible and may apply for Sections 1 and 2 of the Landscape Architect Registration Examination (LARE). Such candidates shall not be eligible for Sections 3 and 4 of the LARE until the candidate has a combination of six years of education and training experience as specified in section 2620.

A candidate's score on the LARE shall not be recognized in this State if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.

(b) A candidate shall be deemed eligible and may apply for the California Supplemental Examination upon passing all sections of the Landscape Architect Registration Examination.

(c) All candidates applying for licensure as a landscape architect shall pass all sections of the Landscape Architect Registration Examination or a written examination substantially equivalent in scope and subject matter required in California, as determined by the Board, and the California Supplemental Examination subject to the following provisions:

(1) A candidate who is licensed as a landscape architect in a U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter required in California as determined by the Board shall be eligible for licensure upon passing the California Supplemental Examination.

(2) A candidate who is not a licensed landscape architect and who has received credit from a U.S. jurisdiction, Canadian province, or Puerto Rico for a written examination substantially equivalent in scope and subject matter required in California shall be entitled to receive credit for the corresponding sections of the Landscape Architect Registration Examination, as determined by the Board, and shall be eligible for licensure upon passing any remaining sections of the Landscape Architect Registration Examination and the California Supplemental Examination.

**Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5651, Business and Professions Code.**



**Section I – Completed by Candidate**

All first-time California candidates are required to complete this certification along with the Eligibility Application and submit it to the Landscape Architects Technical Committee (LATC). All materials must be **postmarked** at least **45** days prior to the licensing examination for which you wish to receive eligibility. All items are mandatory. The information provided will be used to determine qualifications for examination. Please read the attached disclosure information. **The LATC will not accept the Certification of Experience form without an original signature or with any strikeouts or corrections.**

NAME: \_\_\_\_\_  
(Last) (First) (Middle)

KNOWN BY ANY OTHER NAME: \_\_\_\_\_  
(Include Maiden Name)

ADDRESS: \_\_\_\_\_  
(Number and Street) (City) (State) (Zip Code)

WORK PHONE: (\_\_\_\_) \_\_\_\_\_ HOME PHONE: (\_\_\_\_) \_\_\_\_\_

**Section II – Supervisory Certification**  
 Completed by supervisor

This will certify that the above-named candidate worked under my direct supervision for the following time period:

From \_\_\_\_\_ To \_\_\_\_\_  Full Time  Part Time Hours/Week \_\_\_\_\_  
Month/Year Month/Year

Supervisor's License Type	License#	State Issued	Country	Issue Date	Expiration Date
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Business Address	City	State	Zip Code	Country	Business Phone Number
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Check the box(s) that identifies the type(s) of work performed by the candidate:

Landscape Architecture  Architecture  Civil Engineering  [Landscape Construction](#)

I certify under penalty of perjury under the laws of the State of California that the information contained in this certification is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_  
Date City or County State Country

Supervisor Name (please print)

Supervisor Signature

**Section III – Self-Certification**

Completed by candidate with qualifying licensed experience

This will certify that I worked under my own license for the following time period:

From \_\_\_\_\_ To \_\_\_\_\_  Full Time  Part Time Hours/Week \_\_\_\_\_  
Month/Year Month/Year

Candidate's License Type License# State Issued Country Issue Date Expiration Date

Business Address City State Zip Code Country Business Phone Number

Check the box(s) that identifies the type(s) of work you performed:

Landscape Architecture  Architecture  Civil Engineering  Landscape ~~Contracting~~ Construction

I certify under penalty of perjury under the laws of the State of California that the information contained in this certification is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_  
Date City or County State Country

Candidate Name (please print)

Candidate Signature

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## DISCLOSURES

**Collection and Use of Personal Information.** The LATC and California Architects Board (CAB) of the Department of Consumer Affairs (DCA) collect the personal information requested on this form as authorized by Business and Professions Code sections 5630, 5650, 5651, 5652 and Civil Code section 1798 et seq. The LATC and CAB use this information principally to identify and evaluate applications for examination and licensure, to issue and renew licenses, and enforce licensing standards set by law and regulation.

**Mandatory Submission.** Submission of the requested information is mandatory. The LATC cannot consider your application for examination unless you provide all of the requested information.

**Access to Your Information.** You may review the records maintained by the LATC and CAB that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

**Possible Disclosure of Personal Information.** The LATC and CAB make every effort to protect the personal information you provide. The information you provide may be disclosed in the following circumstances:

- Response to a Public Records Act request, as allowed by the Information Practices Act;
- To another government agency as required by state or federal law; or
- To a court or administrative order, a subpoena, or a search warrant.

**Contact Information.** For questions about this notice or access to your records, you may contact the LATC at 2420 Del Paso Road Suite 105, Sacramento, CA 95834, (916) 575-7230 or email [latc@dca.ca.gov](mailto:latc@dca.ca.gov). For questions about the DCA's privacy policy or the Information Practices Act, contact the Office of Privacy Protection, 1625 North Market Boulevard, Sacramento, CA 95834, (866) 785-9663, or email [privacy@dca.ca.gov](mailto:privacy@dca.ca.gov).



## Agenda Item I.3

### **DISCUSS AND POSSIBLE ACTION ON PROPOSED LANGUAGE TO AMEND BPC SECTION 5616 (WRITTEN CONTRACT)**

The Landscape Architects Technical Committee's (LATC) 2017-2018 Strategic Plan contains an objective to "research the possibility of enhancing the statutory written contract requirement to include a consumer notification to enhance consumer education."

The California Architects Board (Board) is pursuing efforts to update its written contract requirements to improve the protections afforded to consumers and architects by ensuring that both parties understand the cost, schedule, compensation, etc. for the project. Resultant of a previous Strategic Plan objective, the Board approved proposed language to amend BPC section 5536.22 (Written Contract) to include language that enhances the information requirement within written contracts concerning "scope of work" to include: 1) the project scope; 2) the project address; 3) the name and address of the project owner; and, 4) a description of the procedure to accommodate contract changes, including changes in the project scope, to the written contract requirement. In January 2016, the Board submitted a proposal to amend BPC section 5536.22 to the Senate Business, Professions and Economic Development (BP&ED) Committee for possible inclusion in an omnibus clean-up bill. BP&ED staff declined this proposed amendment for inclusion in the bill due to the proposal being too substantive.

Thereafter, to further improve the protections afforded to consumers and architects through the written contract requirement, Board staff recommended to the Board additional amendments to the written contract requirement to include: 1) a statement identifying the ownership and/or reuse of documents prepared by the architect; and 2) notification to the client that delineates the architect's licensure and the Board's role as the licensing entity. At its December 15, 2016 meeting, the Board approved the proposed language with the exception of the proposed provision which stipulated that a written contract include notification that the architect is licensed by the Board. The language was submitted to the BP&ED Committee on October 27, 2017, for inclusion in the Committee's 2018 Omnibus bill. BP&ED Committee staff determined that the proposal would not be included in the omnibus bill because it was deemed substantive; but, instead, suggested that it be presented to the Legislature for consideration via the "New Issues" section of the Sunset Review Report. The Board is pursuing this suggestion and will include the proposed language in its Sunset Review Report (see Agenda Item H.3).

In effort to address its Strategic Plan objective, LATC enforcement staff reviewed the Board's proposed amendments to its written contract requirements in BPC section 5536.22 to identify where similar language could be added to LATC's BPC section 5616 (Landscape Architecture Contract – Contents, Notice Requirements).

Currently, BPC section 5616 requires that a landscape architect's written contract:

1. Describe the services to be provided by the landscape architect;
2. Describe the basis of compensation and method of payment;
3. Notify clients that landscape architects are licensed by the State of California;
4. Identify the name, address, and license number of the architect and the name and address of the client;
5. Describe the procedure to accommodate additional services; and
6. Describe the procedure to be used by both parties to terminate the contract.

To enhance the LATC's written contract requirements, enforcement staff recommended the addition of the following provisions to BPC section 5616:

1. A description of the project;
2. The project address;
3. A description of the procedure to accommodate contract changes; and
4. A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

At its July 20, 2018 meeting, the Committee reviewed and discussed the proposed amendments to BPC section 5616. The Committee voted to recommend to the Board approval of the revisions to BPC section 5616 and to include the proposed amendments to the written contract requirements in the LATC's Sunset Review Report within the "New Issues" section.

Subsequently, the Board's Regulatory and Enforcement Committee (REC) met on August 23, 2018 and reviewed the Board's proposed amendments to its written contract requirements in BPC section 5536.22. During this meeting, the REC recommended additional amendments to the language for the Board's consideration. LATC staff also incorporated these proposed amendments in BPC section 5616 to maintain alignment the Board's contract requirements as much as possible. These amendments are to subsection (a)(4), which has been revised to state that the contract a statement in at least 12-point type that reads, "Landscape architects are licensed by the Landscape Architects Technical Committee located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834".

At today's meeting, the Board is asked to consider the its decision from Agenda Item H.3 and the LATC's and staff's recommendations regarding the attached proposed language to amend BPC section 5616 and take possible action.

The LATC's proposal to amend BPC section 5616 is planned to be presented to the Legislature for consideration via the "New Issues" section of the Sunset Review Report. The language presented will be reflective of the Board's determination at today's meeting.

Attachment:

Proposed Language to Amend Business and Professions Code Section 5616

**Proposed Language to Amend Business and Professions Code Section 5616 to Read:**

- (a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape 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:
- (1) A description of the project for which the client is seeking services.
  - (~~2~~) A description of the services to be provided by the landscape architect to the client.
  - (~~3~~) A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract and the method of payment agreed upon by both parties.
  - (~~3~~) A ~~notice~~statement in at least 12-point type that reads: “Landscape architects are licensed by the ~~State of California~~Landscape Architects Technical Committee located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834.”
  - (~~4~~) The name, address, and license number of the landscape architect and the name and address of the client and project address.
  - (~~5~~) A description of the procedure that the landscape architect and client will use to accommodate additional services.
  - (7) A description of the procedure that the landscape 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.
  - (~~6~~) A description of the procedure to be used by either party to terminate the contract.
  - (9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.
- ~~(b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with this section is not required.~~
- (~~e~~) This section shall not apply to any of the following:
- (1) Professional services rendered by a landscape 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 landscape architect’s services are of the same general

kind that the landscape architect has previously rendered to, and received payment for 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.

(34) Professional services rendered by a landscape architect to any of the following:

- (A) A landscape architect licensed under this chapter.
- (B) An architect licensed under Chapter 3 (commencing with Section 5500).
- (C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).
- (D) A contractor licensed under Chapter 9 (commencing with Section 7000).
- (E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).
- (F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).
- (G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.
- (H) A public agency.

(dc) As used in this section, “written contract” includes a contract that is in electronic form.

## Agenda Item I.4

### **REVIEW AND POSSIBLE ACTION ON LATC'S RECOMMENDATION TO THE BOARD REGARDING 2017-2018 STRATEGIC PLAN OBJECTIVE TO FOLLOW THE BOARD'S DETERMINATION REGARDING THE NECESSITY FOR A LICENSURE FINGERPRINT REQUIREMENT AND THE ALTERNATIVES FOR IMPLEMENTATION AS A MEANS OF PROTECTING CONSUMERS**

The Landscape Architects Technical Committee's (LATC) 2017-2018 Strategic Plan contains an objective to "follow the Board's determination regarding the necessity for a licensure fingerprint requirement and the alternatives for implementation as a means of protecting consumers."

Consistent with the California Architects Board (Board), the LATC does not have statutory authority to use fingerprinting for background checks. Applicants and licensees are required to disclose whether they have ever been convicted of a crime inclusive of a citation, infraction, misdemeanor, and/or felony on their applications and/or renewal notices. Applicants and licensees are not required to report a traffic infraction with a fine of less than \$1,000 or any incident that has been sealed or disposed of under California Welfare and Institutions Code section 781, and Penal Code sections 1000.3, 1000.5, or 1203.45.

Candidate applications and license renewals that provide indication of a conviction are referred to the LATC's enforcement analyst for review of conviction-related records and possible disciplinary action. Within the past five years, three instances of a licensee's reported conviction have resulted in LATC's pursuit of disciplinary action due to the conviction's substantial relationship to the practice of landscape architecture, pursuant to California Code of Regulations section 2655.

Considering its intent to follow the Board's determination on a fingerprinting requirement and the timing of the Regulatory and Enforcement Committee meeting on August 23, 2018, the LATC has not yet discussed this Strategic Plan objective at a meeting.

At today's meeting the Board is asked to consider its decision from Agenda Item H.2.c and take possible action consistent with that prior action.

**DISCUSS AND POSSIBLE ACTION ON 2017-2018 STRATEGIC PLAN OBJECTIVE TO CONDUCT AN ANALYSIS TO DETERMINE THE EFFECTIVENESS OF THE CONTINUING EDUCATION (CE) REQUIREMENT AND PREPARE A REPORT (LETTER) FOR THE LEGISLATURE**

The Board's 2017-2018 Strategic Plan contains an objective assigned to the Professional Qualifications Committee (PQC) to conduct an analysis and determine the effectiveness of the CE requirement (identifying alternatives as appropriate) and prepare a letter to the Legislature regarding the same.

Business and Professions Code (BPC) section 5600.05 requires, as a condition of renewal, architects complete CE on disability access requirements that includes information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. BPC section 5600.05(d) requires the Board (on or before January 1, 2019) submit a letter to the Legislature on the disability access CE provisions required under the law including:

- Level of licensee compliance with the requirements
- Actions taken by the Board for noncompliance with the requirements
- Findings of Board audits
- Recommendations of the Board for improving the process

At its October 18, 2017 PQC meeting, members discussed this objective and considered the following staff recommendations:

- Enhance information provided to new licensees
- Increase penalties for subsequent violations
- Automatic auditing of licensees who previously failed an audit
- Reassessing the penalties for noncompliance

The Committee subsequently voted to approve staff recommendations for consideration by the Board with the inclusion of another option to require completion of unfulfilled CE hours by licensees found to be noncompliant after an audit. Staff distilled the recommendations into those presented in the attached draft letter to the Legislature for the Board's review and approval.

The Board is asked to: 1) discuss the objective and provide additional input to staff, if necessary; and 2) review and approve the attached draft letter.

Attachment:

Letter to the Legislature Regarding Continuing Education Program Findings (Draft)



# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.  
GOVERNOR

September 4, 2018

The Honorable (Legislator's Full Name)  
Senator, (District Number) District  
(Legislator's District Address Line 1)  
(Legislator's District Address Line 1)  
(Legislator's City, State, and Zip Code)

Dear (Senator Last Name):

Business and Professions Code (BPC) section 5600.05 requires the California Architects Board to submit a letter to the Legislature by January 1, 2019, regarding disability access continuing education (CE). The letter must address four programmatic aspects of the CE requirement: 1) level of licensee compliance with the requirements; 2) actions taken by the Board for noncompliance with the requirements; 3) the findings of Board audits; and 4) any recommendations the Board has for improving the process.

Senate Bill 1608 (Corbett, Chapter 549, Statutes of 2008) added BPC section 5600.05 that established the CE mandate. The law initially required, as a condition of license renewal, architects complete coursework on disability access requirements within the previous two years and submit their documentation to the Board prior to approval for renewal. Assembly Bill 1746 (Emmerson, Chapter 240, Statutes of 2010) amended the law to require licensees certify completion of the CE requirement upon license renewal and mandates the Board to audit at least three percent of renewals to verify completion of CE requirements.

The Board conducts random audits of license renewals. A licensee who provides documentation of their completion of the prescribed coursework within the specified timeframe is determined to be compliant. Licensees who the Board determined did not satisfy the coursework requirement or fail to provide a response to the audit may be issued an administrative citation including a fine. Since commencing the audits, licensees consistently maintained a more than 80 percent compliance rate.

Between January 2013 and September 4, 2018, the Board conducted nearly 2,000 audits. Approximately 1,700 licensees were found to be compliant with the CE renewal requirement. Of the approximately 300 noncompliant licensees, 40 percent received citations. As of September 4, 2018, there were 133 citations.

2420 DEL PASO ROAD,  
SUITE 105  
SACRAMENTO,  
CA 95834

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

[cab@dca.ca.gov](mailto:cab@dca.ca.gov)  
[www.cab.ca.gov](http://www.cab.ca.gov)

The Board found, based upon results of the audits it conducted, that most architects comply with the CE requirement. The consistency of the compliance rate throughout the reported period provides a basis for the conclusion the trend will remain relatively stable.

In assessing the effectiveness of the CE program, the Board has taken measures to improve the program including increased communication of the requirement to its licensees such as:

- Increased the number of reminders
- Highlighted the program in the Board's newsletter
- Developed a guide for new licensees that includes information about the CE requirement

The Board proposes the following for consideration to improve the process by amending the law to:

1. Clarify the meaning of "within the previous two years" because of the confusion it presents to staff and licensees when determining whether the licensee is in compliance. *This would assist the Board and licensees in determining the point from which the two-year period begins.*
2. Expand the options available to the Board for noncompliance to include the requirement that licensees who fail an audit must complete outstanding CE hours within a specified time. *This would grant the Board an additional tool to help enforce compliance and create equity for those licensees who comply with the requirement. Additionally, the disabled community benefits because the noncompliant licensees must still comply with the requirement.*

The Board hopes the information provided meets with your approval and we look forward to collaborating on developing and implementing methods to improve the CE process while continuing to protect the citizens of California.

Sincerely,

SYLVIA KWAN  
Board President



### **REVIEW AND POSSIBLE ACTION TO APPROVE PROPOSED AMENDMENTS TO THE BOARD AND LATC MEMBER ADMINISTRATIVE PROCEDURE MANUALS**

Section 12 of the 2018 Sunset Review Report template contains a prompt for inclusion of a Member Administrative Procedure Manual (Manual) with the submitted Report. The California Architects Board (Board) previously revised its Manual in 2012; likewise, the Landscape Architects Technical Committee's (LATC) Manual was last updated in 2001.

On May 24, 2018, the Department of Consumer Affairs sponsored a Sunset Review Training that included a presentation from the Legislature's Business and Professions Committee staff. During this presentation, boards were encouraged to provide a current, updated iteration of their Manual in the Report. Following this training, Board and LATC staff obtained Manuals from the Contractors State License Board and the California Acupuncture Board – both were updated in 2017 – for use as references to update the Board and LATC Manuals.

During the LATC meeting on July 20, 2018, the Committee was apprised that staff was in the process of updating the LATC's Manual and that it would be modeled from the Board's updated Manual. Further, as the Manual is to be included in the LATC's Sunset Review Report, the Committee was advised that the proposed updates would be presented to the Board at its meeting on September 12, 2018 for review and approval.

Attachment 1 is the Board's updated manual, showing all changes to the Manual in tracked changes. Moreover, Attachment 2 shows proposed updates to the LATC's Manual; however, notably, this document uses the new, proposed language of the Board's Manual with only the proposed language specific to LATC shown in tracked changes. For comparative reference, the LATC's current Manual is included as Attachment 3. The presentation of these proposed amendments is aimed at providing the Board clarity in reviewing the substantive changes.

At today's meeting, the Board is asked to review and take possible action to approve the proposed amendments to the Board and LATC Manuals (shown in Attachments 1 and 2). In the event of their approval, these updated Manuals will be included in the Board's and LATC's respective Sunset Review Reports.

#### Attachments:

1. Proposed Amendments to Board Administrative Procedure Manual
2. Proposed Amendments to LATC Administrative Procedure Manual
3. LATC Administrative Procedure Manual (2001)

California Architects Board  
Member Administrative  
Procedure Manual

Revised ~~6/14/12~~[9/12/18](#)

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## Chapter 1

## Introduction

### Overview

The California Board of Architectural Examiners was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It was renamed the California Architects Board (~~CAB~~Board) in 2000. It is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the ~~State and Business~~, Consumer Services and Housing Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, ~~CAB~~ the Board has policy autonomy and sets its own policies, procedures, and regulations.

The ~~CAB~~ Board is presently composed of 10 members ~~of~~ which, by law, 5 are public members, and 5 are 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 per day for each meeting day or day spent in the discharge of official duties (see section entitled "Salary Per Diem") and are reimbursed travel expenses.

This Board Member Administrative ~~p~~Procedure ~~m~~Manual is provided to Board members as a ~~ready~~ reference of important laws, regulations, DCA policies, and Board policies ~~in order~~ to guide the actions of the Board members and ensure Board effectiveness and efficiency.

### Mission

The California Architects Board protects consumers 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 be the national leader in the regulation of architectural practice.

Values

Collaborative  
Professional  
Innovative  
Proactive

General Rules of Conduct

All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board members serve at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- Board members shall not act or speak on the Board's behalf without proper authorization from the Board president.
- Board members shall maintain the confidentiality of confidential documents and information.
- Board members shall commit the time to prepare for Board responsibilities.
- Board members shall recognize the equal role and responsibilities of all Board members.
- Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public.
- Board members shall treat all applicants and licensees in a fair and impartial manner.
- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- Board members shall not use their positions on the Board for personal, familial, or financial gain.

DefinitionsAbbreviations

ARE Architectural Registration Examination  
B&P Business and Professions Code  
DCA Department of Consumer Affairs

EO	Executive Officer
<u>Gov.</u>	<u>Government Code</u>
NCARB	National Council of Architectural Registration Boards
SAM	State Administrative Manual
WCARB	Western <del>Conference</del> <u>Council</u> of Architectural Registration Boards

## Chapter 2

## Board Meeting Procedures

### Bagley-Keene Open Meeting Act

(Gov. Code Section 11120 et seq.)

All meetings are open for public attendance and subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

### Public Comment

(Gov. Code Section 11125.7)

Public comment must be allowed on open session agenda items before or during discussion of each item and before a vote.

The Board may accept public comment on an item not on the agenda, provided that the Board takes no action or does not discuss the item at the same meeting. The Board may refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting. The Board cannot prohibit public criticism of the Board's policies or services. The Board president may set reasonable time limitations.

Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any substantive information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

### Closed Session

(Gov. Code Sections

Any general discussion of exams or disciplinary procedures shall be held in public. The Board may meet in closed session to discuss examinations



[11125.2, 11126, 11126.1\)](#)

[where a public discussion would compromise the integrity of the examination and to deliberate on disciplinary cases. Examples of types of closed session meetings include:](#)

- [•Discuss and vote on disciplinary or enforcement matters under the Administrative Procedure Act \(APA\);](#)
- [•Prepare, approve, or grade examinations;](#)
- [•Discuss pending litigation; or;](#)
- [•Discuss the appointment, employment, or dismissal of the EO unless the EO requests that such action be taken in public.](#)

[If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.](#)

[No members of the public are allowed to remain in the meeting room for closed sessions. At least one staff member must be present at all closed sessions to record topics discussed and decisions made.](#)

[Closed session must be specifically noticed on the agenda \(including the topic and legal authority\). Before going into closed session, the Board president should announce in open session the general nature of the item\(s\) to be discussed. If the item involves the EO's employment, appointment, or dismissal, and action is taken in closed session, the Board must report that action and any roll call vote that was taken at the next public meeting.](#)

### **Frequency of Meetings**

*(B&P Code Section 5522)*

The Board shall meet at least once a quarter [for the purpose of transacting such business as may lawfully come before it](#) and may meet more often as it determines necessary.

### **Meeting Location**

[\(Gov. Code Sections 11123.1 & 11131; B&P Code Section 101.7\)](#)

[The Board is required to hold its meetings at locations that are easily accessible to the public and individuals with disabilities in compliance the Americans with Disabilities Act \(ADA\). The Board will hold meetings in different locations throughout](#)

[the state and is required to hold at least one meeting in Northern California and one meeting in Southern California.](#)

### **Board Member Attendance at Board Meetings**

*(Board Policy)*

Board members shall attend each meeting of the Board. If a member is unable to attend he/she must contact the Board president or the ~~executive officer~~ [EO](#) and ask to be excused from the meeting for a specific reason. [Should a member miss two consecutive meetings, the Board president may notify the Director of the DCA.](#)

### **Board Member Participation**

*(Board Policy)*

The Board president may ascertain from members whose level of participation is below standard whether or not the member is no longer able to continue serving as an active member of the Board. In such a case, the [Board](#) president may suggest that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board his/her arguments against the resolution prior to such a resolution being adopted by the Board.

### **Public Attendance at Board Meetings**

*(Government Code Section 11120 et seq.)*

~~Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.~~

~~Any general discussion of exams or disciplinary procedures shall be held in public. The Board may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination and to deliberate on disciplinary cases. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.~~

**Teleconference Meetings**  
*(Gov. Code Section 11123)*

Special rules for notice of teleconference meetings are as follows:

- Same 10-day notice requirement as in-person meetings.
- Notice and agenda must include teleconference locations.
- Every teleconference location must be open to the public and at least one Board member must be physically present at every noticed location. Board members must attend the meeting at a publicly noticed location.
- Additional locations may be listed on the notice that allow the public to observe or address the Board by electronic means without a Board member present.

**Special Meetings**  
*(Gov. Code Section 11125.4)*

A special meeting may be called at any time by the presiding officer or by a majority of the members of the Board and held with 48 hours' notice in specified situations (e.g., consideration of proposed legislation). At the commencement of any special meeting, the Board must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting would cause a "substantial hardship on the Board or that immediate action is required to protect the public interest." The finding shall be adopted by two-thirds vote of the Board if less than two-thirds members present, a unanimous vote of those members present.

**Emergency Meetings**  
*(Gov. Code Section 11125.5)*

An emergency meeting may be held after finding by a majority of the Board at a prior meeting or at the emergency meeting that an emergency situation exists due to work stoppage or crippling disaster. [A quorum is required for the Board to meet in the event of emergency, such as a work stoppage or crippling disaster.] Emergency meetings require a one-hour notice.

**Quorum**

Six of the members of the Board constitute a quorum of the Board for the transaction of business.

(B&P Code Section 5524)

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 10 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.

### Agenda Items

(Board Policy)

The Board president, with the assistance of the EO, shall prepare the agenda and tentative meeting timeframe. Any Board member may submit items for a Board meeting agenda to the ~~executive officer~~ EO 15 days prior to the meeting.

### Notice of Meetings to be Sent to Individuals

(~~Government~~ Gov. Code Section 11120 et seq.; B&P Code Section 101.7)

According to the Bagley-Keene Open Meeting Act, meeting notices (including agendas for Board meetings) shall be sent to persons on the Board's mailing or email list at least 10 calendar days in advance. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

### Notice of Meetings to be Posted on the Internet

(Gov. Code Section 11125)

Unless the meeting meets the requirements for a special or emergency meeting under the Bagley-Keene Open Meeting Act, notice shall be given and made available on the Internet at least 10 calendar days in advance of the meeting, and shall include the name, address, and telephone number of a staff person who can provide further information prior to the meeting but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the Internet address where notices required by the Bagley-Keene Open Meeting Act are made available.

### Mail Ballots

(Gov. Code Section 11500 et seq.)

The Board must approve any proposed decision or stipulated settlement before the formal discipline becomes final and the penalty can take effect. Due to time limitations, mail ballots may be executed. If needed, stipulated settlements and proposed decisions will be mailed to each Board member for his or her vote. For stipulations, a

background memorandum from the assigned deputy attorney general accompanies the mail ballot. A five-calendar day deadline generally is given to complete the ballot and return it to the Board's office.

## Record of Meetings

*(Board Policy; B&P Section 5521; Gov. Code Sections 11123(c), 11126.1)*

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board members, before the next Board meeting. The minutes must contain a record of how each member present voted for each item on which a vote was taken. Board minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

## Voting on Motions

*(B&P Code Section 5524; Gov. Code Sections 11120, 11122, 11123, 87100 et seq.; 68 Ops. Cal. Atty. Gen. 65, 69-70))*

As a general rule, all votes must be taken publicly. However, votes taken on closed session matters are not required to be taken publicly. In addition, the APA (disciplinary matters) authorizes mail voting on all questions arising under that act. Secret ballots and proxy votes are prohibited. A majority of the board or committee vote is determined by the votes actually cast. Abstentions are recorded, but not counted, unless a law provides otherwise.

Options for Board members:

- 1) Support / in Favor / Yes / Aye
- 2) Oppose / No / Nay
- 3) Abstain (not counted as a vote)
- 4) Recused (not counted as a vote)

## ~~Tape~~ Audio/Visual Recording

*(Board Policy)*

The meeting may be ~~tape~~ audio/video recorded ~~if determined necessary for staff purposes and/or broadcast live via the Internet.~~ Tape ~~r~~Recordings shall be disposed of upon Board approval of the minutes. If a webcast of the meeting is intended, it shall be indicated on the agenda notice.

## ~~Meeting Rules~~

*(Board Policy)*

~~The Board will use Robert's Rules of Order, to the extent that it does not conflict with State law (e.g., Bagley Keene Open Meeting Act), as a guide~~

~~when conducting the meetings.~~

## Chapter 3

## Travel & Salary Policies/Procedures

### Travel Approval

(DCA Memorandum  
~~91-26~~[96-01](#))

Board members shall have Board president approval for all travel except for regularly scheduled Board and ~~E~~committee meetings to which the Board member is assigned.

### Travel Arrangements

(Board Policy)

Board members ~~should attempt to make their own travel arrangements and~~ are encouraged to coordinate with the ~~executive officer's~~ EO secretary for any Board-related travel arrangements, including air or train transportation, car rental, and ~~on~~ lodging accommodations through Cal Travel Store's online booking tool, Concur.

Board members must also utilize the most economic source of transportation available. For example, if the hotel provides a shuttle from the airport to the hotel it is not fiscally responsible to rent a car or take a taxi. Reimbursement may be reduced or denied if the most economical sources are not used.

All Board-related travel must be booked using Cal Travel Store's self-service reservation system, Concur, if a Board member seeks reimbursement.

In advance of Board and committee meetings, the EO secretary will provide members information detailing the name and address of the chosen hotel where state rates are available if an overnight stay is required.

### Out-of-State Travel

(SAM Section 700 et seq.)

For out-of-state travel, Board members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

### Travel ~~Claims~~

Rules governing reimbursement of travel expenses

Reimbursement

(SAM Section 700 et seq. & DCA Memorandum ~~91-26~~ 96-01)

for Board members are the same as for management level state staff. Board members must submit the originals of all receipts, with the exception of meals, and, when applicable, a copy of the airline itinerary and hotel receipt showing the balance paid, to the EO secretary. All expenses shall be claimed on the appropriate travel expense claim forms. The ~~executive officer's~~ EO secretary maintains these forms and completes them as needed. The EO secretary completes travel expense reimbursements in CalATERS Global and maintains copies of these reports and submitted receipts. It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the Director and are provided to Board members on at least an annual basis by the ~~executive officer's~~ EO secretary.

Salary Per Diem

(B&P Code Section 103)

Each member of a board, commission or committee created in various chapters of Division 3 (commencing with section 5000) is eligible to receive a per diem of \$100 for each day actually spent in the discharge of official duties, unless on any day served, the member also received compensation for their regular public employment. ~~Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is also regulated by Business and Professions Code S~~section 103.

In relevant part, this section provides for the payment of salary per diem for Board members **“for each day actually spent in the discharge of official duties,”** and provides that the Board member **“shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”**

(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:



No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance in official Board or committee meetings, unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board or committee meetings in which a substantial official service is performed shall be approved in advance by the Board president. The ~~executive officer~~ EO shall be notified of the event and approval shall be obtained from the Board president prior to Board member's attendance.

The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board ~~meeting~~ or committee meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave early from a meeting, the Board president shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board specified work, Board members will be compensated for actual time spent performing work authorized by the Board president. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; ~~exam item writing; exam grading;~~ NCARB committee work; and travel time on non-meeting days (out-of-state). That work does not include preparation time for Board or committee meetings. Board members cannot claim salary per diem for time spent traveling to and from a Board or committee meeting.

## Chapter 4

### Board Member Disciplinary Actions

(Board Policy; [Gov. Code Section 11125.4](#))

## Other Policies/Procedures

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The Board president ~~of the Board~~ shall ~~sit as chair of~~



preside over the hearing unless the censure involves the president's own actions, in which case the Board vice president ~~of the Board~~ shall ~~sit as chair~~ preside. In accordance with the Bagley-Keene Open Public Meetings Act, the censure hearing shall be conducted in open session.

### **Removal of Board Members**

*(B&P Code Sections 106 & 106.5)*

The Governor has the power to remove from office at any time any member of any Board appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a Board member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

### **Resignation of Board Members**

*(~~Government~~ Gov. Code Section 1750)*

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of ~~the Department~~ DCA, the Board president, and the ~~executive officer~~ EO.

### **Officers of the Board**

*(B&P Code Section 5518)*

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

### **Election of Officers**

*(Board Policy)*

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

### **Officer Vacancies**

*(Board Policy)*

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the president becomes vacant, the vice president shall assume the office of the president. Elected officers shall then serve the remainder of

the term.

### **Nomination of Officers**

*(Board Policy)*

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.

### **Committee Appointments**

*(Board Policy)*

The Board president shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board president in consultation with the vice president, and the ~~executive officer~~ EO. When committees include the appointment of non-Board members, all impacted parties should be considered. *(See Committee Policy ~~approved by the Board on June 14, 2012~~ in Appendix B.)*

### **Attendance at Committee Meetings**

*(Board Policy; [Gov. Code Section 11122.5\(c\)\(6\)](#))*

If a Board member wishes to attend a meeting of a committee in an official capacity of which he/she is not a member, that Board member shall obtain permission from the Board president to attend and shall notify the committee chair and staff. [Board members who are not members of the committee that is meeting cannot vote during the committee meeting and may attend only as observers. If](#)

there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

Committees operate at the direction of the Board to fulfill specific goals in the Strategic Plan. Committee chairs shall lead committees' actions toward such goals without undue influence on the part of Board officers or members.

The Board and LATC maintain an ongoing practice of providing regular updates regarding key issues at each other's respective meetings to sustain understanding of each entity's priorities. The Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board.

## Board Staff

*(DCA Reference Manual)*

Employees of the Board, with the exception of the ~~executive officer~~ EO, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by ~~a myriad of~~ civil service laws, ~~and~~ regulations, ~~and often by~~ collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the ~~executive officer~~ EO. Board members shall not intervene or become involved in specific day-to-day personnel transactions or matters.

## Executive Officer Evaluation

*(Board Policy; Gov. Code Section 11126(a)(1))*

Board members shall evaluate the performance of the ~~executive officer~~ EO on an annual basis in accordance with DCA's memorandum Process for Annual Performance Evaluations of EO (Appendix D). The evaluation shall be conducted in Closed Session during a meeting of the Board pursuant to Gov. Code section 11126(a)(1). ~~The Board president shall disseminate a performance appraisal form to all Board members who shall complete the form and return them to the Board president or his/her designee. The Executive Committee shall compile the results and will review the input from the Board members with the executive officer.~~

**Board Administration**

*(DCA Reference Manual)*

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the ~~executive officer~~ [EO](#).

Consistent with the budget and Strategic Plan, requests by individual Board members that are not directly associated with a committee's goals or have an impact on staff workload, as determined by the president and ~~executive officer~~ [EO](#), may be declined. In the event the request is by the president, the vice president shall review the request.

**Board Budget**

*(Board Policy)*

The [Board](#) vice president shall serve as the Board's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Board. Staff will conduct an annual budget briefing with the Board with the assistance of the [Board](#) vice president. The ~~executive officer~~ [EO](#) or his/her designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

**Conflict of Interest**

*(~~Government~~ [Gov.](#) Code Section 87100)*

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member, who has a financial interest, shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the ~~executive officer~~ [EO](#) or the [Board's legal counsel](#). [The question of whether or not a member has a financial interest that would present a legal conflict of interest is complex and must be decided on a case-by-case review of the particular facts involved. For more information on disqualifying](#)

yourself because of a possible conflict of interest, please refer to the Fair Political Practice Committee's manual on their website: [fppc.ca.gov](http://fppc.ca.gov).

### **Financial Disclosure**

(Gov. Code Section 87302(b))

The Conflict of Interest Code also requires Board members to file annual financial disclosure statements by submitting a Form 700 – Statement of Economic Interest. New Board members are required to file a disclosure statement within 30 days after assuming office. Annual financial statements must be filed no later than April 1 of each calendar year.

A “leaving of office statement” must be filed within 30 days after an affected Board member leaves office.

Board members are not required to disclose all of their financial interests. Gov. Code section 87302 (b) explains when an item is reportable:

An investment, interest in real property, or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

Refer to the Fair Political Practices Commission's website [fppc.ca.gov](http://fppc.ca.gov) to determine what investments, interests in property, or income must be reported by a member. Questions concerning particular financial situations and related requirements should be directed to DCA's Legal Affairs Division.

### **Incompatible Activities**

(Gov. Code Section 19990)

Following is a summary of the employment, activities, or enterprises that might result in or create the appearance of being inconsistent, incompatible, or in conflict with the duties of state officers:

- Using the prestige or influence of a state office or employment for the officer's or employee's private gain or advantage, or the private gain or

advantage of another.

- Using state time, facilities, equipment, or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using confidential information acquired by the virtue of state employment for the officer's or employee's private gain or advantage or advantage of another.
- Receiving or accepting money, or any other consideration, from anyone other than the state for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his or her state employment or as a part of his or her duties as a state officer or employee.
- Performance of an act other than in his or her capacity as a state officer or employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee of the agency by which he or she is employed. (This would not preclude an "industry" member of the Board from performing normal functions of his or her occupation.)
- Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part.

The aforementioned limitations do not attempt to specify every possible limitation on member or employee activity that might be determined and prescribed under the authority of Gov. Code section 19990. DCA's Incompatible Work Activities OHR 10-01 is included in Appendix C.

**Ex Parte Communications**

(~~Government~~ Gov. Code  
Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An “ex parte” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the ~~executive officer~~ [EO](#).

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person ~~they cannot speak to them~~ [that discussion about the matter is not permitted.](#) ~~If the person insists on discussing the case, he or she should be told that the Board member~~ [he or she](#) will be required to recuse him or herself from any participation in the matter. ~~Therefore,~~ [and](#) continued discussion is of no benefit to the applicant or licensee.



If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the ~~agency's~~ Board's assigned Legal ~~Office~~ ~~attorney~~ Affairs Division counsel.

### **Communications with Other Organizations/ Individuals**

*(Board Policy)*

All communications relating to any Board action or policy to any individual or organization including NCARB, WCARB, or a representative of the media shall be made only by the Board president ~~of the Board~~, his/her designee, or the ~~executive officer~~ EO. Any Board member who is contacted by any of the above should immediately inform the Board president or ~~executive officer~~ EO of the contact. All correspondence shall be issued on the Board's standard letterhead and will be created and disseminated by the Board office.

Board members shall not act on behalf of the Board without Board approval and consensus, including but not limited to meeting or interacting with other professional organizations, governmental entities, educational institutions, architectural associations, intern associations, etc. All actions on behalf of the Board shall be documented and communicated to the ~~executive officer~~ EO. The ~~executive officer~~ EO will then convey such information to the Board via the monthly report or by other means, as determined necessary.

### **Legislation**

*(Board Policy)*

In the event time constraints preclude Board action, the Board delegates to the ~~executive officer~~ EO the authority to take action on legislation that would change the Architects Practice Act, ~~which impacts~~ a previously established Board policy, or ~~affects~~ the public's health, safety, or welfare. Prior to taking a position on legislation, the ~~executive officer~~ EO shall consult with the Board president. The Board shall be notified of such action as soon as possible.

### **Contact with Candidates**

*(Board Policy)*

Board members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the ~~executive officer~~ EO or Board staff.



**Gifts from Candidates**

*(Board Policy)*

Gifts of any kind to Board members or the staff from candidates for licensure with the Board shall not be permitted.

**Request for Records Access**

*(Board Policy)*

No Board member may access a licensee or candidate file without the ~~executive officer's~~ EO's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.

**Business Cards**

*(Board Policy)*

Business cards will be provided to each Board member upon request with the Board's name, address, telephone, ~~and~~ fax number, and website address. A Board member's business address, telephone, and fax number, and e-mail address may be listed on the card at the member's request.

**Letterhead**

*(Board Policy)*

Only correspondence that is transmitted directly by the Board office may be printed or written on Board letterhead stationery. Any correspondence from a Board member requiring the use of Board stationary or the Board's logo should be transmitted to the Board office for finalization and distribution.

**Chapter 5****Training**

Once a Board member is appointed, the EO secretary will send an email containing a list of all the required trainings, their due dates, and instructions about their completion. Board members should send the certificate of completion or signature page to the EO secretary who maintains Board members' records. For additional information, Board members may refer to DCA's online Board Member Resource Center which may be found at: [dca.boardmembers.ca.gov](http://dca.boardmembers.ca.gov)

**Board Member Orientation**

*(B&P Code Section 453)*

Newly appointed and reappointed Board members must attend a Board Member orientation training course offered by DCA within one year of assuming office. The orientation covers information regarding required training, in addition to other

topics that will ensure a member's success, including an overview of DCA.

### Ethics

(Gov. Code Section 11146 et seq.)

State appointees and employees in exempt positions are required to take an ethics orientation within the first six months of their appointment and every two years thereafter. To comply with that directive, Board members may take the interactive course provided by the Office of the Attorney General, which can be found at [oag.ca.gov/ethics](http://oag.ca.gov/ethics).

### Sexual Harassment Prevention

(Gov. Code Section 12950.1)

Board members are required to undergo sexual harassment prevention training and education once every two years, in odd years. Staff will coordinate the training with DCA.

### Defensive Driver

(SAM Section 0751)

All state employees, which includes Board and committee members, who drive a vehicle (state vehicle, vehicles rented by the state, or personal vehicles for state business) on official state business must complete the Department of General Services (DGS) approved defensive driver training (DDT) within the first six months of their appointment and every four years thereafter.

APPENDIX A**Member Position Description**

The California Architects Board exists to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare. The Board is comprised of ten members, five architects and five public members. To ensure the most effective representation of the interests of both the public and the profession, the Board seeks to have among its members a broad cross-section of architects and consumers of architectural services (e.g., representatives from large and small firms, developers, building officials, educators). Whether a public or a professional member, each member of the Board is responsible first and foremost for public protection.

The Board manages its responsibilities by delegating to a number of committees and task forces and its staff, thereby enabling the Board to more effectively fulfill its mission. The Board appoints an ~~executive officer~~ EO to exercise the powers and perform the duties delegated by the Board. The ~~executive officer~~ EO manages the Board's staff (currently ~~19.6~~29.8 positions including Landscape Architects Technical Committee [LATC] staff positions). With direction from the Board and the Strategic Plan, the Board staff implements the Board's examination, licensing, enforcement, and administration programs.

As a whole, the Board's responsibilities include the following:

- Delineation of the basic professional qualifications and performance standards for admission to and practice of the profession of architecture. The Board accomplishes this objective by setting minimum qualifications for licensure and administering the California Supplemental Examination.
- Establishment and administration of a fair and uniform enforcement policy to deter and prosecute violations of the Architects Practice Act and related regulations.
- Setting policy and procedures for the Board, its committees, task forces, and staff in carrying out the duties of the Board.
- Disseminating information to consumers, licensees, and professional and educational organizations about the Board's services and activities, and rules and regulations governing the profession.

Individual Board member responsibilities include:

- Attendance at Board meetings. (The Board regularly meets quarterly, but may meet more often if necessary. Meetings are generally one-day and are scheduled in locations throughout California. Overnight travel may be necessary. ~~Once per~~ Every two years, the Board meeting includes a Strategic Planning session, ~~held over two days~~.)
- Participation on Board committees and task forces. (Time commitment for committees and task forces vary. Most committees meet ~~3-4~~ 1-2 times per year. Meetings are generally one-day and are scheduled in locations

throughout California. Overnight travel may be necessary.)

- Board members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in Board business. Such readings include the Board Member Administrative Procedure Manual, Sunset Review Report, ~~Board~~ and committee packets, recent studies and reports, and related material.
- Acting as a representative of the Board to communicate information to the professional and educational communities. (Board members may be assigned an architectural school and a constituency group with which they act as a liaison.)
- Possible participation in meetings of the National Council of Architectural Registration Boards' (NCARB) and Western ~~Conference—~~Council of Architectural Registration Boards' (WCARB) meetings and committees. (Each organization holds at least one meeting per year. NCARB committees typically meet twice per year. Meetings are usually two days, and up to two days travel time may be required, depending on meeting location.)
- Possible participation as a WCARB or NCARB officer or director. (The Board has a goal of exercising more influence on WCARB/NCARB by encouraging its members to participate at officer levels of these two organizations.)

## APPENDIX B

## Committee Policy

## Committees

The standing committees of the Board are the:

- Executive
- Professional Qualifications
- Regulatory and Enforcement
- Communications

Board committees are the deliberative bodies that assist the Board in developing policy. Committees make recommendations for consideration by the Board. All Board members should serve on at least one committee each year. Commencing with the committees for the 2014 Strategic Plan, no committee should have more than nine members.

The committees should meet regularly. At a minimum, once the Board's Strategic Plan is adopted in March, committees should conduct ~~a spring~~ meetings to complete so-assigned items objectives and present them may be to forwarded to the Board for consideration, clarification, direction, etc. ~~before the end of the biennial Strategic Plan. Committees' second and subsequent meetings (if necessary) should be scheduled so items can be finalized for the September or December Board meetings to culminate the program of work reflected in the annual Strategic Plan.~~ (New issues that emerge during the course of the year, unless they are critical emergencies, should be referred to the next strategic planning session.) Teleconference meetings can be utilized for meetings on urgent or single-subject issues.

In the event that additional new committee members are needed, the Board president shall ask Board and committee members for suggested interested persons; if an insufficient pool exists, the Board may request names from various organizations, including, but not limited to: The American Institute of Architects, California Council; Society of American Registered Architects; Construction Specifications Institute; California Building Officials, etc.

## Chairmanships

With the exception of the Executive Committee, Eeach committee chair and vice chair shall be appointed by the Board president (in consultation with the vice president and ~~executive officer~~ EO) and shall be a Board member, absent extenuating circumstances (numerous vacancies on the Board). The Executive Committee shall be comprised of the current Board president, vice president, secretary, and the immediate past Board president. Chairs should serve for two to three years, if possible, and in the best interest of the Board. The Board should

endeavor to offer opportunities for all Board members to serve as a chair or vice chair during their tenure on the Board. The list of committee members will be reproduced as part of the Strategic Plan ~~each~~ every other year so it is memorialized in a centralized location.

#### Review

Committee chairs should prepare a report for the Board president and president-elect by November 30th each year. The report would consist of a list of committee members, their committee meeting attendance record, and a synopsis of their contributions, as well as a recommendation as to whether they should be reappointed. Staff shall prepare a template for the report with the attendance data. Each chair shall consult with the ~~executive officer~~ EO in preparing the report.

*Approved by the Board June 14, 2012*

*Revised and approved by the Board on XXXX*

[APPENDIX C](#)

[DCA Incompatible Work Activities \(OHR 10-01\)](#)

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[Process for Annual Performance Evaluations of Executive Officer Memorandum  
\(Dated March 9, 2015\)](#)

DRAFT

~~California Architects Board~~  
Landscape Architects Technical Committee  
Member Administrative  
Procedure Manual

Revised 9/12/18



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## Chapter 1

## Introduction

### Overview

The California Board of Architectural Examiners was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It was renamed the California Architects Board (Board) in 2000. It is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and regulations.

The Board is presently composed of 10 members which, by law, 5 are public members, and 5 are 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 per day for each meeting day or day spent in the discharge of official duties (see section entitled "Salary Per Diem") and are reimbursed travel expenses.

[The Landscape Architects Technical Committee \(LATC\) was statutorily established under the jurisdiction of the Board pursuant to the enactment of Assembly Bill 1546 \(Chapter 475, statutes of 1997\), which became effective January 1, 1998. It replaces the former Board of Landscape Architects, which was abolished through the enactment of Senate Bill 2036 \(Chapter 908, statutes of 1994\) on July 1, 1997.](#)

[The LATC consists of five technical experts who are licensed to practice landscape architecture in this state. Under the provisions of section 5621\(b\) of the Business and Professions \(B&P\) Code, the Governor](#)

has the authority to appoint three of the members. The remaining two members are appointed by the Senate Committee on Rules and the Speaker of the Assembly. Like the Board members, Committee members fill non-salaried positions but are paid \$100 per day for each meeting day and are reimbursed travel expenses.

The LATC's purpose is to act in an advisory capacity to the Board on examinations, regulations, and other matters pertaining to the ~~regulation of the~~ practice of landscape architecture in California.

### Delegated Authority

(B&P Code Sections 5620 & 5622)

B&P Code sections 5620 and 5622 set forth the duties of the Board and the LATC. On May 14, 1998, the Board unanimously voted to empower the LATC, to the fullest extent authorized by law, to exercise all duties, powers, purposes, responsibilities and jurisdiction relative to administration of the LATC as set forth in Chapter 3.5 of Division 3 of the B&P Code (commencing with section 5615), with the following exceptions:

The Committee shall:

- Make recommendations concerning proposed regulatory or statutory changes and submit them to the Board for review and final approval.
- Make recommendations concerning budget augmentations and submit them to the Board for review and final approval.
- Develop a Strategic Plan for the LATC and submit it to the Board for review and final approval.
- Make recommendations involving disciplining a landscape architect or taking action against a person who has violated this chapter to the Board for review and final approval.

### **Mission**

~~The California Architects Board protects consumers by establishing standards for professional qualifications, ensuring competence through examinations, setting practice standards, and enforcing the Architects Practice Act. The LATC regulates the practice of landscape architecture through the enforcement of the Landscape~~

Architects Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

**Vision**

~~The California Architects Board will be the national leader in the regulation of architectural practice.~~  
The LATC will champion for consumer protection and a safer built environment for the people of California

**Values**

- ~~Collaborative~~
- ~~Professional~~
- ~~Innovative~~
- ~~Proactive~~
- Consumer Protection
- Innovation
- Communication
- Integrity
- Leadership

**General Rules of Conduct**

All ~~Board~~Committee members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The ~~Board~~Committee members serve at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- ~~Board~~mMembers shall not act or speak on the Board's or LATC's behalf without proper authorization from the Board president or LATC chair.
- ~~Board~~mMembers shall maintain the confidentiality of confidential documents and information.
- ~~Board~~mMembers shall commit the time to prepare for ~~Board~~LATC responsibilities.
- ~~Board~~mMembers shall recognize the equal role and responsibilities of all~~Board~~ LATC members.
- ~~Board~~mMembers shall act fairly, be nonpartisan,

impartial, and unbiased in their role of protecting the public.

- ~~Board~~ ~~m~~Members shall treat all applicants and licensees in a fair and impartial manner.
- ~~Board~~ ~~m~~Members' actions shall serve to uphold the principle that the ~~Board's~~ LATC's primary mission is to protect the public.
- ~~Board~~ ~~m~~Members shall not use their positions on the ~~Board~~ LATC for personal, familial, or financial gain.

**Abbreviations**

- ASLA American Society of Landscape Architects
- LARE Landscape Architectural Registration Examination
- B&P Business and Professions Code
- CLARB Council of Landscape Architectural Registration Boards
- DCA Department of Consumer Affairs
- EO Executive Officer
- Gov. Government Code
- ~~NCARB~~ ~~National Council of Architectural Registration Boards~~
- SAM State Administrative Manual
- ~~WCARB~~ ~~Western Council of Architectural Registration Boards~~

**Chapter 2**

~~Board~~ LATC Meeting Procedures

**Bagley-Keene Open Meeting Act**

*(Gov. Code Section 11120 et seq.)*

All meetings are open for public attendance and subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

**Public Comment**

*(Gov. Code Section 11125.7)*

Public comment must be allowed on open session agenda items before or during discussion of each item and before a vote.

The ~~Board~~ LATC may accept public comment on an item not on the agenda, provided that the ~~Board~~ LATC takes no action or does not discuss the item at the same meeting. The ~~Board~~ LATC may refer the item to the ~~Board's~~ next Strategic Planning session and/or place the matter on the agenda of a future meeting. The ~~Board~~ LATC cannot prohibit public criticism of the ~~Board's~~ LATC's policies or services. The ~~Board~~ LATC ~~president-chair~~ may set reasonable time limitations.

Due to the need for the ~~Board~~ LATC to maintain fairness and neutrality when performing its adjudicative function, the ~~Board~~ LATC shall not receive any substantive information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

### Closed Session

(Gov. Code Sections ~~11125.2,~~ 11126, 11126.1)

Any general discussion of exams ~~or disciplinary procedures~~ shall be held in public. The ~~Board~~ LATC may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination ~~and to deliberate on disciplinary cases.~~ ~~Examples of types of closed session meetings include:~~

- ~~• Discuss and vote on disciplinary or enforcement matters under the Administrative Procedure Act (APA);~~
- ~~• Prepare, approve, or grade examinations;~~
- ~~• Discuss pending litigation; or;~~
- ~~• Discuss the appointment, employment, or dismissal of the EO unless the EO requests that such action be taken in public.~~

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

No members of the public are allowed to remain in the meeting room for closed sessions. At least one staff member must be present at all closed sessions to record topics discussed and decisions made.



Closed session must be specifically noticed on the agenda (including the topic and legal authority). Before going into closed session, the ~~Board LATC president chair~~ should announce in open session the general nature of the item(s) to be discussed. ~~If the item involves the EO's employment, appointment, or dismissal, and action is taken in closed session. The Board LATC must report that action and any roll call vote that was taken at the next public meeting.~~

### Frequency of Meetings

(B&P Code Section ~~5522~~  
[101.7](#))

The ~~Board LATC~~ shall meet at least ~~once a quarter~~ [three times each calendar year](#) for the purpose of transacting such business as may lawfully come before it and may meet more often as it determines necessary.

### Meeting Location

(Gov. Code Sections  
11123.1 & 11131; B&P Code  
Section 101.7)

The ~~Board LATC~~ is required to hold its meetings at locations that are easily accessible to the public and individuals with disabilities in compliance the Americans with Disabilities Act (ADA). The ~~Board LATC~~ will hold meetings in different locations throughout the state and is required to hold at least one meeting in Northern California and one meeting in Southern California.

### ~~Board Committee~~ Member Attendance at [LATC and](#) Board Meetings

(Board/[LATC](#) Policy)

~~Board m~~Members shall attend each meeting of the ~~Board LATC~~. If a member is unable to attend he/she must contact the ~~Board LATC president chair~~ or ~~the EO vice chair~~ and ask to be excused from the meeting for a specific reason. Should a member miss two consecutive meetings, the Board president [or LATC chair](#) may notify the Director of the DCA.

The Board and LATC maintain an ongoing practice of providing regular updates regarding key issues at each other's respective meetings to sustain understanding of each entity's priorities. [The LATC may send a representative to Board meetings as deemed appropriate by the chair or vice chair.](#)

### Board Member Participation

(Board/[LATC](#) Policy)

The ~~Board LATC president chair~~ may ascertain from members whose level of participation is below standard whether or not the member is no longer able to continue serving as an active member of

the ~~Board~~ L~~A~~T~~C~~. In such a case, the ~~Board~~ ~~president~~ chair may ~~suggest~~ recommend to the Board that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board his/her arguments against the resolution prior to such a resolution being adopted by the Board.

### Teleconference Meetings (Gov. Code Section 11123)

Special rules for notice of teleconference meetings are as follows:

- Same 10-day notice requirement as in-person meetings.
- Notice and agenda must include teleconference locations.
- Every teleconference location must be open to the public and at least one ~~Board~~ L~~A~~T~~C~~ member must be physically present at every noticed location. ~~Board~~ L~~A~~T~~C~~ members must attend the meeting at a publicly noticed location.
- Additional locations may be listed on the notice that allow the public to observe or address the ~~Board~~ L~~A~~T~~C~~ by electronic means without an ~~Board~~ L~~A~~T~~C~~ member present.

### Special Meetings (Gov. Code Section 11125.4)

A special meeting may be called at any time by the presiding officer or by a majority of the members of the ~~Board~~ L~~A~~T~~C~~ and held with 48 hours' notice in specified situations (e.g., consideration of proposed legislation). At the commencement of any special meeting, the ~~Board~~ L~~A~~T~~C~~ must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting would cause a "substantial hardship on the ~~Board~~ L~~A~~T~~C~~ or that immediate action is required to protect the public interest." The finding shall be adopted by two-thirds vote of the ~~Board~~ L~~A~~T~~C~~ if less than two-thirds members present, a unanimous vote of those members present.

**Emergency Meetings**

(Gov. Code Section  
11125.5)

An emergency meeting may be held after finding by a majority of the ~~Board~~ LATC at a prior meeting or at the emergency meeting that an emergency situation exists due to work stoppage or crippling disaster. [A quorum is required for the ~~Board~~ LATC to meet in the event of emergency, such as a work stoppage or crippling disaster.] Emergency meetings require a one-hour notice.

**Quorum**

~~(B&P Code Section 5524)~~

~~Six~~ Three of the members of the ~~Board~~ LATC constitute a quorum of the ~~Board~~ LATC for the transaction of business. The concurrence of ~~five~~ three members of the ~~Board~~ LATC present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the ~~Board~~ LATC, ~~except that when all 10 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.~~

**Agenda Items**

(Board/LATC Policy)

The ~~Board~~ LATC ~~president~~ chair, with the assistance of the ~~EO~~ LATC program manager, shall prepare the agenda and tentative meeting timeframe. Any ~~Board~~ LATC member may submit items for an Board LATC meeting agenda to the ~~EO~~ program manager ~~15-20~~ days prior to the meeting.

**Notice of Meetings to be Sent to Individuals**

(Gov. Code Section 11120  
et seq.; B&P Code Section  
101.7)

According to the Bagley-Keene Open Meeting Act, meeting notices (including agendas for ~~Board~~ LATC meetings) shall be sent to persons on the ~~Board's~~ LATC's mailing or email list at least 10 calendar days in advance. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

**Notice of Meetings to be Posted on the Internet**

(Gov. Code Section 11125)

Unless the meeting meets the requirements for a special or emergency meeting under the Bagley-Keene Open Meeting Act, notice shall be given and made available on the Internet at least 10 calendar days in advance of the meeting, and shall include the name, address, and telephone number of a staff person who can provide further information prior to the meeting but need not

include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the Internet address where notices required by the Bagley-Keene Open Meeting Act are made available.

### Mail Ballots

*(Gov. Code Section 11500 et seq.)*

~~The Board must approve any proposed decision or stipulated settlement before the formal discipline becomes final and the penalty can take effect. Due to time limitations, mail ballots may be executed. If needed, stipulated settlements and proposed decisions will be mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A five-calendar day deadline generally is given to complete the ballot and return it to the Board's office.~~

### Record of Meetings

*(Board ~~LATC~~ Policy; B&P Section ~~5521~~ 5626; Gov. Code Sections 11123(c), 11126.1)*

The minutes are a summary, not a transcript, of each ~~Board~~ LATC meeting. They shall be prepared by ~~Board~~ LATC staff and submitted for review by ~~Board~~ LATC members before the next ~~Board~~ LATC meeting. The minutes must contain a record of how each member present voted for each item on which a vote was taken. ~~Board~~ LATC minutes shall be approved at the next scheduled meeting of the ~~Board~~ LATC. When approved, the minutes shall serve as the official record of the meeting.

### Voting on Motions

*(B&P Code Section 5524; Gov. Code Sections 11120, 11122, 11123, 87100 et seq.; 68 Ops. Cal. Atty. Gen. 65, 69-70)*

As a general rule, all votes must be taken publicly. However, votes taken on closed session matters are not required to be taken publicly. ~~In addition, the APA (disciplinary matters) authorizes mail voting on all questions arising under that act.~~ Secret ballots and proxy votes are prohibited. A majority of the ~~board or~~ committee vote is determined by the votes actually cast. Abstentions are recorded, but not counted, unless a law provides otherwise.

Options for ~~Board~~ LATC members:

- 1) Support / in Favor / Yes / Aye
- 2) Oppose / No / Nay
- 3) Abstain (not counted as a vote)

4) Recused (not counted as a vote)

### Audio/Visual Recording

(Board/~~LATC~~ Policy)

The meeting may be audio/video recorded and/or broadcast live via the Internet. Recordings shall be disposed of upon ~~Board~~ ~~LATC~~ approval of the minutes. If a webcast of the meeting is intended, it shall be indicated on the agenda notice.

## Chapter 3

## Travel & Salary Policies/Procedures

### Travel Approval

(DCA Memorandum  
96-01)

~~Board~~ ~~LATC~~ members shall have ~~Board~~ ~~LATC~~ ~~president~~ ~~chair~~ approval for all travel except for regularly scheduled ~~LATC~~, ~~Board~~ and ~~subcommittee~~ meetings to which the ~~Board~~ ~~LATC~~ member is assigned.

### Travel Arrangements

(Board/~~LATC~~ Policy)

~~Board~~ ~~LATC~~ members are encouraged to coordinate with the ~~EO secretary~~ ~~LATC staff~~ for any ~~Board~~ ~~LATC~~-related travel arrangements, including air or train transportation, car rental, and lodging accommodations through Cal Travel Store's online booking tool, Concur.

~~Board~~ ~~LATC~~ members must also utilize the most economic source of transportation available. For example, if the hotel provides a shuttle from the airport to the hotel it is not fiscally responsible to rent a car or take a taxi. Reimbursement may be reduced or denied if the most economical sources are not used.

All ~~Board~~ ~~LATC~~-related travel must be booked using Cal Travel Store's self-service reservation system, Concur, if an ~~an~~ ~~Board~~ ~~LATC~~ member seeks reimbursement.

In advance of ~~LATC and~~ Board ~~and committee~~ meetings, the ~~EO secretary~~ ~~LATC staff~~ will provide members information detailing the name and address of the chosen hotel where state rates are available if an overnight stay is required.

### Out-of-State Travel

(SAM Section 700 et seq.)

For out-of-state travel, ~~Board~~ ~~LATC~~ members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and

supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

### Travel Reimbursement

*(SAM Section 700 et seq. & DCA Memorandum 96-01)*

Rules governing reimbursement of travel expenses for ~~Board~~ LATC members are the same as for management level state staff. ~~Board~~ LATC members must submit the originals of all receipts, with the exception of meals, and, when applicable, a copy of the airline itinerary and hotel receipt showing the balance paid, to the ~~EO secretary~~ LATC staff. All expenses shall be claimed on the appropriate travel expense claim forms. The ~~EO secretary~~ staff maintains these forms and completes them as needed. The ~~EO secretary~~ staff completes travel expense reimbursements in CalATERS Global and maintains copies of these reports and submitted receipts. It is advisable for ~~Board~~ LATC members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, ~~Board~~ LATC members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the Director and are provided to ~~Board~~ LATC members on at least an annual basis by the ~~EO secretary~~ staff.

### Salary Per Diem

*(B&P Code Section 103)*

Each member of a board, commission or committee created in various chapters of Division 3 (commencing with section 5000) is eligible to receive a per diem of \$100 for each day actually spent in the discharge of official duties, unless on any day served, the member also received compensation for their regular public employment. Reimbursement of travel and other related expenses for ~~Board~~ LATC members is also regulated by section 103.

In relevant part, this section provides for the payment of salary per diem for ~~Board~~ LATC members **“for each day actually spent in the discharge of official duties,”** and provides that the ~~Board~~ LATC member **“shall be reimbursed for traveling and other expenses necessarily incurred**



**in the performance of official duties.”**

(Board/~~LATC~~ Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

No salary per diem or reimbursement for travel-related expenses shall be paid to ~~Board~~ LATC members except for attendance in official Board or committee meetings, unless a substantial official service is performed by the ~~Board~~ LATC member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board or committee meetings in which a substantial official service is performed shall be approved in advance by the ~~Board~~ LATC ~~president~~ chair. The ~~EO~~ LATC program manager shall be notified of the event and approval shall be obtained from the ~~Board~~ LATC ~~president~~ chair prior to ~~Board~~ LATC member's attendance.

The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting to the conclusion of that meeting. Where it is necessary for a ~~Board~~ LATC member to leave early from a meeting, the ~~Board~~ LATC ~~president~~ chair shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For ~~Board~~ LATC specified work, ~~Board~~ LATC members will be compensated for actual time spent performing work authorized by the ~~Board~~ LATC ~~president~~ chair. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; ~~NCLARB~~ committee work; and travel time on non-meeting days (out-of-state). That work does not include preparation time for ~~Board~~ LATC or subcommittee meetings. ~~Board~~ LATC members cannot claim salary per diem for time spent traveling to and from a Board or committee meeting.

## Chapter 4

## Other Policies/Procedures

### ~~Board~~ LATC Member Disciplinary Actions

(*Board*/LATC Policy; Gov.  
Code Section 11125.4)

An LATC member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The Board president shall preside over the hearing unless the censure involves the president's own actions, in which case the Board vice president shall preside. In accordance with the Bagley-Keene Open Meeting Act, the censure hearing shall be conducted in open session.

### Removal of ~~Board~~ LATC Members

(*B&P Code Sections 106 &*  
*106.5*)

The Governor has the power to remove from office at any time any member of any board appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a ~~board~~ member of a board or other licensing entity in DCA who directly or indirectly discloses examination questions to an applicant for examination for licensure.

### Resignation of ~~Board~~ LATC Members

(*Gov. Code Section 1750*)

In the event that it becomes necessary for an ~~an~~ LATC member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of DCA, the Board president, LATC chair, and the EO.

### Officers of the ~~Board~~ LATC (*B&P Code Section 5518* *Board/LATC Policy*)

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

### Election of Officers

(*Board*/LATC Policy)

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



more than one term.

### Officer Vacancies

(Board/LATC Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the ~~president chair~~ becomes vacant, the vice ~~president chair~~ shall assume the office of the ~~president chair~~. Elected officers shall then serve the remainder of the term.

### Task Force or SubCommittee Appointments

(Board/LATC Policy)

The ~~Board LATC president chair~~ shall establish task force groups or special subcommittees, ~~whether standing or special~~, as he or she deems necessary. The composition of the task forces or special subcommittees and the appointment of the members shall be determined by the ~~Board LATC president chair~~ in consultation with the vice ~~president chair~~, and ~~the EO LATC program manager~~. When task forces or special subcommittees include the appointment of non-~~Board LATC~~ members, all impacted parties should be considered. ~~(See Committee Policy in Appendix.)~~

### Attendance at Task Force or SubCommittee Meetings

(Board/LATC Policy; Gov. Code Section 11122.5(c)(6))

If an ~~Board LATC~~ member wishes to attend a meeting of a task force or special subcommittee in an official capacity of which he/she is not a member, that ~~Board LATC~~ member shall obtain permission from the ~~Board LATC president chair~~ to attend and shall notify the task force or subcommittee chair and ~~staff LATC program manager~~. ~~Board LATC~~ members who are not members of the task force or subcommittee that is meeting cannot vote during the task force or subcommittee meeting and may attend only as observers. If there is a quorum of the ~~Board LATC~~ at a task force or subcommittee meeting, ~~Board LATC~~ members who are not members of the task force or subcommittee must sit in the audience and cannot participate in task force or subcommittee deliberations.

Task forces and subCommittees operate at the direction of the ~~Board LATC~~ to fulfill specific goals in the Strategic Plan. Task force and subCommittee chairs shall lead ~~committees'~~ actions toward such goals without undue influence on the part of ~~Board~~

LATC officers or members.

### Board and LATC Staff

(DCA Reference Manual)

Employees of the Board and LATC, with the exception of the EO, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by civil service laws, regulations, and collective bargaining labor agreements. Because of this complexity, it is most appropriate that the ~~Board-LATC~~ delegate all authority and responsibility for management of the civil service staff to the ~~EO~~ LATC program manager. ~~Board-LATC~~ members shall not intervene or become involved in specific day-to-day personnel transactions or matters.

### ~~Executive Officer Program~~ Manager Evaluation

(Board/LATC Policy; ~~Gov.~~  
~~Code Section 11126(a)(1)~~)

~~Board-LATC~~ members shall ~~evaluate~~ provide input regarding the performance of the ~~EO-LATC~~ program manager on an annual basis ~~in accordance with DCA's memorandum Process for Annual Performance Evaluations of EO (Appendix D).~~ ~~The evaluation shall be conducted in Closed Session during a meeting of the Board pursuant to Government Code section 11126(a)(1).~~ The LATC chair shall disseminate a performance appraisal form to all LATC members who shall complete the form and return it to the chair who will, in turn, submit it to the EO.

### ~~Board~~ LATC Administration

(DCA Reference Manual)

~~Board-LATC~~ members should be concerned primarily with formulating decisions on ~~Board~~ LATC policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for ~~Board~~ LATC members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the LATC program manager and EO.

Consistent with the budget and Strategic Plan, requests by individual ~~Board~~ LATC members that are not directly associated with ~~a the committee's~~ LATC's goals or have an impact on staff workload, as determined by the ~~president~~ chair and ~~EO~~ program manager, may be declined. In the event the request is by the ~~president~~ chair, the vice

~~president~~ chair shall review the request.

### **Board ~~LATC~~ Budget**

*(Board ~~LATC~~ Policy)*

The ~~Board~~ vice-~~president~~ chair shall serve as the ~~Board's~~ LATC's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the ~~Board~~ LATC. Staff will conduct an annual budget briefing with the ~~Board~~ LATC with the assistance of the ~~Board~~ LATC vice-~~president~~ chair. The EO LATC program manager, or his/her designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

### **Conflict of Interest**

*(Gov. Code Section 87100)*

No ~~Board~~ LATC member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any ~~Board~~ LATC member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any ~~Board~~ LATC member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the ~~EO~~ LATC program manager or the ~~Board's~~ LATC's legal counsel. The question of whether or not a member has a financial interest that would present a legal conflict of interest is complex and must be decided on a case-by-case review of the particular facts involved. For more information on disqualifying yourself because of a possible conflict of interest, please refer to the Fair Political Practice Committee's manual on their website: [fppc.ca.gov](http://fppc.ca.gov).

### **Financial Disclosure**

*(Gov. Code Section 87302(b))*

The Conflict of Interest Code also requires ~~Board~~ LATC members to file annual financial disclosure statements by submitting a Form 700 – Statement of Economic Interest. New ~~Board~~ LATC members are required to file a disclosure statement within 30 days after assuming office. Annual financial statements must be filed no later than April 1 of each calendar year.

A "leaving of office statement" must be filed within

30 days after an affected ~~Board~~ LATC member leaves office.

~~Board~~ LATC members are not required to disclose all of their financial interests. Gov. Code section 87302 (b) explains when an item is reportable:

An investment, interest in real property, or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

Refer to the Fair Political Practices Commission's website [fpcc.ca.gov](http://fpcc.ca.gov) to determine what investments, interests in property, or income must be reported by a member. Questions concerning particular financial situations and related requirements should be directed to DCA's Legal Affairs Division.

### **Incompatible Activities**

*(Gov. Code Section 19990)*

Following is a summary of the employment, activities, or enterprises that might result in or create the appearance of being inconsistent, incompatible, or in conflict with the duties of state officers:

- Using the prestige or influence of a state office or employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using state time, facilities, equipment, or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using confidential information acquired by the virtue of state employment for the officer's or employee's private gain or advantage or advantage of another.
- Receiving or accepting money, or any other consideration, from anyone other than the state for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his or her

state employment or as a part of his or her duties as a state officer or employee.

- Performance of an act other than in his or her capacity as a state officer or employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee of the agency by which he or she is employed. (This would not preclude an "industry" member of the Board-LATC from performing normal functions of his or her occupation.)
- Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part.

The aforementioned limitations do not attempt to specify every possible limitation on member or employee activity that might be determined and prescribed under the authority of Gov. Code section 19990. DCA's Incompatible Work Activities OHR 10-01 is included in Appendix C.

### Ex Parte Communications

(Gov. Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

"While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the

agency, without notice and an opportunity for all parties to participate in the communication.”

Board members adjudicate disciplinary matters involving the practice of architecture and landscape architecture and are prohibited from an ex parte communication with Board enforcement staff individuals involved in disciplinary proceedings while ~~a proceeding is~~ those matters are pending. In addition, Committee members shall not participate in any ex parte communication with Board members, enforcement staff, or individuals involved in a pending disciplinary proceedings.

Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board or Committee members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the EO.

If a ~~Board~~-Committee member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that discussion about the matter is not permitted, he or she will be required to recuse him or herself from any participation in the matter; and continued discussion is of no benefit to the applicant or licensee.

If a ~~Board~~-Committee member believes that he or she has received an unlawful ex parte communication, he or she should contact the Board’s assigned Legal ~~-Affairs~~ Division counsel.

### Communications with Other Organizations/ Individuals

(Board/LATC Policy)

All communications relating to any ~~Board~~ LATC action or policy to any individual or organization including ~~NCLARB, WCARB~~ ASLA, or a representative of the media shall be made only by the ~~Board~~ LATC ~~president~~ chair, his/her designee, or the ~~EO~~ LATC program manager. Any ~~Board~~



~~LATC~~ member who is contacted by any of the above should immediately inform the ~~Board~~ ~~LATC~~ ~~president~~ ~~chair~~ or ~~EO~~ ~~LATC~~ ~~program~~ ~~manager~~ of the contact. All correspondence shall be issued on the ~~Board's~~ ~~LATC's~~ standard letterhead and will be created and disseminated by the ~~Board~~ ~~LATC~~ office.

~~Board~~ ~~LATC~~ members shall not act on behalf of the ~~Board~~ ~~LATC~~ without ~~Board~~ approval and consensus, including but not limited to meeting or interacting with other professional organizations, governmental entities, educational institutions, ~~landscape~~ architectural associations, intern associations, etc. All actions on behalf of the ~~Board~~ ~~LATC~~ shall be documented and communicated to the ~~EO~~ ~~LATC~~ ~~program~~ ~~manager~~. The ~~EO~~ ~~LATC~~ ~~program~~ ~~manager~~ will then convey such information to the ~~Board~~ ~~LATC~~ via the monthly report or by other means, as determined necessary.

## Legislation

(~~Board~~/~~LATC~~ Policy)

In the event time constraints preclude Board ~~and~~ ~~LATC~~ action, the Board delegates to the EO the authority to take action on legislation that would change the ~~Landscape~~ Architects Practice Act, impact a previously established Board ~~or~~ ~~LATC~~ policy, or affect the public's health, safety, or welfare. Prior to taking a position on legislation, the EO shall consult with the ~~LATC~~ ~~chair~~ ~~and~~ Board president. The ~~Board~~ ~~LATC~~ shall be notified of such action as soon as possible.

## Contact with Candidates

(~~Board~~/~~LATC~~ Policy)

~~Board~~ ~~LATC~~ members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the ~~EO~~ ~~or~~ ~~Board~~ ~~staff~~ ~~LATC~~ ~~program~~ ~~manager~~.

## Gifts from Candidates

(~~Board~~/~~LATC~~ Policy)

Gifts of any kind to ~~Board~~ ~~LATC~~ members or the staff from candidates for licensure with the ~~Board~~ ~~LATC~~ shall not be permitted.

## Request for Records Access

(~~Board~~/~~LATC~~ Policy)

No ~~Board~~ ~~LATC~~ member may access a licensee or candidate file without the ~~EO's~~ ~~program~~ ~~manager's~~ knowledge and approval of the conditions of access. Records or copies of records

shall not be removed from the ~~Board's~~ LATC's office.

**Business Cards**

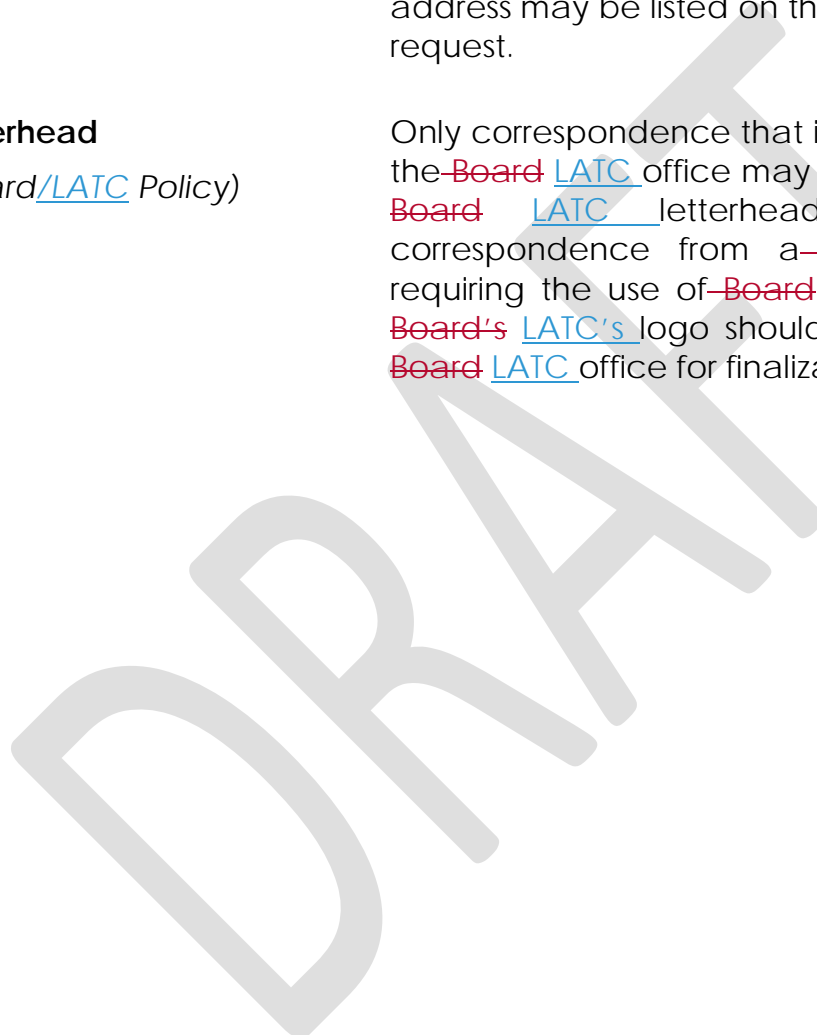
(Board/LATC Policy)

Business cards will be provided to each ~~Board~~ LATC member upon request with the ~~Board's~~ LATC's name, address, telephone, fax number, and website address. A ~~Board~~ LATC member's business address, telephone, and fax number, and e-mail address may be listed on the card at the member's request.

**Letterhead**

(Board/LATC Policy)

Only correspondence that is transmitted directly by the ~~Board~~ LATC office may be printed or written on ~~Board~~ LATC letterhead stationery. Any correspondence from a ~~Board~~ LATC member requiring the use of ~~Board~~ LATC stationary or the ~~Board's~~ LATC's logo should be transmitted to the ~~Board~~ LATC office for finalization and distribution.





## Chapter 5

### Training

Once a ~~Board~~ LATC member is appointed, the ~~EO LATC secretary staff~~ will send an email containing a list of all the required trainings, their due dates, and instructions about their completion. ~~Board~~ LATC members should send the certificate of completion or signature page to the ~~EO secretary~~ LATC staff who maintains ~~Board~~ LATC members' records. For additional information, ~~Board~~ LATC members may refer to DCA's online Board Member Resource Center which may be found at: [dca.boardmembers.ca.gov](http://dca.boardmembers.ca.gov)

#### ~~Board~~ LATC Member Orientation

*(B&P Code Section 453)*

Newly appointed and reappointed ~~Board~~ LATC members must attend a Board Member orientation training course offered by DCA within one year of assuming office. The orientation covers information regarding required training, in addition to other topics that will ensure a member's success, including an overview of DCA.

#### Ethics

*(Gov. Code Section 11146 et seq.)*

State appointees and employees in exempt positions are required to take an ethics orientation within the first six months of their appointment and every two years thereafter. To comply with that directive, ~~Board~~ LATC members may take the interactive course provided by the Office of the Attorney General, which can be found at [oag.ca.gov/ethics](http://oag.ca.gov/ethics).

#### Sexual Harassment Prevention

*(Gov. Code Section 12950.1)*

~~Board~~ LATC members are required to undergo sexual harassment prevention training and education once every two years, in odd years. Staff will coordinate the training with DCA.

#### Defensive Driver

*(SAM Section 0751)*

All state employees, which includes Board and committee members, who drive a vehicle (state vehicle, vehicles rented by the state, or personal vehicles for state business) on official state business must complete the Department of General Services (DGS) approved defensive driver training (DDT) within the first six months of their appointment and every four years thereafter.

## APPENDIX A

Landscape Architects Technical Committee (LATC)  
Committee Member Position Description

The ~~California Architects Board~~ LATC exists to regulate the practice of landscape architecture in the interest and for the protection of the public health, safety, and welfare. The ~~Board~~ LATC is comprised of ~~ten members, five landscape architects and five public members.~~ To ensure the most effective representation of the interests of both the public and the profession, the Board seeks to have among its members a broad cross section of architects and consumers of architectural services (e.g., representatives from large and small firms, developers, building officials, educators). ~~Whether a public or a professional member,~~ Each member of the Board LATC is responsible first and foremost for public protection.

The ~~Board~~ LATC manages its responsibilities by delegating to ~~a number of~~ subcommittees and task forces as needed and its staff, thereby enabling the ~~Board~~ LATC to more effectively fulfill its mission. The ~~Board~~ LATC ~~appoints~~ employs an ~~EO program manager~~ to exercise the powers and perform the duties delegated by the ~~Board~~ LATC. The ~~EO program manger~~ manages the ~~Board's~~ LATC's staff (currently ~~29.8 five~~ positions ~~including Landscape Architects Technical Committee [LATC] staff positions~~). With direction from the ~~Board~~ LATC and the Strategic Plan, the ~~Board~~ LATC staff implements the ~~Board's~~ LATC's examination, licensing, enforcement, and administration programs.

As a whole, the ~~Board's~~ LATC's responsibilities include the following:

- ~~• Delineation of the basic professional qualifications and performance standards for admission to and practice of the profession of architecture. The Board accomplishes this objective by setting minimum qualifications for licensure and administering the California Supplemental Examination.~~
- ~~• Establishment and administration of a fair and uniform enforcement policy to deter and prosecute violations of the Architects Practice Act and related regulations.~~
- ~~• Setting policy and procedures for the Board, its committees, task forces, and staff in carrying out the duties of the Board.~~
- ~~• Disseminating information to consumers, licensees, and professional and educational organizations about the Board's services and activities, and rules and regulations governing the profession.~~
- Assist the Board in the examination of candidates for landscape architecture licensure and, after investigation, evaluate and make recommendations regarding potential violations of the Landscape Architects Practice Act.
- Investigate, assist, and make recommendations to the Board regarding the regulation of landscape architects in this state.
- Perform duties and functions that have been delegated to it by the Board pursuant to B&P Code section 5620.

- Send a representative to all meetings of the full Board to report on the LATC's activities.

Individual ~~Board~~ LATC member responsibilities include:

- Attendance at ~~Board~~ LATC meetings. (The ~~Board~~ LATC regularly meets quarterly, but may meet more often if necessary. Meetings are generally one-day and are scheduled in locations throughout California. Overnight travel may be necessary. Every two years, the ~~Board~~ LATC meeting includes a Strategic Planning session.)
- Participation on ~~Board~~ LATC subcommittees and task forces. (Time commitment for committees and task forces vary. ~~Most committees meet 3-4 times per year. Meetings are generally one day and are scheduled in locations throughout California. Overnight travel may be necessary.~~)
- ~~Board~~ LATC members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in ~~Board~~ LATC business. Such readings include the ~~Board~~ LATC Member Administrative Procedure Manual, Sunset Review Report, Board and committee packets, recent studies and reports, and related material.
- Acting as a representative of the ~~Board~~ LATC to communicate information to the professional and educational communities. ~~(Board members may be assigned an architectural school and a constituency group with which they act as a liaison.)~~
- Possible participation in ~~meetings of the National Council of Landscape Architectural Registration Boards (NCARB-CLARB) and Western Conference of Architectural Registration Boards' (WCARB) meetings and committees. (Each organization holds at least one meeting per year. NCARB committees typically meets twice once per year. Meetings are usually two-three days, and up to two days travel time may be required, depending on meeting location.)~~
- Possible participation as a ~~WCARB or NCARB-CLARB~~ officer or director. (The ~~Board~~ LATC has a goal of exercising more influence on ~~WCARB/NCARB CLARB~~ by encouraging its members to participate at officer levels of these ~~two~~ organizations.)

## APPENDIX B Committee Policy

### Committees

The standing committees of the Board are the:

#### Executive

#### Professional Qualifications

#### Regulatory and Enforcement

#### Communications

Board committees are the deliberative bodies that assist the Board in developing policy. Committees make recommendations for consideration by the Board. All Board members should serve on at least one committee each year. Commencing with the committees for the 2014 Strategic Plan, no committee should have more than nine members.

The committees should meet regularly. At a minimum, once the Board's Strategic Plan is adopted in March, committees should conduct a spring meeting so items may be forwarded to the Board for consideration, clarification, direction, etc. Committees' second and subsequent meetings (if necessary) should be scheduled so items can be finalized for the September or December Board meetings to culminate the program of work reflected in the biennial Strategic Plan. (New issues that emerge during the course of the year, unless they are critical emergencies, should be referred to the next strategic planning session.) Teleconference meetings can be utilized for meetings on urgent or single subject issues.

In the event that additional new committee members are needed, the Board president shall ask Board and committee members for suggested interested persons; if an insufficient pool exists, the Board may request names from various organizations, including, but not limited to: The American Institute of Architects, California Council; Society of American Registered Architects; Construction Specifications Institute; California Building Officials, etc.

### Chairmanships

With the exception of the Executive Committee, each committee chair and vice chair shall be appointed by the Board president (in consultation with the vice president and EO) and shall be a Board member, absent extenuating circumstances (numerous vacancies on the Board). The Executive Committee shall be comprised of the current Board president, vice president, secretary, and the immediate past Board president. Chairs should serve for two to three years, if possible, and in the best interest of the Board. The Board should endeavor to offer opportunities for all Board members to serve as a chair or vice chair during

~~their tenure on the Board. The list of committee members will be reproduced as part of the Strategic Plan each year so it is memorialized in a centralized location.~~

Review

~~Committee chairs should prepare a report for the Board president and president elect by November 30th each year. The report would consist of a list of committee members, their committee meeting attendance record, and a synopsis of their contributions, as well as a recommendation as to whether they should be reappointed. Staff shall prepare a template for the report with the attendance data. Each chair shall consult with the EO in preparing the report.~~

~~Approved by the Board June 14, 2012~~

~~Revised and approved by the Board on XXXX~~

DRAFT

**APPENDIX CB**

DCA Incompatible Work Activities (OHR 10-01)

**APPENDIX D**

Process for Annual Performance Evaluations of Executive Officer Memorandum  
(Dated March 9, 2015)

DRAFT

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE



## COMMITTEE MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Updated 2001

**Chapter 1****Introduction****Overview**

The Landscape Architects Technical Committee (LATC) was statutorily established under the jurisdiction of the California Architects Board (CAB) pursuant to the enactment of AB 1546 (Chapter 475, statutes of 1997) which became effective January 1, 1998. It replaces the former Board of Landscape Architects which was abolished through the enactment of SB 2036 (Chapter 908, statutes of 1994) on July 1, 1997.

The LATC's purpose is to act in an advisory capacity to the CAB on examinations and other matters pertaining to the regulation of the practice of landscape architecture in California.

The LATC consists of five technical experts who are licensed to practice landscape architecture in this state. Under the provisions of section 5621(b) of the Business and Professions Code, the Governor has the authority to appoint three of the members. The remaining two members are each appointed by the Senate Committee on Rules and the Speaker of the Assembly. Committee members fill non-salaried positions but are paid \$100 per day for each meeting day and are reimbursed travel expenses.

This procedure manual is provided to Committee members as a ready reference of important laws, regulations, Department of Consumer Affairs (DCA) policies, and CAB policies in order to guide the actions of the LATC and ensure its effectiveness and efficiency.

**Delegated Authority**

Sections 5620 and 5622 of the Business and Professions Code set forth the duties of the CAB and LATC. On May 14, 1998, the CAB unanimously voted to empower the LATC, to the fullest extent authorized by law, to exercise all duties, powers, purposes, responsibilities and jurisdiction relative to administration of the Landscape Architects Technical Committee as set forth in Chapter 3.5 of Division 3 of the Business and Professions Code (commencing with section 5615), with the following exceptions:

- The Committee shall make recommendations concerning proposed regulatory or statutory changes and submit them to the Board for review and final approval.



- The Committee shall make recommendations concerning budget augmentations and submit them to the Board for review and final approval.
- The Committee shall develop a strategic plan for the Landscape Architects Technical Committee (LATC) and submit it to the Board for review and final approval.
- The Committee shall make recommendations involving disciplining a landscape architect or taking action against a person who has violated this chapter to the Board for review and final approval.

**Definitions**

**B&P** Business and Professions Code

**CAB** California Architects Board

**DCA** Department of Consumer Affairs

**LATC** Landscape Architects Technical Committee

**Chapter 2**

**Committee Meeting Procedures**

**Frequency of Meetings**  
(Committee Policy)

The Committee shall meet at least once a quarter and may meet more often as it determines necessary.

**Attendance at Meetings**  
**Committee Member**  
(Committee Policy)

Committee members shall attend each meeting of the LATC. If a member is unable to attend he/she must contact the LATC chair or vice chair and ask to be excused from the meeting for a specific reason.

**Committee Member**  
**Participation**  
(Committee Policy)

The LATC chair may ascertain from members whose level of participation is below standard whether or not the member is able to continue serving as an active member of the LATC. In such a case, the chair may recommend to the CAB that the member resign. If such resignation is not forthcoming within a reasonable time, the CAB, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the CAB his/her arguments against the resolution prior to such a resolution being adopted by the CAB.

**Committee Member**  
**Meetings**  
(Committee Policy)

The LATC may send a representative to CAB board meetings as deemed appropriate by the chair or vice chair.

**Public Attendance at  
Committee Meetings**  
(Government Code Section  
11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

Any general discussion of exams or disciplinary procedures shall be held in public. The LATC may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination, and to deliberate on disciplinary cases. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

**Agenda Items**  
(Committee Policy)

Any Committee member may submit suggested items for a Committee meeting agenda to the LATC program manager 20 days prior to the meeting.

**Notice of Meetings**  
(Government Code Section  
11120 et seq.)

According to the Open Meeting Act, meeting notices (including agendas for Committee meetings) shall be sent to persons on the Committee's mailing list of interested persons at least ten (10) calendar days in advance. The notice shall include a telephone number and address where persons can obtain additional information prior to the meeting.

**Record of Meetings**  
(Committee Policy)

The minutes are a summary, not a transcript, of each Committee meeting. They shall be prepared by LATC staff and submitted for review by the LATC before the next scheduled meeting. LATC minutes shall be approved by the CAB at the Board's next scheduled meeting. When approved, the minutes shall serve as the official record of the meeting.

**Tape Recording**  
(Committee Policy)

The meetings may be tape-recorded for staff purposes. Tape recordings shall be disposed of upon CAB approval of the minutes.

**Meeting Rules**  
(Committee Policy)

The LATC will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting meetings.

**Chapter 3**

**Travel & Salary Policies/Procedures**

**Travel Approval**  
(Committee Policy)

Committee members shall have the chair’s approval for all travel except for regularly scheduled meetings.

**Travel Arrangements**  
(Committee Policy)

Committee members should attempt to make travel arrangements through LATC staff.

**Out-of-State Travel**  
(SAM Section 700 et seq.)

For out-of-state travel, Committee members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and approved by the Governor’s Office.

**Travel Claims**  
(SAM Section 700 et. seq. and  
DCA Memorandum 91-26)

Rules governing reimbursement of travel expenses for Committee members are the same as for management and state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The LATC’s administrative assistant maintains these forms and completes them as needed. It is advisable for Committee members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Committee members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the director.

**Salary Per Diem**  
(B&P Code Section 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Committee members is regulated by the Business and Professions Code.

In relevant part, this section provides for the payment of salary per diem for Committee members “for each day actually spent in the discharge of official duties,” and provides that the Committee member “shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”

(Committee Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Committee members except for

attendance at official meetings, unless a substantial, official service is performed by the Committee member. Attendance at gatherings, events, hearings, conferences, or meetings in which a substantial official service is performed shall be approved in advance by the LATC chair. The program manager shall also be notified of the event prior to the Committee member’s attendance.

Committee members attending out-of-state annual or regional meetings, conferences, seminars, etc. are expected to attend all appropriate sessions and to make a report to the Committee on the sessions at its next scheduled meeting following the event.

2. The statement “day actually spent in the discharge of official duties” shall mean such time as is expended from the commencement of a Committee meeting to the conclusion of that meeting. Where it is necessary for a member to leave early from a meeting, the LATC chair shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

3. For LATC specified work, Committee members will be compensated for actual time spent performing work authorized by the LATC chair. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences or participation in item writing workshops for the California Supplemental Examination, and travel time on non-meeting days. That work does not include preparation time for Committee meetings. Members cannot claim salary per diem for time spent traveling to and from a Committee meeting.

**Chapter 4**

**Committee Member  
Disciplinary Actions  
(Committee Policy)**

**Other Policies/Procedures**

A Committee member may be censured by the CAB if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The president of the Board shall sit as chair of the hearing or in his or her absence, the vice president. In accordance with the Public Meetings Act, the censure hearing shall be conducted in open session.

**Removal of Committee Members**  
(B&P Code Sections  
106 and 106.5)

The Governor has the power to remove from office at any time any member of any board or committee appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a board or committee member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

**Resignation of Committee Members**  
(Government Code Section 1750)

In the event that it becomes necessary for a Committee member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of the DCA, the CAB president, the executive officer of the CAB and the chair of the LATC.

**Officers of the Committee**  
(Committee Policy)

The LATC shall elect from its members a chair and a vice chair to hold office for one year or until their successors are elected.

The chair shall preside over and conduct meetings in accordance with Robert’s Rules of Order. In addition, the chair shall represent the LATC at the Council of Landscape Architectural Registration Boards’ annual and regional meetings and make reports to the LATC at the next scheduled meeting following the event.

The vice-chair shall assume the duties of chair in the chair’s absence.

**Program Budget**  
(Committee Policy)

The vice chair shall serve as the LATC’s budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Committee. Staff will conduct an annual budget briefing with the CAB with the assistance of the vice chair. The program manager or his/her designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

**General Role of Committee Members**  
(Committee Policy)

The primary role of LATC members is to recommend policy under the statutes governing it. Policy guidance is developed by interpreting the regulatory law through officially adopted regulations and clearly developed licensing and enforcement procedures.

More detailed duties of a Committee member are contained in the Department of Consumer Affairs' Board Member Orientation and Reference Manual.

**Election of Officers**  
(Committee Policy)

The LATC shall elect its officers at the last meeting of the fiscal year. Officers shall serve a term of one year. All officers may be elected on one motion (or ballot) as a slate of officers unless objected to by a Committee member.

**Officer Vacancies**  
(Committee Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the chair becomes vacant, the vice chair shall assume the office of the chair. Elected officers shall then serve the remainder of the term.

**Task Force Appointments**  
(Committee Policy)

The chair shall establish task force groups or special committees as he or she deems necessary. The composition of the task forces or special committees shall be determined by the chair in consultation with the vice chair and the program manager of the LATC.

**Attendance at Task Force Meetings**  
(Committee Policy)

If a Committee member wishes to attend a task force or special committee meeting, and he/she is not a participant on that task force, that member shall obtain permission from the Committee chair to attend and shall notify the Committee chair and program manager of the LATC.

**Request for Records Access**  
(Committee Policy)

No Committee member may access a licensee or candidate file without the CAB executive officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the LATC's office.

**Communications with Other Organizations/Individuals**  
(Committee Policy)

All official communications relating to any Committee recommendation or policy to any individual or organization, including the Council of Landscape Architectural Registration Boards (CLARB), the American Society of Landscape Architects (ASLA), or a representative of the media, shall be made only by the chair of the LATC, his/her designee, or the program manager of the LATC. Any Committee member who is contacted regarding official business of the LATC should inform the chair or program manager of the contact. All correspondence shall be issued on the LATC's standard letterhead and will be created and disseminated by the LATC staff.

**Program Evaluation**  
(Committee Policy)

Committee members shall evaluate their performance on an annual basis in conjunction with their strategic planning process.

**Program Manager Review**  
(Committee Policy)

Committee members shall provide input regarding the performance of the program manager at the end of each fiscal year. The LATC chair shall disseminate a performance appraisal form to all Committee members who shall complete the form and return it to the chair who will, in turn, submit it to the executive officer of the CAB.

**Contact with Candidates**  
(Committee Policy)

Committee members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the program manager or LATC staff.

**Gifts from Candidates**  
(Committee Policy)

Gifts of any kind to Committee members or the LATC staff from candidates for licensure with the LATC are not permitted.

**Conflict of Interest**  
(Government Code Section 87100)

No Committee member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Committee member, who has a financial interest, shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Committee member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the program manager of the LATC or the executive officer of the CAB.

**Ex Parte Communications**  
Government Code Section  
11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An ex parte communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Committee members are prohibited from ex parte communication with LATC enforcement staff while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact LATC members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the program manager.

If a Committee member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, he or she should be told that the Committee member will be required to recuse him or herself from an participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Committee member believes that he or she has received an unlawful ex parte communication, he or she should contact the LATC's assigned Legal Office attorney.

**Business Cards**  
(Committee Policy)

Business cards will be provided to each Committee member with the LATC's name, address, telephone and fax numbers, and website address.

**LATC Staff**  
(DCA Reference Manual)

Employees of the LATC are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the LATC delegate all authority and responsibility for management of the civil service staff to the executive officer of the CAB and program manager of the LATC. Committee members shall not intervene or become involved in specific day-to-day personnel transactions.



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### **REVIEW AND POSSIBLE ACTION TO APPROVE BOARD'S AND LATC'S 2018 SUNSET REVIEW REPORTS TO BE SUBMITTED TO THE LEGISLATURE**

The Board's 2017-2018 Strategic Plan contains an objective to prepare for the Sunset Review process in order to facilitate a positive outcome. Each year, the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee hold joint Sunset Review oversight hearings to review the boards and bureaus under the Department of Consumer Affairs (DCA). The Sunset Review process provides an opportunity for the Legislature, DCA, boards, interested parties, and stakeholders to discuss the performance of the boards and make recommendations for improvements. Attached is a timeline provided by DCA depicting the overall Sunset Review Process for 2018-2019.

The Board and Landscape Architects Technical Committee (LATC) must complete the Sunset Review process once every four years, with the next Sunset Review Report due to the Legislature on December 1, 2018. In anticipation of the release of the 2018 questionnaire, staff prepared draft Reports based on the prior 2017 template and provided it to the Executive Committee for review and input on May 16, 2018. The Executive Committee completed an initial review of the draft Reports, suggested revisions, and approved the Reports to be presented to the Board at its June 13, 2018 meeting. At that meeting, the Board reviewed the Reports section-by-section and suggested several edits; the Board then directed staff to make final edits to the Reports. On June 29, 2018, the Board and LATC received its 2018 Sunset Review templates. The LATC reviewed and approved its draft 2018 Sunset Review Report at its July 20, 2018 meeting.

At this meeting, the Board is asked to review and approve the draft 2018 Sunset Review Reports to the Legislature, which includes the Board's suggested edits from June and final staff edits (both of which are shown with tracked changes). Additionally, the Board is asked to delegate authority to the Executive Officer (EO) to make any necessary minor and technical changes to the Reports prior to submittal, and to the President and EO to approve any other changes.

The Board/LATC's Sunset Review hearing will likely be held in March 2019. Approximately two weeks prior to the hearing, legislative staff will provide a Background Paper identifying issues for fact-checking and review. The hearing will provide an opportunity to present the Reports and discuss those identified issues and recommendations from the Legislature. Staff will then prepare responses to the issues identified in the Background Paper and submit formal written responses within 30 days of the hearing.

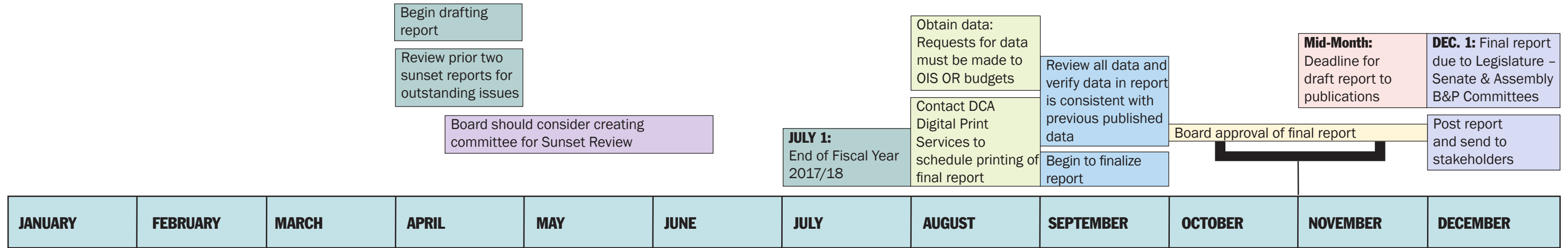
#### Attachments:

1. Sunset Review Process 2018-2019
2. Board Sunset Review Report (Draft)
3. LATC Sunset Review Report (Draft)

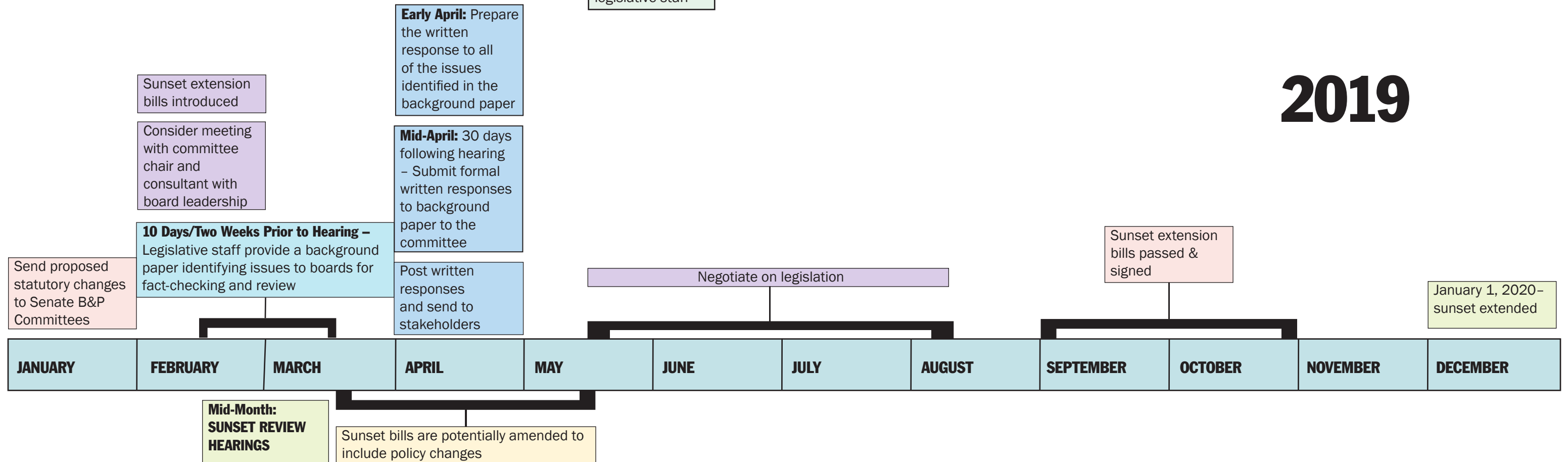


# SUNSET REVIEW PROCESS

## 2018



## 2019



# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 1 – Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

- The California Architects Board (Board) was created by the Legislature in 1901.
- The 10-member Board consists of 5 architects and 5 public members. Eight gubernatorial appointees, one Senate Rules Committee appointee, and one Speaker of Assembly appointee for a term of four years.
- The Board is proactive and preventive, as is evidenced by its work to improve the experience and examination components of its licensing system.
- The Board has a strong history of creative problem solving and collaboration with key constituencies, such as local building officials, educators and students, and related professions.
- The Board is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of architecture.

On March 23, 1901, the Governor of California approved “An Act to Regulate the Practice of Architecture,” thus creating the State Board of Architecture. The Governor appointed 10 architect members to the Board. Initially, the Board was comprised of two districts: Northern and Southern. The district offices acted independently to some degree and made recommendations to the full Board on matters relating to applicants for certification. Each district office elected its own officers from the officers elected to the full Board.

Initially, individuals who could demonstrate to the satisfaction of the district board in which they would be practicing that they were practicing architecture in the State of California as of March 23, 1901, and who were in good standing, could apply for certification with the Board without examination. Over 250 of these initial "A" licenses were issued. Six months after the approval of the Act, it became unlawful to practice architecture or call oneself an architect in the State of California unless certified by the Board. However, the Act made a significant exemption to this rule by allowing individuals to prepare plans, drawings, specifications, instruments of service, or other data for buildings, provided that the individual fully informed the client in writing that he or she was not an architect. This exemption made the Act a quasi-title act instead of a true practice act. At that time, the Board also began issuing “B” licenses to individuals who had passed either a written or oral examination. Almost 1,950 "B" licenses were issued between 1901 and 1929.

In 1929, the Board’s name was changed to the California State Board of Architectural Examiners. That same year, the Board began issuing licenses to individuals who passed both a written and an oral examination. The Board’s main office in Sacramento was established in 1956 and the district offices remained as branches. In 1963, the Act was revised making the actual practice of architecture by an unlicensed individual a misdemeanor. This revision made the Act a true practice act, restricting the practice of architecture to only licensed architects.

Through 1984, the Board also had the authority to issue a temporary certificate to practice architecture to an architect licensed in another state for a stipulated structure in California upon satisfactory evidence of his or her architectural competence and payment of the applicable fee.

From 1964 through 1985, the Board also regulated registered building designers. The registration process began in 1964 and continued until 1968. The Board continued to regulate the practice of registered building designers through 1985, although no new registrations were granted after 1968. Effective January 1, 1986, it became a misdemeanor for individuals to represent themselves as “registered building designers.” Of the estimated 700 active building designers registered at the time, about 300 applied for and were granted licenses as architects. The Board now licenses only architects and has one office in Sacramento.

Since 1997, the Board has also overseen the duties, responsibilities, and jurisdiction of the Landscape Architects Technical Committee (LATC). The Board is charged with regulating landscape architects and managing all of the affairs of the former Board of Landscape Architects. The LATC is structured as a committee of the Board. The Board views this structure as very positive and has found the relationship between the two related professions to be mutually beneficial. Opportunities for collaboration between the two regulatory programs and the efficiencies associated with combining our efforts wherever possible are the main advantages. The Board and LATC maintain an ongoing practice of providing regular updates regarding key issues at each other’s respective meetings to sustain understanding of each entity’s priorities. Moreover, the Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board. Likewise, an LATC member attends Board meetings to ensure ongoing Committee representation. . The Board is not aware of any consumer-related issues with respect to the structure, and the respective professions and their organizations appear to be pleased with the current structure.

In 1999, Assembly Bill (AB) 1678 (Committee on Consumer Protection, Government Efficiency and Economic Development, Chapter 982, Statutes of 1999) changed the Board’s name to the California Architects Board. This change was designed to reflect the fact that, in addition to examining candidates, the Board maintains a wide range of programs to protect consumers and regulate the practice of architecture.

## **Mission**

The mission of the Board is to protect the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture in California. The Board has established the following six goal areas which provide the framework for its efforts to further its mission:

1. Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations;
2. Establish regulatory standards of practice for California architects;
3. Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur;
4. Increase public and professional awareness of the Board’s mission, activities, and services;
5. Improve effectiveness of relationships with related organizations in order to further the Board’s mission and goals; and
6. Enhance organizational effectiveness and improve the quality of customer service in all programs.

In fulfilling its mission, the Board has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor

problems from becoming disasters. The worst-case scenario, a building failure, is simply not tolerable. As such, the Board works to aggressively address issues well before they exacerbate into catastrophes. In the Board's enforcement program, for example, this means cooperatively working with building departments through the Board's first-of-its-kind Building Official Contact Program. The Board also invests heavily in communications (e.g., social media, newsletter, liaison activities), both to consumers and to architects. The Board works closely with professional groups to ensure that architects understand changes in laws, codes, and standards. The Board also reaches out to schools and related professions and organizations via a proactive liaison program. To ensure the effectiveness of these endeavors, the Board works to upgrade and enhance its communications by constantly seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the Board's firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

**1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).**

The **Executive Committee** is charged with coordinating and leading the Board's public awareness program, organizational relationships, organizational development, and customer service efforts. It takes the lead in: 1) increasing public and professional awareness of the Board's mission, activities, and services; 2) improving the effectiveness of the Board's relationships with related organizations to further its mission and goals; and 3) enhancing the Board's organizational effectiveness and improving the quality of customer service in all of the Board's programs. The Executive Committee is composed of four members: President, Vice President, Secretary, and one additional Board member (typically the past President).

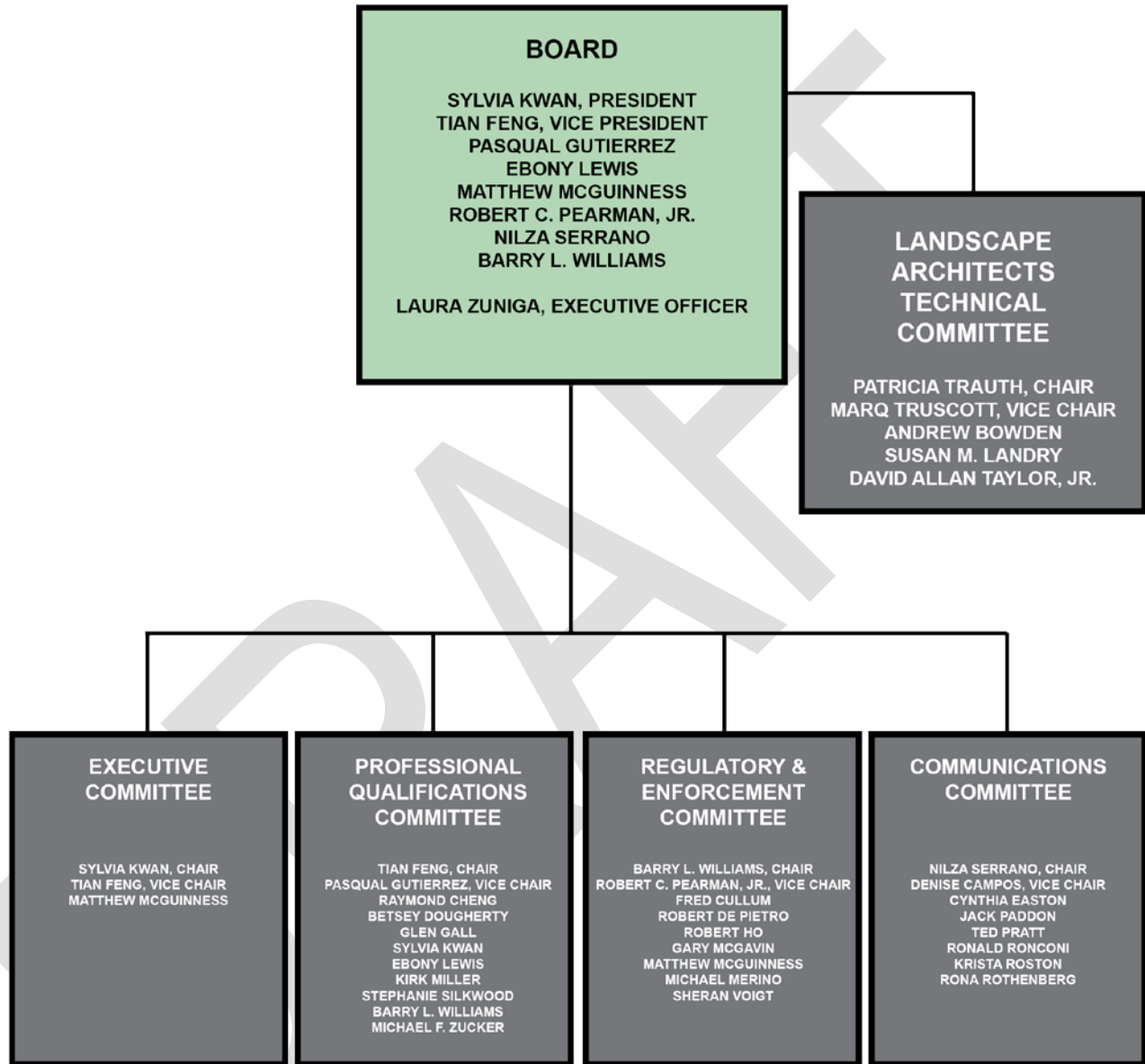
The **Professional Qualifications Committee** (PQC) is charged with: 1) ensuring the professional qualifications of those practicing architecture by setting requirements for education, experience, and examination; 2) reviewing the Board's national examination to ensure that it fairly and effectively tests the knowledge, skills, and abilities of importance to architectural practice in California; 3) analyzing and making recommendations on educational and experience requirements relative to entry-level qualifications; and 4) reviewing the practice of architecture to ensure the Architects Practice Act accurately reflects areas of practice. In 2011, the Board's Examination Committee was consolidated into the PQC to promote greater efficiency. As a result, the PQC has the following additional roles and responsibilities: 1) providing general California Supplemental Examination (CSE) oversight; 2) working with the Board's testing experts, examination vendors, and subject matter experts to provide valid, defensible, and efficient examinations; and 3) addressing broad examination policy issues. The PQC is composed of 11 current and former Board members, and experts.

The **Regulatory and Enforcement Committee** (REC) is charged with making recommendations on: 1) practice standards and enforcement issues; 2) regulatory standards of practice for architects; 3) policies and procedures designed to protect consumers by preventing violations and enforcing standards when violations occur; and 4) informing the public and licensees of the Board's standards and enforcement programs. The REC is composed of nine current and former Board members, and experts.

The **Communications Committee** is charged with: 1) overseeing all of the Board's communications and identifying strategies to effectively communicate to key audiences; and 2) providing strategic input on enhancing the use of social media to communicate with the Board's stakeholders. The Communications Committee communicates with the public through a variety of publications. This Committee also oversees a

variety of outreach programs, such as programs to communicate with students, faculty, and Deans. The Communications Committee is composed of eight current and former Board members, and experts.

An organizational chart of the Board’s current committee structure is provided below:





**Table 1a. Board Member Attendance (July 1, 2014 – June 30, 2018)** Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

<b>Jon Alan Baker</b>			
Date Appointed: 11/10/2005 [Term Expired 6/30/2010]			
Date Re-appointed: 12/22/2010 [Term Expired 6/30/2013]			
Date Re-appointed: 9/24/2013 [Term Expired 6/30/2017]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	Yes

<b>Chris Christophersen</b>			
Date Appointed: 2/26/2013 [Term Expired 6/30/2015]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/10/2014	San Diego	Yes

<b>Denise Campos</b>			
Date Appointed: 6/30/2014 [Term Expired 6/30/2018]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes

Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	No (excused)
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	Yes

<b>Tian Feng</b>			
Date Appointed: 2/6/2014 [Term Expired 6/30/2017]			
Date Re-appointed: 2/27/18 [Term Expires 6/30/2021]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)/Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	Yes

<b>Pasqual Gutierrez</b>			
Date Appointed: 9/2/2006 [Term Expired 6/30/2010]			
Date Re-appointed: 12/21/2010 [Term Expired 6/30/2014]			
Date Re-appointed: 7/11/2014 [Term Expires 6/30/2020]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	Yes

<b>Sylvia Kwan</b>			
Date Appointed: 8/16/2013 [Term Expires 6/30/2019]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)/Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	No (excused)

Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	Yes

<b>Ebony Lewis</b>			
Date Appointed: 12/23/2014 [Term Expires 6/30/2019]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	No (excused)
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	No (excused)
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	No (excused)
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	Yes

<b>Matthew McGuinness</b>			
Date Appointed: 9/15/2012 [Term Expired 6/30/2016]			
Date Re-appointed: 7/19/2016 [Term Expires 6/30/2020]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes

Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	Yes

<b>Robert C. Pearman, Jr.</b>			
Date Appointed by Assembly Speaker: 2/25/2016 [Term Expires 6/30/2019]			
Resigned: 8/14/2018			
Date Appointed by Senate Rules Committee: 8/15/2018 [Term Expires 6/30/2022]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	No (excused)
Board Meeting	6/13/2018	Sacramento	Yes

<b>Nilza Serrano</b>			
Date Appointed: 9/24/2013 [Term Expired 6/30/2016]			
Date Re-appointed: 7/19/2016 [Term Expires 6/30/2020]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	No (excused)
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes

Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	No (excused)/Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	No (excused)

<b>Sheran Voigt</b>			
Date Appointed: 5/30/2006 [Term Expired 6/30/2010]			
Date Re-appointed: 12/22/2010 [Term Expired 6/30/2014]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes

<b>Barry Williams</b>			
Date Appointed: 12/18/2014 [Term Expired: 6/30/2018]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	No
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes
Board Meeting	3/1/2018	Sacramento	Yes
Board Meeting	6/13/2018	Sacramento	Yes

<b>Hraztan Zeitlian</b>			
Date Appointed: 10/29/2008 [Term expired 6/30/2010]			
Date Re-appointed: 12/22/2010 [Term Expired 6/30/2014]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting	12/10-11/2014	Sacramento	Yes

**Table 1b. Board Member Roster** Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Sylvia Kwan, President	8/16/2013	N/A	6/30/2019	Governor	Architect
Tian Feng, Vice President	2/6/2014	2/27/2018	6/30/2021	Governor	Architect
Denise Campos, Secretary	6/30/2014	N/A	6/30/2018	Senate Rules	Public
Jon Alan Baker	11/10/2005	12/22/2010 9/24/2013	6/30/2010 6/30/2013 6/30/2017	Governor	Architect
Chris Christophersen	2/26/2013	N/A	6/30/2015	Speaker of Assembly	Public
Pasqual Gutierrez	9/2/2006	12/21/2010 7/11/2014	6/30/2010 6/30/2014 6/30/2020	Governor	Architect
Ebony Lewis	12/23/2014	N/A	6/30/2019	Governor	Public
Matthew McGuinness	9/15/2012	7/19/2016	6/30/2016 6/30/2020	Governor	Public
Robert C. Pearman, Jr.	2/25/2016 8/15/2018	N/A N/A	6/30/2019 6/30/2022	Speaker of Assembly Senate Rules	Public Public
Nilza Serrano	9/24/2013	7/19/2016	6/30/2016 6/30/2020	Governor	Public
Sheran Voigt	5/30/2006	12/22/2010	6/30/2010 6/30/2014	Governor	Public
Barry Williams	12/18/2014	N/A	6/30/2018	Governor	Architect
Hraztan Zeitlian	10/29/2008	12/22/2010	6/30/2010 6/30/2014	Governor	Architect

**2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?**

No, in the past four years, the Board has held all meetings without any quorum issues.



**3. Describe any major changes to the board since the last Sunset Review, including but not limited to:**

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

**Leadership**

The Board is in the midst of a major leadership change in that it recently appointed a new Executive Officer (EO). Doug McCauley, the Board’s former EO since 2001, was appointed Chief Deputy Director of the Department of Housing and Community Development in March of 2018. The Board has had strong continuity in the EO position, as Mr. McCauley’s predecessor served the Board of 14 years.

**Strategic Planning**

Beginning December 2014, the Board began developing biennial Strategic Plan objectives. Previously, the Board developed its Strategic Plan objectives annually. The Board is due to update its Strategic Plan in December 2018.

**Expanded Social Media Presence**

The Board has expanded its social media presence to include three platforms, Twitter, Instagram, and Facebook. As of June 30, 2018, Twitter (launched in 2014) has 1,183 followers, Instagram (launched in 2016) has 391 followers, and Facebook (launched in 2017) has 61 followers.

**Collection Agency Contract**

The Board’s current Strategic Plan contains an objective to measure the effectiveness of the Board’s citation collection methods as a means of protecting future consumers. Likewise, the LATC’s Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals. Accordingly, the Board and LATC are currently collaborating with DCA to execute a contract with a collection agency, through the informal solicitation method (Government Code section 14838.5), for full-service debt collection services, including “skip tracing,” credit reporting, and filing legal actions as appropriate to assist in the collection of unpaid citation penalties and cost recoveries for unpaid administrative fines and cost reimbursement accounts aged beyond 90 days. The Board and LATC anticipate execution of this contract by early 2019.

**Integrated Path to Architectural Licensure (IPAL)**

Launched in 2015, IPAL is an initiative spearheaded by the National Council of Architectural Registration Boards (NCARB) and designed to provide aspiring architects the opportunity to complete the requirements for licensure in a more integrated and streamlined manner while earning their accredited degree. Programs from three California schools were accepted by NCARB for participation: NewSchool of Architecture and Design, University of Southern California, and Woodbury University; to date there are 26 programs at 21 participating schools around the country with California having 5 programs – the most of any participating state.

Over the past few years, the Board held several of its meetings at the campuses of schools with an IPAL program; each school provided an update on its respective program. To show its support for IPAL, the Board sponsored legislation that allows students enrolled in an IPAL program early access to the Architect Registration Examination (ARE). In 2017, to assist IPAL schools in finding opportunities for students to gain the required training for the Architectural Experience Program, the Board sent Los Angeles and San Diego



area architectural firms a letter requesting their consideration of hiring an IPAL student from a local program. The Board's newsletter, *California Architects*, was instrumentally used to promote California IPAL schools by featuring each in an article. As a dynamic program still in its formative years of development, NCARB is collecting data on the performance of approved programs and candidate examination statistics. It was recently published by NCARB that several IPAL students from Florida and North Carolina graduated in May 2018 – the first IPAL graduates nationwide. NCARB anticipates being able to provide performance data in three to five years when more students have progressed through the program. The Board will closely monitor future data releases for analysis and opportunities to provide NCARB with suggestions regarding enhancements or modifications to the program.

### **California Supplemental Examination (CSE) – Updated Forms**

CSE development is an ongoing process. Development of the CSE based upon the new CSE Test Plan commenced in the Summer 2016 and resulted in the launching on March 1, 2017, of the first corresponding examination administrations.

### **CSE – Wait Time Reduction**

The Board, in collaboration with the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES), explored the feasibility of reducing the mandatory CSE retake waiting period, which is set by regulation (California Code of Regulations Code [CCR] section 124) at 180 days. Based upon its findings, OPES determined the Board could reduce the waiting period to 90 days and maintain the defensibility and integrity of the CSE. OPES provided the Board with an implementation plan at its March 1, 2018, meeting. The implementation plan OPES formulated outlined the necessary examination development steps to achieve the objective of commencing the 90-day retake policy for CSE administrations beginning March 1, 2019. The Board anticipates initiating the rulemaking process to amend section 124 with the Office of Administrative Law (OAL) by the end of 2018.

- **All legislation sponsored by the board and affecting the board since the last sunset review.**

**Assembly Bill (AB) 177 (Bonilla, Chapter 428, Statutes of 2015)** extended the Sunset date for the Board and LATC until January 1, 2020.

**AB 507 (Olsen, 2015) [BreEZe]** would have added Business and Professions Code (BPC) section 210.5 to require DCA to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. The author opted to not move the bill forward, as comprehensive reporting on BreEZe will be more appropriate when it is fully implemented.

**AB 1005 (Calderon, 2017) [Orders of Abatement]** would have amended BPC section 125.9 to require a citation containing an order to pay an administrative fine to contain an order of abatement, fixing a period of no fewer than 30 days for abatement of the violation before the administrative fine becomes effective. The bill did not advance.

**AB 1489 (Brough, 2017) [Architects Practice Act]** was The American Institute of Architects, California Council's (AIACC) bill that proposed two changes to the Architects Practice Act (Act) via BPC section 5536.25: 1) a clarification that an architect is not responsible for damage caused by "construction deviating from a permitted set of plans, specifications, reports, or documents" not authorized or approved in writing by the architect; and 2) an update to the definition of "construction observation services" to clarify that

those services do not include inspection, or determining or defining means and methods (the day-to-day activities a contractor employs to complete construction). The bill did not advance.

**AB 2138 (Chiu and Low, 2018) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction]** would authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding seven years, except for serious felonies, and would require the crime to be substantially related to the qualifications, functions, or duties of the business or profession. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

**AB 2483 (Voepel, 2018) [Indemnification of Public Officers and Employees: Antitrust Awards]** would have required a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. The bill did not advance.

**Senate Bill (SB) 850 (Block, Chapter 747, Statutes of 2014)** authorized community colleges to establish baccalaureate degree pilot programs at campuses to be determined by the Chancellor of California Community Colleges.

**SB 704 (Gaines, Chapter 495, Statutes of 2015)** established an additional provision of the Government Code wherein appointed members of unelected boards or commissions would be permitted to recuse themselves from decisions on contracts in which they have a financial interest.

**SB 1479 (Committee on Business, Professions and Economic Development, Chapter 634, Statutes of 2016)** contained the Board-sponsored amendment which clarified language regarding integrated degree programs that was added to the Act. The bill updated BPC section 5550.2, which permits the Board to grant early eligibility to take the ARE for students enrolled in an NCARB-accepted integrated degree program. The amendment incorporates a general reference to the IPAL initiative to prevent any issues with the name of NCARB's program.

**SB 547 (Hill, Chapter 429, Statutes of 2017)** extended the sunset date of the California Council of Interior Design Certification (CCIDC) and its certification program until January 1, 2022.

**SB 1132 (Galgiani, 2016) [Architect-in-Training]** was an 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 ARE and is employed under the direct supervision of an architect. The bill was vetoed by the Governor.

**SB 1195 (Hill, 2016) [Board Actions: Competitive Impact]** would have granted the DCA Director authority to review any board decision or other action to determine whether it unreasonably restrains trade. The bill was referred to the Senate inactive file.

**SB 247 (Moorlach, 2017) [Professions and Vocations: License Requirement: Business: Surety Bond Requirement]** would have repealed occupational licensing requirements. The bill failed passage in the Senate Business, Professions and Economic Development Committee and did not advance.

**SB 721 (Hill, 2018) [Building Standards: Decks and Balconies: Inspection]** establishes inspection and repair requirements for “exterior elevated elements” as defined, including decks and balconies for buildings with three or more multifamily dwelling units; establishes reporting and repair requirements if repairs are needed, including specific timelines for carrying out the repairs; specifies who can complete the inspections and repairs; and, provides for civil penalties for violations for building owners, as specified. This bill is on the Governor’s desk.

**SB 984 (Skinner, 2018) [State Boards and Commissions: Representation: Appointments]** would require all state boards and commissions, beginning on and after January 1, 2024, to be comprised of a specified minimum number of women board members or commissioners based on the total number of board or commission members on that board. This bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. SB 984 is with the Assembly Appropriations Committee.

**SB 1137 (Vidak, 2018) [Veterans: Professional Licensing Benefits]** would require the Department of Veterans Affairs and the Department of Consumer Affairs (DCA), in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans. This bill is on the Governor’s desk.

**SB 1480 (Hill, 2018) [Professions and Vocations]** would require the DCA to amend department-wide enforcement guidelines to include the category of “allegations of serious harm to a minor” under the “urgent” or “highest priority level.” It would also reduce from three times per year to two times per year, the frequency with which the boards within the DCA meet. Other provisions of this bill are specific to individual programs.

- **All regulation changes approved by the Board since the last sunset review. Include the status of each regulatory change approved by the LATC.**

A number of relevant regulatory changes have been enacted or proposed since the last Sunset Review. These changes are listed below.

**Architect Registration Examination Credit Expiration [California Code of Regulations (CCR) section 120]** – The Board amended its regulations to reflect the NCARB’s amendment to the ARE Five-Year Rolling Clock provision concerning divisions that were previously exempt. This regulation became effective on July 1, 2014.

**Filing of Applications (CCR section 109)** – The Board amended its regulations to reduce the total required Intern Development Program (IDP) experience from 5,600 hours to 3,740 hours, reflecting the newest edition of NCARB’s *IDP Guidelines*. This regulation became effective on April 1, 2015.

**NCARB Record (CCR section 116)** – The Board amended its regulations to reflect the NCARB Record requirement that candidates must establish and maintain an NCARB Record to access examination

scheduling information, view testing history, rolling clock information, and download score reports. This regulation became effective on April 1, 2015.

**Filing of Applications (CCR section 109)** – The Board amended its regulations to allow candidate IDP experience to be gained beyond the initial six-month reporting period (up to five years at a reduced value of 50 percent toward IDP requirements), reflecting the newest edition of NCARB’s *IDP Guidelines*. This regulation became effective on October 1, 2015.

**Filing of Applications (CCR section 109)** – The Board amended its regulations to reflect changes in the new edition of the Canadian *Internship in Architecture Program Manual*. This regulation became effective on January 1, 2016.

**Filing of Applications, Review of Applications (CCR sections 109 and 111)** – The Board amended its regulations to expedite or, when applicable, assist the initial licensure process for a candidate who supplies satisfactory evidence to the Board they have served as an active duty member of the Armed Forces of the United States and were honorably discharged. This regulation became effective on April 1, 2016.

**Filing of Applications (CCR section 109)** – The Board amended its regulations to reduce the total length of required IDP experience from 5,600 hours to 3,740 hours, reflecting changes in a new edition of NCARB’s *IDP Guidelines*. This regulation became effective on October 1, 2016.

**Examination Transfer Credit (CCR sections 118.5 and 119.8)** – The Board amended CCR section 118.5 to allow transfer credit for those who passed ARE divisions, and added CCR section 119.8 to allow candidates to transition to and obtain credit for ARE 5.0. This regulation became effective on October 1, 2016.

**California Supplemental Examination (CCR sections 124 and 124.5)** – The Board directed staff to amend its regulations to reduce the examination waiting period to 90 days. The Board anticipates initiating the rulemaking process to amend sections 124 and 124.5 with OAL by the end of 2018.

**Contest of Citations, Informal Conference (CCR section 152.5)** – The Board approved an amendment to its regulations to allow the EO to delegate to a designee, such as the Assistant EO or the Enforcement Program Manager, the authority to hold an informal conference with a cited person and decide to affirm, modify, or dismiss a citation. The regulatory amendment also contained additional revisions to CCR section 152.5, including: changing the deadline for requesting an informal conference for consistency with the deadline for requesting a formal administrative hearing; authorizing the EO or a designee to extend the 60-day period for holding the informal conference for good cause; and 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. The Board anticipates initiating the rulemaking process to amend section 152.5 with OAL by early 2019.

**Disciplinary Guidelines (CCR section 154)** – The Board approved an amendment to its regulations to incorporate revised *Disciplinary Guidelines* by reference.. The Board anticipates initiating the rulemaking process to amend section 154 with OAL by early 2019.

#### **4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).**

The Board, in collaboration with OPES, conducted an Occupational Analysis (OA) for the CSE in 2014. The primary purpose of the OA was to define current practice for California architects in terms of the actual job tasks that new licensees must be able to safely and competently perform at the time of licensure. The results of the OA serve as the basis for ongoing examination development. As part and parcel of the OA process, OPES conducted an ARE review and linkage study in 2015 that compared the content of the 2014 CSE Test Plan with the subject matter covered in the various divisions of ARE 4.0 and 5.0. This helps to ensure there is minimal overlap in the content of the CSE. The final step of the OA process was reclassification of the CSE item bank.

Presently, the Board, in accordance with BPC section 5600.05, is working on the preparation of a report for presentation to the Legislature by January 1, 2019. The focus and purpose of the report is to provide the Legislature with a staff analysis of the Board's continuing education (CE) requirement and a determination of whether CE for architects is effective or necessary. The report details, as stipulated in section 5600.05, will include data/information regarding the following:

- Level of licensee compliance with the requirements;
- Actions taken by the Board for noncompliance with the requirements;
- Findings of Board audits; and
- Recommendations of the Board for improving the process.

The outcome of the Legislature's review of the report will ultimately play a significant role in the future operations of the CE Program.

#### **5. List the status of all national associations to which the board belongs.**

- Does the board's membership include voting privileges?

The Board is a member of NCARB and exercises its voting rights pursuant to NCARB's bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which board participates.

The Board members and the EO have served on NCARB's Broadly Experienced Architect Committee, Committee on Examination – ARE 5.0 Case Study Task Force, Examination Committee, Internship Committee, Licensure Task Force/Integrated Path Evaluation Committee, Model Law Task Force, and the Procedures and Documents Committee.

- How many meetings did board representative(s) attend? When and where?

The Board was approved to participate in the NCARB Regional Summit and Annual Meeting as follows:

NCARB Regional Summit

March 12-14, 2015 (Long Beach, CA)

March 10-12, 2016 (Savannah, GA)

March 9-11, 2017 (New Jersey, NJ)

NCARB Annual Meeting

June 17-20, 2015 (New Orleans, LA)

June 16-18, 2016 (Seattle, WA)

June 22-24, 2017 (Boston, MA)

June 28-30, 2018 (Detroit, MI)

The NCARB Committee and Task Force meetings were as follows:

Broadly Experienced Architect Committee

July 15-16, 2016 (Chicago, IL)

Committee on Examination - ARE 5.0 Case Study Task Force

September 26-27, 2014 (Washington, DC)

Examination Committee

May 1-2, 2015 (Washington, DC)

January 29-30, 2016 (Phoenix, AZ)

Internship Committee

July 30-August 1, 2015 (San Diego, CA)

January 29-30, 2016 (Phoenix, AZ)

Licensure Task Force/Integrated Path Evaluation Committee

August 15-16, 2014 (Portland, ME)

November 14-15, 2014 (Washington, DC)

Model Law Task Force

September 16-17, 2016 (Washington, DC)

December 9-10, 2016 (Miami, FL)

February 24-25, 2017 (Savannah, GA)

May 5-6, 2017 (Denver, CO)

November 10-11, 2017 (Washington, DC)

Procedures and Documents Committee

January 29-30, 2016 (Phoenix, AZ)

December 9-10, 2016 (Miami, FL)

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The national examination, the ARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. However, Jon Baker and Michael Merino (former Board members) have both been involved in examination item writing. In addition, the Board periodically conducts an examination review wherein NCARB opens a test center in California for Board members to view the examination and test its software.

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 2 – Performance Measures and Customer Satisfaction Surveys

**6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.**

The Board's performance measure reports for the last four years are attached (cf., Section 12, Attachment E).

**7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

The Board is committed to providing exemplary customer service to its stakeholders. To assist the Board in fulfilling this commitment, it utilizes customer satisfaction surveys directed to its key constituents. The responses provided are anonymous. A majority (1,416 or 88 percent) of the responses to the survey demonstrate that individuals agree or strongly agree they are satisfied with the services provided by the Board.

The Board distributes its customer satisfaction survey in the following manner:

- Visible link near top of Board's website;
- Link included in all outgoing staff emails; and
- Link included in all Board subscriber list emails.

Constituents who respond to the surveys may also provide written comments regarding the various functions of the Board. The comments provide management an opportunity to obtain qualitative feedback from constituents and ensure exemplary customer service.

To increase the response rate, the Board recently implemented distribution of the survey to all newly licensed individuals upon issuance of their license. The Board will continue to research additional methods to increase response rates and provide exemplary service to its stakeholders. This is an important component to the Board's mission and strategic goals.

# California Architects Board Customer Satisfaction Survey

## 1. Board staff is courteous when contacted by phone.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	20	21	20	64
(2) Agree	8	2	3	1
(3) Disagree	2	2	0	1
(4) Strongly Disagree	0	2	2	4
<b>Total</b>	30	27	25	70

## 2. Board staff assistance is efficient.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	23	28	27	72
(2) Agree	6	6	4	1
(3) Disagree	4	2	1	2
(4) Strongly Disagree	4	4	6	5
<b>Total</b>	37	40	38	80

## 3. Board staff assistance is accurate.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	22	28	28	72
(2) Agree	8	5	4	2
(3) Disagree	3	3	2	1
(4) Strongly Disagree	3	0	4	5
<b>Total</b>	36	36	38	80



**4. Board's website contains useful information.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	13	12	18	64
(2) Agree	16	17	14	5
(3) Disagree	5	4	1	1
(4) Strongly Disagree	2	4	2	4
<b>Total</b>	36	37	35	74

**5. Board's website is organized so that information is easy to find.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	9	12	17	60
(2) Agree	19	16	16	10
(3) Disagree	6	5	1	0
(4) Strongly Disagree	3	3	3	5
<b>Total</b>	37	36	37	75

**6. The processing of my application was timely.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	11	13	17	33
(2) Agree	4	5	3	5
(3) Disagree	6	5	2	2
(4) Strongly Disagree	3	1	3	4
<b>Total</b>	24	24	25	44

**7. The processing of my application was accurate.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	9	13	16	36
(2) Agree	9	7	3	3
(3) Disagree	2	1	0	1
(4) Strongly Disagree	2	0	3	3
<b>Total</b>	22	21	22	43

**8. The processing of my renewal was timely.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	6	9	2	53
(2) Agree	5	3	3	5
(3) Disagree	1	0	0	0
(4) Strongly Disagree	0	0	0	0
<b>Total</b>	12	12	5	58

**9. The processing of my renewal was accurate.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	7	7	2	58
(2) Agree	2	3	2	1
(3) Disagree	1	0	0	0
(4) Strongly Disagree	1	0	1	0
<b>Total</b>	11	10	5	59

**10. The processing of my name change or change of address was accurate.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	2	10	4	24
(2) Agree	3	1	3	2
(3) Disagree	0	0	0	0
(4) Strongly Disagree	0	0	0	1
<b>Total</b>	5	11	7	27

**11. The complaint process was described fully and accurately.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	3	7	3	20
(2) Agree	2	2	6	4
(3) Disagree	2	2	3	0
(4) Strongly Disagree	4	1	2	2
<b>Total</b>	11	12	14	26

**12. Overall, I was satisfied with the service I received from the Board.**

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	22	30	28	72
(2) Agree	6	6	3	5
(3) Disagree	6	2	0	1
(4) Strongly Disagree	5	4	7	5
<b>Total</b>	39	42	38	83

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 3 – Fiscal and Staff

#### Fiscal Issues

- 8. Is the board's fund continuously appropriated? If Yes, please cite the statute outlining this continuous appropriation.**

No.

- 9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.**

Per Business and Professions Code section 128.5(b), the Board's statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2017/18 is \$5,553,000 (16.4 months in reserve). The estimated current spending level for 2018/19 is \$3,796,000. The Board's fund condition is shown below in Table 2, identifying fund balance and expenditure levels. In addition, due to California Supplemental Examination (CSE) savings, the Board's request for spending authority reduction in the form of a Baseline Budget Adjustment was approved in the amount of \$300,000 for FY 2015/16 and ongoing.

- 10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.**

The Board does not currently project any deficits or a need to increase or decrease fees. The Board's 2015-2016 Strategic Plan contained an objective to analyze fees to determine whether they are appropriate. Budget Office staff monitored the fund for the following two FYs and determined that the Board's fund condition was appropriate and did not recommend a fee change. Based on the Budget Office assessment of the Board's fund condition, the Board is maintaining fees at their current levels, and continues to monitor its fund condition with Budget Office staff until such time their determination changes. Staff also monitors the Board's expenditures and revenue very closely with the Budget Office.

**Table 2. Fund Condition**

(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18 <sup>2</sup>	FY 2018/19 <sup>1</sup>	FY 2019/20 <sup>1</sup>
Beginning Balance (Includes Prior Year Adjustments)	\$5,276	\$4,886	\$5,658	\$4,969	\$5,553	\$4,481
Revenues and Transfers	\$2,956	\$4,288	\$3,005	\$4,254	\$2,981	\$4,251
Total Resources	\$8,232	\$9,174	\$8,663	\$9,223	\$8,534	\$8,733
Budget Authority	\$3,993	\$3,763	\$3,677	\$3,837	\$3,796	\$3,872
Expenditures (Includes Direct Fund Assessments)	\$3,363	\$3,523	\$3,694	\$3,670	\$4,053	\$4,129
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$4,869	\$5,651	\$4,969	\$5,553	\$4,481	\$4,604
Months in Reserve	16.6	18.4	14.7	16.4	13.0	13.1

<sup>1</sup> Projected to spend full budget.

<sup>2</sup> Estimated. Year-end figures expected to be available in March 2019 due to DCA's transition to FI\$Cal.

**11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?**

The Board has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the Board loaned the general fund \$1.8 million that was repaid with interest in FY 2006/07.

**12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.**

During the last four years, the Board has spent an average of approximately 30% of its budget on the enforcement program, 27% on the examination program, 16% on the licensing program, 5% on administration, and 22% on DCA pro rata. (Note: percentages differ slightly from last reporting period due to pro rata costs dispersed among the programs.)

<b>Table 3. Expenditures by Program Component</b> (list dollars in thousands)								
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18 <sup>1</sup>	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$541	\$444	\$610	\$476	\$724	\$326	\$746	\$210
Examination	\$498	\$409	\$562	\$439	\$667	\$300	\$687	\$193
Licensing	\$299	\$245	\$337	\$263	\$400	\$180	\$412	\$116
Administration <sup>2</sup>	\$85	\$70	\$96	\$75	\$114	\$51	\$118	\$33
DCA Pro Rata		\$770		\$658		\$728		\$939
<b>Total Expenditures</b>	\$1,423	\$1,938	\$1,605	\$1,911	\$1,905	\$1,585	\$1,963	\$1,491

<sup>1</sup> Estimated. Year-end figures expected to be available in March 2019 due to DCA's transition to FISCAL.

<sup>2</sup> Administration includes costs for executive staff, board, administrative support, and fiscal services.

**13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?**

Since the inception of the BreEZe project, the Board has contributed a total of \$328,269. The Board's estimated budgeted contribution in FY 2017-18 is \$83,000.

**14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.**

The Board is a special fund agency that generates its revenue from its fees. The Board's main source of revenue is from its applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the license, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

Fees for an original license and biennial renewal (in each odd calendar year) increased on January 1, 2011. As a result:

- 1) Original license fees increased from \$200 to \$300 (if the license is issued less than one year before the date on which it will expire, the fee increased from \$100 to \$150);
- 2) Renewal fees increased from \$200 to \$300 (prior to that, the fee had not been increased since 1989, when it was raised from \$100 to \$200); and
- 3) The delinquency fee increased from \$50 to \$100.

Business and Professions Code 5604 authorizes the Board to charge fees as follows:

The fees prescribed by this chapter for architect applicants or architect license holders shall be fixed by the Board as follows:

- a) The application fee for reviewing a candidate's eligibility to take any section of the examination may not exceed one hundred dollars (\$100).
- b) The fee for any section of the examination administered by the board may not exceed one hundred dollars (\$100).
- c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect at the time the license is issued. The Board may, by appropriate regulation, provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.
- d) The fee for an application for reciprocity may not exceed one hundred dollars (\$100).
- e) The fee for a duplicate license may not exceed twenty-five dollars (\$25).
- f) The renewal fee may not exceed four hundred dollars (\$400).
- g) The delinquency fee may not exceed 50 percent of the renewal fee.
- h) The fee for a retired license may not exceed the fee prescribed in subdivision (c).

CCR section 144 currently authorizes the following fees:

- a) The application fee for reviewing a candidate's eligibility to take any or all division(s) of the ARE is one hundred dollars (\$100) for applications submitted on or after July 1, 1999;
- b) The application fee for reviewing a reciprocity candidate's eligibility to take the CSE is thirty-five dollars (\$35);
- c) The fee for the CSE is one hundred dollars (\$100);
- d) The fee for an original license is three hundred dollars (\$300). If the license is issued less than one year before the date on which it will expire, the fee is one hundred fifty dollars (\$150);
- e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 2011 shall be three hundred dollars (\$300);
- f) The delinquency fee is one hundred dollars (\$100); and
- g) The fee for a duplicate certificate is fifteen dollars (\$15).

**Table 4. Fee Schedule and Revenue**(list dollars in thousands<sup>1</sup>)

Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 <sup>3</sup> Revenue	% of Total Revenue <sup>4</sup>
Duplicate License/Cert.	\$15	\$25	\$705	\$1,035	\$615	\$750	0%
Certification	\$2	\$2	\$6	\$14	\$10	\$10	0%
Citation/Fine FTB Collection	Various	Various	\$5,113	\$2,936	\$147	\$0	0%
Citation/Fine <sup>2</sup>	Various	Various				\$0	0%
Cost Recovery	Various	Various	\$3,490	\$4,245	\$11,948	\$0	0%
Re-licensure	\$100	\$100	\$200	\$400	\$1,200	\$400	0%
Reciprocity	\$35	\$100	\$9,450	\$9,975	\$11,270	\$10,500	0%
Retired License	\$300	\$400	\$25,500	\$23,700	\$22,500	\$22,500	1%
Initial License	\$300	\$400	\$41,100	\$148,800	\$57,900	\$150,000	2%
Initial License ½	\$150	\$200	\$48,450	\$25,800	\$76,650	\$30,000	3%
CA Supplemental Exam	\$100	\$100	\$108,100	\$117,900	\$120,800	\$120,000	4%
ARE Eligibility	\$100	\$100	\$119,400	\$131,600	\$136,400	\$135,000	5%
Biennial Renewal	\$300	\$400	\$2,488,734	\$3,659,700	\$2,473,800	\$3,660,000	83%
Accrued Renewal	Various	Various	\$59,200	\$66,900	\$36,000	\$36,000	1%
Delinquent Renewal	\$100	\$200	\$38,050	\$70,500	\$30,000	\$70,000	1%
Misc. Service to Public	N/A	N/A	\$720	\$335	\$365	\$0	0%
Dishonored Check	\$25	\$50	\$475	\$825	\$275	\$875	0%
<b>Totals</b>			\$2,948,693	\$4,264,665	\$2,979,880	\$4,236,035	

<sup>1</sup> Listed actuals instead of thousands due to low amounts.<sup>2</sup> Citation/Fine received and cashiered by Board.<sup>3</sup> Estimated. Year-end figures expected to be available in March 2019 due to DCA's transition to FISCAL.<sup>4</sup> Percentage of revenue based on most recent full FY results (FY 2016/17).**15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.****Table 5. Budget Change Proposals (BCPs)**

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

The Board has not submitted any BCPs in the past four FYs.



## Staffing Issues

### **16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.**

The Board works expeditiously to fill vacant positions to help ensure adequate staff resources to meet the Board's objectives. The position vacancies have mainly been in the Office Technician classification, which is entry level. Other professional class positions, such as Staff Services Analyst, Associate Governmental Program Analyst, and Staff Services Manager have a lower vacancy rate. These vacancies are often attributed to other promotional opportunities, a common civil service occurrence. The Board has been successful in reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs and cross trains staff. Currently, the Board has three vacancies, and they will be filled within the next 60 days.

Incorporated as an element of the Board's Business Continuity Plan, the DCA's Workforce and Succession Plan identifies mission critical positions that have a significant impact on the Board and requires specialized job skills and/or expertise. The Board updates the plan annually to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

### **17. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).**

The Board encourages training for all staff and participates heavily in courses offered at no cost through DCA's Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged and many have completed SOLID's Analyst Certification Training. This training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities both in-house and externally. In the past four FYs, staff have taken more than 300 courses at no charge. In addition, SOLID offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs as well as leadership trainings, such as the Future Leadership Development Program, which the Lead Enforcement Analyst participated in.

In the past four FYs, the average cost per year spent on training was \$920 (i.e., enforcement certification, regulatory process). Specialized training is also encouraged and provided to staff as needed. These include mandatory courses, such as sexual harassment prevention, ethics, information technology, and defensive driving.

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 4 – Licensing Program

**18. What are the board's performance targets/expectations for its licensing program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

The Board's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete and all requirements are met (including the submission of required supporting documentation and there is no criminal history), the Board typically meets this goal. When the volume of applications and staffing shortages delay processing, the Board temporarily redirects available staff from other units. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the Board to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the Board migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

**19. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?**

Staff processing applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Architect Registration Examination (ARE), California Supplemental Examination (CSE), and licensure at any time once determined eligible by the Board. There are no set deadlines for submission. Accordingly, a significantly greater than anticipated influx of applications can present a challenge for staff in meeting performance expectations and may cause slightly longer (7 to 10 additional days) processing times. However, as part of its due diligence, management monitors the volume of applications received and processed and makes the appropriate adjustments to workflow and staffing necessary for achieving performance targets.

Another matter for consideration relative to application processing is the required documentation that must be submitted in support of an application. Candidates requesting consideration of their education must have certified transcripts sent directly from their school or available from their National Council of Architectural Registration Boards' (NCARB) Record; and Employment Verification Forms submitted by their employers. The Board sends an ineligibility notification when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

There can also be a great variation in the amount of time a candidate is issued a license after they passed the CSE. CSE results are provided to candidates immediately upon completion of an examination at the test center. However, a candidate may choose to wait before applying for the actual license. A license is typically issued within 30 days after receipt of the completed application and fee.

**20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?**

Refer to Tables 7a and 7b below for licenses and renewals issued each year.

**21. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.**

During the past four years, the Board denied one license application for a conviction substantially related to the practice of architecture (two felony counts of attempted sexual abuse in the first degree involving a person under the age of 14).

Table 6. Licensee Population					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Architect	Active*	20,504	20,914	21,025	21,377
	Delinquent	2,817	2,559	2,099	2,146
	Retired	1,312	1,387	1,457	1,542
	Out-of-State	3,805	3,813	3,853	3,915
	Out-of-Country	184	189	189	189

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

\* Data does not include pending incomplete renewal applications, which range from 450 to 500 per FY and may result in an "Active" license record when application is completed correctly.

**Table 7a. Licensing Data by Type**

Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2015/16	ARE	1,316	1,284	DNA	N/A	DNA	DNA	DNA	See note below <sup>2</sup>		
	CSE	1,179	1,179	DNA	N/A	DNA	DNA	DNA	"		
	License	668	662	DNA	662	DNA	DNA	DNA	"		
	Renewal	12,199 <sup>1</sup>	12,199	DNA	12,199	DNA	DNA	DNA	"		
FY 2016/17	ARE	1,364	1,310	DNA	N/A	DNA	DNA	DNA	"		
	CSE	1,208	1,208	DNA	N/A	DNA	DNA	DNA	"		
	License	704	698	DNA	698	DNA	DNA	DNA	"		
	Renewal	8,246 <sup>1</sup>	8,246	DNA	8,246	DNA	DNA	DNA	"		
FY 2017/18	ARE	1,494	1,230	DNA	N/A	DNA	DNA	DNA	"		
	CSE	1,162	1,162	DNA	N/A	DNA	DNA	DNA	"		
	License	650	662	DNA	662	DNA	DNA	DNA	"		
	Renewal <sup>3</sup>	12,585 <sup>1</sup>	12,585	DNA	12,585	DNA	DNA	DNA	"		

\* Optional. List if tracked by the board.

DNA = Data Not Available                      N/A = Not Applicable

<sup>1</sup> Data does not include pending incomplete renewal applications which range from 450 to 500 per FY.

<sup>2</sup> Applications are typically processed within 30 days from the date of receipt, provided application is complete and required supporting documentation submitted in accordance with the Board’s regulations (i.e., certified transcripts sent by the educational institution, employment verification documentation, etc.).

<sup>3</sup> Data based on 11 months. Year-end figures expected to be available in March 2019 due to DCA’s transition to FI\$Cal.

<b>Table 7b. Total Licensing Data</b>			
	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>FY 2017/2018</b>
<b>Initial Licensing Data:</b>			
Initial License/Initial Exam Applications Received	3,163	3,276	3,306
Initial License/Initial Exam Applications Approved	3,125	3,216	3,054
Initial License/Initial Exam Applications Closed	DNA	DNA	DNA
License Issued	662	698	662
<b>Initial License/Initial Exam Pending Application Data:</b>			
Pending Applications (total at close of FY)	DNA	DNA	DNA
Pending Applications (outside of board control)*	DNA	DNA	DNA
Pending Applications (within the board control)*	DNA	DNA	DNA
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):</b>			
Average Days to Application Approval (all - Complete/Incomplete)	See note 2 above for Table 7a		
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
<b>License Renewal Data:</b>			
License Renewed	12,199	8,246	12,585 <sup>1</sup>
Note: The values in Table 7b are the aggregates of values contained in Table 7a			
* Optional. List if tracked by the board.			
DNA = Data Not Available			

<sup>1</sup> Data based on 11 months. Year-end figures expected to be available in March 2019 due to DCA's transition to FISCal.

## 22. How does the board verify information provided by the applicant?

The Board uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate any postsecondary education listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the Board or available within the candidate's NCARB Record for credit to be granted.

Work experience must be submitted on the Board-approved Employment Verification Form (EVF) and signed by the licensed professional who supervised the candidate's work to receive credit. Board staff verify with the appropriate jurisdiction or regulatory agency that the supervising professional's licensing information provided on the EVF is true and correct.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information must provide the examination history detailing what form of the ARE (or equivalent) was taken and when each division was passed. Reciprocal licensure candidates may substitute the EVF with an NCARB Certificate, which provides information on education (if any), examination, and experience. The NCARB Certificate

demonstrates that an individual has met the highest professional standards, which makes it easier for licensees to obtain reciprocal registration in other US jurisdictions.

**a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

The Board's applications include the following questions about the candidate's criminal/disciplinary history:

- Have you ever had registration denied, suspended, or revoked, or otherwise been disciplined by a public agency in any state or country?
- Have you ever been convicted of, or pled guilty or nolo contendere to any criminal or civil offense (including every citation, infraction, misdemeanor, and/or felony, including traffic violations) in the US, its territories, or a foreign country?
- Exclusive of juvenile court adjudications and criminal charges dismissed under California Penal Code section 1000.3 or equivalent non-California laws, or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e), or section 11360(b), have you had a conviction that was set aside or later expunged from the records of the court?
- Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict?

The applications of those candidates responding "yes" to any of the questions are referred to the Board's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based upon the Board's regulations and relevant statutes, whether the offense or action is related to the practice of architecture or to the candidate's ability to practice architecture in the interest of the public health, safety, and welfare.

NCARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

During the past four years, the Board has not denied any licenses based on an applicant's failure to disclose required information on an application, as there have not been any cases involving an applicant who deliberately withheld such information from the Board.

**b. Does the board fingerprint all applicants?**

The Board is not statutorily authorized to fingerprint candidates (applicants) for an architect license.

In 2011 and 2012, the Board considered the necessity of a fingerprinting requirement as part of its Strategic Plan objectives and determined that based on the anticipated low number of arrest and prosecution reports expected, there would be little increased benefit to the public health, safety, and welfare. It was noted that current law already requires architects working on school projects where children are present to have a background check conducted by submitting their fingerprints. Additionally, there would be increased costs to licensees and candidates.

The Board's current Strategic Plan includes an objective assigned to the Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. At this time, the Board is 1 of 6 programs within the Department of Consumer Affairs' (DCA) 39 boards and bureaus without the statutory authority to use fingerprinting for criminal background checks. Staff researched how other DCA boards and bureaus implemented their fingerprint requirements for applicants and licensees, as well as examined the current fingerprint requirements for other architectural licensing boards throughout the country. The REC reviewed and discussed this objective at its August 23, 2018 meeting, and while the REC recognized the benefit of a fingerprint requirement, it also noted:

1. There is a low percentage of the Board's applicant and licensee population with criminal records and most of those crimes are not substantially related to the qualifications, functions, or duties of an architect.
2. Applicants and licensees are already required to disclose convictions to the Board on their applications.
3. A fingerprint requirement would result in increased costs for applicants and licensees.
4. Related design and construction boards (the Board for Professional Engineers, Land Surveyors, and Geologists and the Contractors State License Board) fingerprint their applicants, but only deny a negligible percentage of applications due to prior convictions.
5. The Texas Board of Architectural Examiners is the only architectural licensing board in the United States with a fingerprint requirement.
6. A fingerprint requirement would only apply to applicants and licensees, not unlicensed employees of architectural firms who may also enter consumers' homes and businesses.
7. Licensees who work on school projects where children are present are already required to have a background check conducted by submitting their fingerprints.

The REC ultimately concluded there is insufficient data to justify the need for fingerprinting at this time and voted to recommend the Board not pursue a fingerprint requirement for applicants or licensees at this

time unless mandated to do so. The Board approved the REC's recommendation at its meeting on September 12, 2018.

**c. Have all current licensees been fingerprinted? If not, explain.**

No, the Board is not statutorily authorized to fingerprint licensees. See response to 21b for additional information.

**d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?**

Yes, as noted above, NCARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards, and the Board's Enforcement Unit utilizes this resource. The Board checks the database prior to issuing a license and when a licensee discloses on their license renewal application they were convicted of a crime or disciplined by another public agency within the preceding renewal period.

**e. Does the board require primary source documentation?**

Yes, the Board requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The Board also accepts NCARB Council Records which require primary source documentation.

**23. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.**

The Board's regulations require all candidates for licensure to meet the same prerequisites for a license. Candidates must document eight years of training and educational experience in architectural work or the equivalent as specified in California Code of Regulations section 117 (earned through education, work experience, or a combination of each), and successfully complete both the national examination (ARE or an equivalent) and the CSE.

**24. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.**

The Board considers military education, training, and experience the same as that from any other source, provided it is related to the practice of architecture. Education, training, and experience must fall within the parameters established in California Code of Regulations section 117 to receive credit towards the eight-year experience licensure requirement.



**a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?**

Yes, the Board tracks the military status of all candidates (applicants), including branch of service and military documentation received, and provides resources for candidates on its website, so candidates may receive credit for their training and educational experience.

**b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?**

The Board does not specifically identify the origin of any education, training, or experience. Accordingly, the number of candidates who may have submitted such education, training, or experience is unknown.

**c. What regulatory changes has the board made to bring it into conformance with BPC § 35?**

No changes are necessary, as the Board is already permitted by its regulations to grant credit for military education, training, or experience that is related to the practice of architecture.

**d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?**

One. Accordingly, there has been minimal impact to the revenue received by the Board.

**e. How many applications has the board expedited pursuant to BPC § 115.5?**

One candidate who was seeking reciprocal licensure and is married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California has requested expedited processing.

**25. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

N/A

## Examinations

Table 8. Examination Data – Tables modified to include examination result data for the CSE and ARE (by division).

Table 8a. Examination Data California Supplemental Examination (CSE)		
License Type		Architect
FY 2014/15	# of 1 <sup>st</sup> Time Candidates	540
	Pass	349 (65%)
FY 2015/16	# of 1 <sup>st</sup> Time Candidates	705
	Pass	510 (72%)
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	810
	Pass	548 (68%)
FY 2017/18	# of 1 <sup>st</sup> time Candidates	829
	Pass	480 (58%)
Date of Last OA		2014
Name of OA Developer		Office of Professional Examination Services (OPES)
Target OA Date		TBD

**Table 8b. Examination Data  
Architect Registration Examination (ARE) 4.0 (National Examination)**

License Type		Architect						
Exam Title: ARE Divisions <sup>1</sup>		BD	BS	CDS	PPP	SD	SPD	SS
FY 2014/15	# of 1 <sup>st</sup> Time Candidates	579	605	921	824	731	775	569
	Pass %	339 (59%)	395 (66%)	485 (53%)	457 (55%)	518 (71%)	484 (62%)	375 (66%)
FY 2015/16	# of 1 <sup>st</sup> Time Candidates	627	599	1,119	933	656	902	552
	Pass %	374 (60%)	374 (62%)	512 (46%)	510 (55%)	480 (73%)	564 (63%)	360 (65%)
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	447	476	1,064	923	335	837	448
	Pass %	250 (56%)	294 (62%)	492 (46%)	455 (49%)	249 (74%)	538 (64%)	288 (64%)
FY 2017/18	# of 1 <sup>st</sup> Time Candidates	186	187	639	752	137	599	232
	Pass %	101 (54%)	107 (57%)	282 (44%)	328 (44%)	108 (79%)	359 (60%)	138 (59%)
Date of Last OA		2012 NCARB Practice Analysis of Architecture						
Name of OA Developer		PSI Services, LLC						
Target OA Date		TBD						

<sup>1</sup> Abbreviations used in the above table for ARE 4.0 (prior administered national examination) divisions are explained as follows:

- BD Building Design & Construction Systems
- BS Building Systems
- CDS Construction Documents & Services
- PPP Programming, Planning, & Practice
- SD Schematic Design
- SPD Site Planning & Design
- SS Structural Systems

NCARB’s ARE 5.0 was launched on November 1, 2016. The following table provides statistics for the latest version of the ARE:

<b>Table 8c. Examination Data</b>							
<b>Architect Registration Examination (ARE) 5.0 (National Examination)</b>							
License Type		Architect					
Exam Title: ARE Divisions <sup>1</sup>		CE	PCM	PA	PDD	PJM	PPD
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	103	205	95	225	137	289
	Pass %	51 (50%)	83 (40%)	35 (37%)	96 (43%)	70 (51%)	115 (40%)
FY 2017/18	# of 1 <sup>st</sup> Time Candidates	321	708	429	518	437	703
	Pass %	202 (63%)	332 (47%)	190 (44%)	251 (48%)	268 (61%)	290 (41%)
Date of Last OA		2012 NCARB Practice Analysis of Architecture					
Name of OA Developer		PSI Services, LLC					
Target OA Date		TBD					

<sup>1</sup> Abbreviations used in the above table for ARE 5.0 (currently administered national examination) divisions are explained as follows:

- CE Construction & Evaluation
- PCM Practice Management
- PA Programming & Analysis
- PDD Project Development & Documentation
- PJM Project Management
- PPD Project Planning & Design

**26. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?**

Each candidate for licensure is required to complete both the national examination (ARE) and CSE to become licensed. The two examinations test candidates for their knowledge, skills, and ability to provide the services required of an architect who possesses entry-level competence. Both examinations are only offered in English.

**Architect Registration Examination (ARE)**

The ARE (currently in version 5.0) is a practice-based examination developed by NCARB. The content of the ARE is based on an analysis of architectural practice. The most recent “Practice Analysis” was conducted by NCARB in 2012. The ARE concentrates on those services that most affect the public health, safety, and welfare. The ARE has been developed with specific concern for its fidelity to the practice of architecture; that is, its content relates to the actual tasks an architect encounters in practice. No single examination can test for competency in all aspects of architecture, which is why the ARE is not the only requirement to become a licensed architect. Education and experience are also crucial licensure requirements. The examination attempts to determine the candidate's qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of architecture as an integrated whole.

ARE 5.0 is comprised of six divisions and is more integrative than the previous version. Each division may contain multiple-choice, check-all-that-apply, quantitative fill-in-the-blank item types, “hot spot,” “drag-and-place” item types, and case studies. These item types allow for testing at higher levels of cognition through analytical, synthetic, and evaluative exercises, which are more similar to what an architect does as part of regular practice. All divisions of the ARE are administered and graded by computer. The following is a list of the divisions:

#### ARE 5.0

- Construction & Evaluation
- Practice Management
- Programming & Analysis
- Project Development & Documentation
- Project Management
- Project Planning & Design

“Hot spot” and “drag-and-place” item types are scored through a computer-based analysis of a candidate’s solution. This analysis evaluates each solution against an ideal solution to the graphic with a built-in tolerance for item placement. Based on a candidate’s performance, a solution is reported as acceptable or unacceptable.

Candidates must pass each division of the ARE independently and receive credit for divisions passed but must retake those divisions not passed. Also, credit for divisions passed is valid for five years (unless an extension is granted by NCARB), during which time all remaining divisions of the ARE must be passed. Otherwise, credit is lost in the order the divisions were taken and the affected division(s) must be retaken. This validity process is known as the "Five-year Rolling Clock" rule, which was implemented on January 1, 2006. Candidates receive an email from NCARB when their results are ready for viewing and downloading through its *My Examination* service, which was implemented in September 2013.

#### **California Supplemental Examination (CSE)**

The setting for architectural practice in California is distinct from that of other states. California’s large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary architectural knowledge and skills to respond to the conditions found in California.

The Board administers the CSE to candidates who have successfully completed all divisions of the ARE, and eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice characteristic to California, including: seismic design, accessibility, energy conservation, environmental concerns, and legal issues, and others to fulfill competencies identified in the occupational analysis.

Prior to February 2011, the CSE was administered in an oral format. Since then, it has been computer-based. The current CSE is based on the 2014 Occupational Analysis (OA) and Test Plan and consists of two separately timed sections (a project scenario section, which – includes a hypothetical project(s), and a general section). The CSE is administered by computer at 39 nationwide locations, including 17 testing centers within California, and currently lasts 3.5 hours.

The most recent OA was completed in November 2014. The OA was immediately followed by a review of the ARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *2012 NCARB Practice Analysis of Architecture* to ensure there is no overlap between the content in the ARE and CSE.

The Board, in collaboration with OPES, explored the feasibility of reducing the mandatory CSE retake waiting period, which is set by regulation (California Code of Regulations [CCR] section 124) at 180 days. Based upon its findings, OPES determined the Board could reduce the waiting period to 90 days and maintain the defensibility and integrity of the CSE. OPES provided the Board with an implementation plan at its March 1, 2018, meeting. The implementation plan OPES formulated outlined the necessary examination development to achieve the objective of commencing the 90-day retake policy for CSE administrations beginning March 1, 2019. The Board anticipates initiating the rulemaking process to amend section 124 with the Office of Administrative Law by the end of 2018.

**27. What are pass rates for first time vs. retakes in the past 4 fiscal years (Refer to Table 8: Examination Data)? Are pass rates collected for examinations offered in a language other than English?**

Comparison data related to ARE 4.0 / 5.0 performance and presented in Tables 8a through 8c was provided by NCARB. ARE 5.0 was first administered on November 1, 2016. The ARE and CSE are only offered in English.

The following table provides a comparison for CSE candidates:

<b>Fiscal Year</b>	<b>First-Time Candidates</b>	<b>Retake Candidates</b>
2014/2015	65%	50%
2015/2016	72%	55%
2016/2017	68%	58%
2017/2018	58%	52%

The following table provides a comparison for ARE 4.0 candidates:

Exam Title: ARE Divisions		BD	BS	CDS	PPP	SD	SPD	SS
FY 2014/15	First-Time Candidates	339 (59%)	395 (66%)	485 (53%)	457 (55%)	518 (71%)	484 (62%)	375 (66%)
	Retake Candidates	214 (59%)	165 (58%)	227 (52%)	237 (56%)	155 (74%)	186 (55%)	125 (61%)
FY 2015/16	First-Time Candidates	374 (60%)	374 (62%)	512 (46%)	510 (55%)	480 (73%)	564 (63%)	360 (65%)
	Retake Candidates	201 (59%)	156 (51%)	311 (51%)	278 (53%)	130 (68%)	183 (49%)	131 (53%)
FY 2016/17	First-Time Candidates	250 (56%)	294 (62%)	492 (46%)	455 (49%)	249 (74%)	538 (64%)	288 (64%)
	Retake Candidates	145 (57%)	141 (47%)	361 (46%)	323 (46%)	109 (77%)	250 (57%)	143 (56%)
FY 2017/18	First-Time Candidates	101 (54%)	107 (57%)	282 (44%)	328 (44%)	108 (79%)	359 (60%)	138 (59%)
	Retake Candidates	133 (54%)	129 (49%)	454 (44%)	443 (43%)	52 (72%)	235 (46%)	142 (50%)

The following table provides a comparison for ARE5.0 candidates:

Exam Title: ARE Divisions		CE	PCM	PA	PDD	PJM	PPD
FY 2016/17	First-Time Candidates	51 (50%)	83 (40%)	35 (37%)	96 (43%)	70 (51%)	115 (40%)
	Retake Candidates	1 (25%)	6 (50%)	4 (67%)	15 (47%)	1 (100%)	22 (41%)
FY 2017/18	First-Time Candidates	202 (63%)	332 (47%)	190 (44%)	251 (48%)	268 (61%)	290 (41%)
	Retake Candidates	38 (58%)	66 (55%)	46 (47%)	147 (52%)	47 (59%)	183 (46%)

**28. Is the board using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?**

Yes, the Board utilizes computer-based testing (CBT) for its licensing examinations. The ARE and CSE, which are required for licensure, are both administered through CBT. The ARE has been administered via CBT since February 1997 and is currently in its fifth generation (ARE 5.0). The CSE has been administered via CBT since February 2011.

The six-division ARE is administered during normal business hours year-round (Monday through Saturday) at testing centers throughout the US. Additionally, the ARE is administered in Abu Dhabi (United Arab Emirates), Canada, Guam, Hong Kong, London (United Kingdom), and Puerto Rico. Eligible California candidates may take the ARE at any of these testing centers.

Candidates schedule ARE divisions through the NCARB *My Examination* online service. The *My Examination* service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their convenience. Prometric is the test administrator for the ARE. Candidates schedule their exam appointments through *My Examination* and sit for an administration at a Prometric test center. Each of the six ARE divisions is scheduled and separately administered. Depending on the length of the specific division, it is possible to take more than one division on the same day.

The CSE is also administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI locations throughout the US (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their administration.

**29. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.**

No.

**School approvals**

**30. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?**

The Board is not statutorily authorized to accredit schools of architecture. The Bureau for Private Postsecondary Education does not play any role in the process of accrediting schools of architecture or architectural degree programs for the purposes of the Board.

The National Architectural Accrediting Board (NAAB) is the only entity nationally recognized to accredit professional and post-professional architecture programs with degrees in architecture within the US. NAAB accredits the architecture programs within the schools, not the schools themselves. The Canadian Architectural Certification Board (CACB) is the Canadian equivalent of NAAB and accredits the architecture programs in Canada.

**31. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?**

The Board is not statutorily authorized to accredit schools of architecture or the professional and post-professional architecture programs offered by them. NAAB reviews architecture programs every three to eight years.

**32. What are the board's legal requirements regarding approval of international schools?**

The Board is not authorized to accredit schools of architecture. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approval/accreditation of architectural schools



or the professional and post-professional programs available at those schools. NAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

## **Continuing Education/Competency Requirements**

### **33. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.**

Business and Professions Code section 5600.05 requires California architects to complete five hours of continuing education (CE) coursework on disability access requirements as a condition of license renewal. The coursework must include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework must be presented by trainers or educators with knowledge and expertise in these requirements. There have been no changes to the CE requirements since the last review.

#### **a. How does the board verify CE or other competency requirements? Has the board worked with the Department to receive primary source verification of CE completion through the Department's cloud?**

The Board requires architects to certify, under penalty of perjury (on their license renewal form), that they have completed the required CE coursework hours on disability access requirements within the previous two years. Architects are required to maintain their coursework documentation for two years from the date of renewal, and upon audit, provide the requested information to the Board.

The Board has worked with DCA staff to set up access to the Department's cloud, which has allowed staff in the Board's Administration, Examination, Licensing, and Enforcement Units to share files with and receive files from licensees, applicants, and the public electronically. Presently, the Board does not request or receive primary source verification of CE coursework via the Department's cloud, as the Board does not have the statutory authority to approve or audit CE courses or course providers or to obtain coursework records directly from the course providers.

#### **b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.**

Yes. Licensees have 30 days from the date of the audit notice to provide the Board with coursework documentation. A second audit notice (requiring a response within 15 days) is sent to architects who do not respond to the initial request. Architects who do not respond to the second request are referred to the Board's Enforcement Unit.

Licensees are referred to the Board's Enforcement Unit for not:

- Responding to the Board's requests for information and documentation;
- Completing the required CE within two years prior to license renewal; or

➤ Providing truthful information on documentation.

**c. What are consequences for failing a CE audit?**

Architects failing a CE audit are referred to the Board's Enforcement Unit and are then subject to an administrative citation, which may include a fine, or disciplinary action by the Board.

**d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?**

The Board, in accordance with Business and Professions Code section 5600.05 (effective January 1, 2013), audits at least three percent of the license renewals received each year to verify compliance with the CE requirement. The number of audits conducted for the past four fiscal years and the corresponding failure rate is presented in the following table:

<b>Fiscal Year</b>	<b>Audits Conducted</b>	<b>Licensees Failing Audit</b>
2014/2015	277	50 (18%)
2015/2016	372	61 (16%)
2016/2017	342	56(16%)
2017/2018	311	57 (18%)

**e. What is the board's course approval policy?**

The Board does not have statutory authority to approve courses.

**f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?**

The statute does not specify any approval authority for courses or course providers.

**g. How many applications for CE providers and CE courses were received? How many were approved?**

N/A

**h. Does the board audit CE providers? If so, describe the board's policy and process.**

No, the Board does not have statutory authority to approve or audit courses providers.

**i. Describe the board’s effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee’s continuing competence.**

The Board’s current focus is on completing the required assessment of its existing continuing education requirement pursuant to AB 1746 (Emmerson, Chapter 240, Statutes of 2010). This measure requires the Board to report to the Legislature 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.” Accordingly, expanding the program beyond its current scope has not been considered.

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 5 – Enforcement Program

**34. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

The Board's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Architects Practice Act (Act).

For all complaints received, the Board has a goal of assigning complaints to staff for investigation within seven days. Currently, the Enforcement Unit averages one day to assign complaints for investigation. Concerning the time necessary to investigate a complaint, the Board's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For FYs 2014/15, 2015/16, 2016/17, and 2017/18, the Board averaged 169 days, 116 days, 110 days, and 98 days, respectively. The Board is exceeding expectations in this area.

**35. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?**

The Board received an average of 345 complaints per year since FY 2014/15, which is a 25% increase since the previous reporting period. This increase is primarily due to the Board's mandatory audits of coursework for license renewal applications, as required by Business and Professions Code (BPC) section 5600.05. Since FY 2014/15, the Board initiated an average of 69 cases per year against licensees who failed the coursework audits; these cases are tracked as Board-initiated "complaints."

Enforcement staff closed 58% of investigations within 90 days and 93% within one year. The average number of days from receipt of a complaint to the closure of investigation was 123 days for all cases, which is a 22% reduction since the last reporting period. During the previous reporting period, the average number of days to complete an investigation was 158 days, and 53% of investigations were closed within 90 days.

Since the last reporting period, the average number of advertising complaints received by the Board decreased 35% to 77 per year. The average number of settlement cases received decreased 17% to 29 per year. The Board received an average of 87 complaints per year against licensees (excluding complaints initiated by the

Board due to failed coursework audits), which is an 18% increase since 2014. The Board also received an average of 72 unlicensed activity complaints per year, which is a 47% increase since the previous reporting period.

Since the Board’s last report in 2014, the number of citations issued has increased. This is primarily due to the fact that in FY 2014/15, the Board began issuing citations to licensees after audits of their license renewal applications revealed that they: 1) certified false or misleading information regarding their compliance with the coursework requirement when filing their renewal applications with the Board; 2) failed to maintain records of completion of the required coursework for two years from the date of renewal; or 3) failed to provide the Board with records of completion of the required coursework upon request. For this reporting period, citations average 50 per year. Of the citations issued, all included a fine assessment, averaging \$1,210 per citation, and the Board collected approximately 76% of the assessed fines. The Board has also continued to focus on promptly responding to consumer complaints and developed an internal monthly report on case aging to improve the tracking of each case through the intake and investigation processes.

<b>Table 9a. Enforcement Statistics</b>			
	FY 2015/16	FY 2016/17	FY 2017/18
<b>COMPLAINT</b>			
Intake			
Received	384	322	379
Closed*	0	0	0
Referred to INV	384	322	379
Average Time to Close	1	1	1
Pending (close of FY)*	0	0	0
Source of Complaint			
Public	80	97	103
Licensee/Professional Groups	58	47	47
Governmental Agencies	192	151	213
Other	55	29	16
Conviction/Arrest			
CONV Received**	1	2	1
CONV Closed**	1	2	1
Average Time to Close	1	1	1
CONV Pending (close of FY)*	0	0	0
<b>LICENSE DENIAL</b>			
License Applications Denied	0	1	0
SOIs Filed	1	0	1
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	438	N/A	238
<b>ACCUSATION</b>			
Accusations Filed	4	2	1
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0

Accusations Declined	0	0	0
Average Days Accusations	834	252	337
Pending (close of FY)	1	1	4
* All complaints received by the Board are referred for investigation.			
** Only includes substantially-related convictions which warrant disciplinary action.			

<b>Table 9a. Enforcement Statistics (continued)</b>			
	FY 2015/16	FY 2016/17	FY 2017/18
<b>DISCIPLINE</b>			
Disciplinary Actions			
Proposed/Default Decisions	3	3	3
Stipulations	1	1	0
Average Days to Complete	924	1,155	810
AG Cases Initiated	4	2	4
AG Cases Pending (close of FY)	6	4	5
Disciplinary Outcomes			
Revocation	1	1	2
Voluntary Surrender	0	0	0
Suspension	0	0	0
Probation with Suspension	1	2	0
Probation	1	0	1
Probationary License Issued	0	0	0
Other	1	1	0
<b>PROBATION</b>			
New Probationers	1	0	1
Probations Successfully Completed	2	2	1
Probationers (close of FY)	7	5	5
Petitions to Revoke Probation	1	0	0
Probations Revoked	0	0	0
Probations Modified	0	0	0
Probations Extended	1	0	0
Probationers Subject to Drug Testing	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	0
<b>DIVERSION</b>			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

**Table 9b. Enforcement Statistics (continued)**

	FY 2015/16	FY 2016/17	FY 2017/18
<b>INVESTIGATION</b>			
All Investigations			
First Assigned	385	324	380
Closed	411	291	337
Average days to close	116	110	98
Pending (close of FY)	82	115	158
Desk Investigations			
Closed	400	281	335
Average days to close	114	103	97
Pending (close of FY)	75	114	154
Non-Sworn Investigation			
Closed	0	0	0
Average days to close	0	0	0
Pending (close of FY)	0	0	0
Sworn Investigation			
Closed	11	10	2
Average days to close	158	324	292
Pending (close of FY)	7	1	4
<b>COMPLIANCE ACTION</b>			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	1	0
Cease & Desist/Warning	214	166	157
Referred for Diversion	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A
<b>CITATION AND FINE</b>			
Citations Issued	65	32	54
Average Days to Complete	270	416	152
Amount of Fines Assessed	\$79,750	\$45,750	\$36,000
Reduced, Withdrawn, Dismissed	\$1,250	\$3,000	\$5,500
Amount Collected	\$60,536	\$27,567	\$37,112
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution	0	0	1

**Table 10. Enforcement Aging**

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
0-1 Year	1 (100%)	0 (0%)	0 (0%)	0 (0%)	1	8.3%
1-2 Years	0 (0%)	3 (75%)	1 (25%)	2 (66.7%)	6	50%
2-3 Years	0 (0%)	0 (0%)	1 (25%)	0 (0%)	1	8.3%
3-4 Years	0 (0%)	0 (0%)	1 (25%)	1 (33.3%)	2	16.7%
Over 4 Years	0 (0%)	1 (25%)	1 (25%)	0 (0%)	2	16.7%
Total Attorney General Cases Closed*	1	4	4	3	12	100%
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days	157 (46.6%)	254 (61.8%)	178 (61.2%)	213 (63.2%)	802	58.3%
91-180 Days	59 (17.5%)	72 (17.5%)	58 (19.9%)	67 (19.9%)	256	18.6%
181 Days-1 Year	84 (24.9%)	57 (13.9%)	39 (13.4%)	42 (12.5%)	222	16.1%
1-2 Years	30 (8.9%)	24 (5.9%)	14 (4.8%)	15 (4.4%)	83	6.1%
2-3 Years	5 (1.5%)	3 (0.7%)	2 (0.7%)	0 (0%)	10	0.7%
Over 3 Years	2 (0.6%)	1 (0.2%)	0 (0%)	0 (0%)	3	0.2%
Total Cases Closed	337	411	291	337	1,376	100%

\* Includes Accusations, Statements of Issues, and Petitions to Revoke Probation.

**36. What do overall statistics show as to increases or decreases in disciplinary action since last review.**

The Board filed seven accusations, one petition to revoke probation, and two statements of issues during the current reporting period (FY 2014/15 through FY 2017/18) and eleven cases resulted in disciplinary action, which is consistent with the previous reporting period. The severity of the sanctions imposed on licensees has been consistent with the previous reporting period. During this reporting period, the Board revoked four licenses and ordered probation for six licensees (three with actual suspensions).

In evaluating a Board's enforcement program, it is important to reflect on the nature of the profession being regulated. Architects often collaborate with other parties (engineers, landscape architects, attorneys, contractors, and other architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the Board typically do not deal with major property damage or bodily injury.

**37. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.**

The Board's case prioritization policy is consistent with DCA's guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the Board's prioritization guidelines. Complaints given the highest or "urgent" priority include imminent life and safety issues, severe financial harm to clients, egregious pattern



of complaints, and project abandonment. Complaints given a “high” priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The more common complaints are contract violations, unlicensed advertising violations, routine settlement reports, and coursework violations.

**38. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?**

Mandatory reporting requirements are specified in BPC sections 5588 (Report of Settlement or Arbitration Award), 5588.1 (Requirement that Insurer Report Certain Judgment, Settlement, or Arbitration Awards), and 5590 (Malpractice Judgment in Civil or Criminal Case; Clerk’s Report).

BPC sections 5588 and 5588.1 require that within 30 days, every licensee and insurer providing professional liability insurance to a California architect send a report to the Board on any civil action judgment, settlement, arbitration award, or administrative action of \$5,000, or greater of any action alleging the license holder’s fraud, deceit, negligence, incompetency, or recklessness in practice. The Board received 138 settlement reports during the previous reporting period and 115 reports in the current period.

BPC section 5590 requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license’s fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the Board. However, if the judge who tried the matter finds that it does not relate to the defendant’s professional competence or integrity, the judge may, by order, dispense with the requirement that the report be sent.

Historically, the Board has tried to work with the courts to gain cooperation and compliance with BPC section 5590. However, the Board has not received a report of a judgment from a court. The Board previously requested the California Administrative Office of the Courts to assist in attaining compliance from court clerks. In an effort to address this ongoing issue, the Board has requested its Deputy Attorney General (DAG) liaison to seek assistance to obtain compliance from the courts by disseminating a letter to clerks of the courts reminding them of BPC section 5590. The letter is planned to be released by the end of 2018.

In addition, BPC section 5600(c) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

**a. What is the dollar threshold for settlement reports received by the board?**

As noted above, the dollar threshold for settlement reports received by the Board is \$5,000.

**b. What is the average dollar amount of settlements reported to the board?**

The average dollar amount of settlements reported to the Board during the current reporting period is \$362,211.

**39. Describe settlements the board and Office of the Attorney General on behalf of the board, enter into with licensees.**

The Board considers approving stipulated settlements with licensees where appropriate to promote cost-effective consumer protection and to expedite disciplinary decisions. In order to enter into a stipulated settlement, the licensee is generally required to admit to the violations set forth in the accusation, have his or her license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG 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.

**a. What is the number of cases, pre-accusation, that the board settled for the past four years compared to the number that resulted in a hearing?**

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

**b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?**

In the past four years, three disciplinary cases resulted in settlements with the Board and five cases resulted in a hearing.

**c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?**

In the past four years, 30% of disciplinary cases were settled, 20% resulted in default decisions, and 50% resulted in a hearing.

**40. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?**

The Board's statute of limitations is defined by BPC section 5561: "All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the Board within 5 years after the Board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than 10 years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of Section 5579 (Fraud in Obtaining a License), the accusation may be filed within three years after the discovery by the Board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5579."

Since FY 2014/15, the Board has not lost any cases due to the expiration of its statute of limitations. However, the Board received 14 cases in which the alleged violation(s) occurred beyond the statute of limitations, and as a result, could not be investigated by the Board. These cases primarily involved settlement reports where the architectural services were provided more than 10 years prior to the receipt of the report.

#### **41. Describe the board's efforts to address unlicensed activity and the underground economy.**

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The Board addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

The Board also works collaboratively with local planning and building departments to educate them on the Architects Practice Act (Act) requirements and prevent unlicensed activity. These efforts include disseminating letters and bulletins to planning and building departments advising them of the Act's requirement pertaining to unlicensed individuals submitting plans for non-exempt projects. Through the Board's Building Official Contact Program, architect consultants are also available on-call to building officials to discuss provisions of the Act, including unlicensed practice and potential aiding and abetting by licensees.

In an effort to address unlicensed practice and educate consumers, the Board promotes its *Consumer's Guide to Hiring an Architect*. The *Guide* was designed with the intention to help consumers understand the sometimes complex and technical nature of architectural services. It provides information on: what types of projects require a licensed architect; how to find and select an architect; written contract requirements and recommendations; how to manage the budgeting and construction of a project; and what to do if a problem occurs with the project. The *Guide* is distributed to various building and planning departments throughout the state. The Board also distributes *Consumer Tips for Design Projects*. This information contains a number of basic steps that consumers can take to help keep their projects on track.

The Board also works to protect consumers in post-disaster settings, where they are most vulnerable. A Homeowner Rebuilding Bulletin was produced to educate homeowners on their rights after a disaster. The Board collaborates with the Contractors State License Board to provide consumer education material at disaster recovery centers. Through social media and press releases, the Board promotes the availability of its toll-free number and its Architect Consultants as a resource to assist homeowners as they begin the rebuilding process.

In addition, the Board provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

## Cite and Fine

### **42. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?**

The citation program provides the Board with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 152, the regulation that authorizes the Board to issue administrative citations and fines, was last amended in 2006 to: 1) increase the maximum administrative fine the Board could assess to \$5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the Act. The Board also plans to assess CCR section 152 to determine the appropriateness of the classifications of violations and the corresponding fine amounts through a future Strategic Plan objective.

For this reporting period, the Board issued an average of 50 citations per year compared with 22 citations per year during the previous reporting period. This increase is primarily due to the fact that in FY 2014/15, the Board began issuing citations to licensees for violations of the coursework provisions found in BPC section 5600.05 as a result of the Board's coursework audit program.

### **43. How is cite and fine used? What types of violations are the basis for citation and fine?**

As noted above, the Board's citation program provides an expeditious method of addressing violations that have not resulted in substantial financial or physical harm. All professional practice complaints and some unlicensed complaints recommended for citation are reviewed by a Board architect consultant. Administrative fines range from \$250 to \$5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The Board has used the citation program most frequently to cite individuals who have violated the following:

#### BPC Sections:

- 5536 (a) and (b) - Practice Without License or Holding Self Out as Architect
- 5536.1 - Signature and Stamp on Plans and Documents; Unauthorized Practice
- 5536.22 - Written Contract
- 5558 - Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services: Filing Requirements
- 5584 - Negligence or Willful Misconduct
- 5600.05 - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

#### CCR Sections:

- 104 - Filing of Addresses
- 134 - Use of the Term Architect

- 160 - Rules of Professional Conduct

Licensees who fail to pay the assessed fines have a “hold” placed on their license record that prevents renewal of the license until the fine is paid.

**44. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**

In the last four fiscal years, there have been 44 informal conferences, 3 stipulated settlements, and 7 administrative hearings as a result of citation appeals.

**45. What are the 5 most common violations for which citations are issued?**

BPC Sections:

- 5536 (a) and (b) - Practice Without License or Holding Self Out as Architect
- 5536.1 - Signature and Stamp on Plans and Documents; Unauthorized Practice
- 5536.22 - Written Contract
- 5584 - Negligence or Willful Misconduct
- 5600.05 - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

**46. What is average fine pre- and post-appeal?**

The average pre-appeal fine is \$1,811 and the average post-appeal fine is \$1,200.

**47. Describe the board’s use of Franchise Tax Board intercepts to collect outstanding fines.**

The Board uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the Board’s outstanding, unpaid fines are against unlicensed individuals, and the Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

**Cost Recovery and Restitution**

**48. Describe the board’s efforts to obtain cost recovery. Discuss any changes from the last review.**

The Board seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is often paid within 30 days of the effective date of a decision or pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

The Board's current Strategic Plan contains an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. Likewise, the LATC's current Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals. Accordingly, the Board and LATC are currently collaborating with DCA to execute a contract with a collection agency for full-service debt collection services, including "skip tracing," credit reporting, and filing legal actions as appropriate to assist in the collection of unpaid citation penalties and cost recoveries for unpaid administrative fines and cost reimbursement accounts aged beyond 90 days. The Board and LATC anticipate execution of this contract by early 2019.

**49. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.**

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing.

The Board has had four cases resulting in revocations, six cases resulting in probation, and one case resulting in a public reproof during the reporting period as follows:

Revocations:	2	default decisions, Board did not order cost recovery
	2	\$11,490 ordered through proposed decisions (one has been paid in full and the other must be paid prior to reinstatement of the license)
Probationers:	6	\$41,735 (all are collectable and payments are being made)
Public Reproof:	1	\$1,500 (has been paid in full)

**50. Are there cases for which the board does not seek cost recovery? Why?**

No.

**51. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.**

The Board is utilizing FTB to collect cost recovery.

**52. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.**

The Board has no authority to order restitution outside of a stipulated agreement or an administrative law judge's proposed decision. Since the last review, one petition to revoke probation was filed after a licensee failed to make scheduled restitution payments to clients, thereby violating the terms and conditions of probation. The licensee entered into a stipulated settlement with the Board, which extended the probationary period one year and required the licensee to pay the remaining \$3,083 in restitution to clients.

Additionally, through the Board’s complaint handling process, the Board may recommend that a licensee refund a client’s monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The Board has no jurisdiction over fee disputes.

<b>Table 11. Cost Recovery</b> (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures	\$985	\$1,086	\$1,050	\$956
Potential Cases for Recovery*	1	4	3	3
Cases Recovery Ordered	1	2	3	2
Amount of Cost Recovery Ordered	\$3	\$28	\$13	\$11
Amount Collected	\$3	\$11	\$12	\$8
* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.				

<b>Table 12. Restitution</b> (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	\$0	\$3	\$0	\$0
Amount Collected	\$2	\$1	\$2	\$0

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 6 – Public Information Policies

**53. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?**

The Board continually updates its website to reflect upcoming Board and committee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Board and committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the Board's retention schedule. Draft minutes are posted on the website in the subsequent meeting packet for Board or committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the Board's retention schedule. The website also provides links to important collateral organizations, California schools offering architecture programs, and other government organizations. The Board continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents. Other tools used by the Board to communicate its messages include the eSubscriber list for e-news broadcasts, the Board's newsletter, and social media (Facebook, Instagram, and Twitter).

**54. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?**

The Board webcasts its meetings when DCA resources are available. Board meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the Board has actively engaged with the DCAs' Office of Public Affairs to facilitate the webcasting of its meetings and includes notification of webcast availability on its meeting notices. Despite the Board's active effort to facilitate webcast at its meetings, varying technical capabilities of the meeting sites (schools of architecture, public venues, and architecture firms) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are currently available for an indefinite period of time.



**55. Does the board establish an annual meeting calendar, and post it on the board's web site?**

Yes. The Board establishes a prospective meeting calendar at its last meeting of each year and posts it on the website afterwards. Meetings of committees are also posted to the calendar when the dates are determined by the respective committee chair.

**56. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)*?**

The Board's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the Board's website and publicized in its newsletter according to the Board's records retention schedule.

**57. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

California Code of Regulations (CCR) section 137 requires the Board to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed architects and unlicensed persons subject to the Board's jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). The information is made available by the Board in writing or by telephone within 10 days of the request.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the Board's records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The Board also discloses the total number of enforcement and disciplinary actions, as well as brief summaries. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 137), accusations, statements of issues, and citations filed by the Board.

**58. What methods are used by the board to provide consumer outreach and education?**

The Board provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

The Board has specific publications targeting consumers. The Board's *Consumer's Guide to Hiring an Architect* is designed to help consumers understand the sometimes complex and technical nature of architectural services. It provides information on:

1. types of projects that require a licensed architect;
2. how to find and select an architect;
3. written contract requirements and recommendations;
4. how to manage the budgeting and construction of a project; and
5. what to do if a problem occurs with the project.

The Board's *Consumer Tips for Design Projects* is a concise document that summarizes the basic steps that consumers can take to help keep their projects on track. A key means of distributing both publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on architects and managing a project.

*California Architects*, a newsletter published by the Board is also a valuable source of information. The Board has augmented its efforts by establishing a Facebook and Instagram account in addition to its Twitter account to share information on key California architecture-related issues. The Board's website continues to be a primary focus of our efforts, providing the public, licensees, and candidates with a wide range of information. The website provides access to enforcement actions, a license verification tool, past newsletters, as well as a comprehensive list of downloadable applications, forms, and publications. The Board also added links to the consumer information webpages for the Board for Professional Engineers, Land Surveyors, and Geologists; the Contractors State License Board; and the Landscape Architects Technical Committee in order to educate consumers about related professions within the design and construction industry.

In an effort to better reach consumers, the Board is planning to send a notification to each member of the California State Assembly and Senate by the end of the year which includes: 1) basic information about the Board; 2) the availability of consumer publications (i.e., *Consumer's Guide to Hiring an Architect*, *Consumer Tips for Design Projects*, etc.); and 3) a suggestion for the legislators to forward the information to their respective building and planning departments. The Board also created an article for the Department of Consumer Affairs' *Consumer Connection* magazine with information regarding the services architects provide and a link to the Board's website.

Perhaps the most valuable tool for consumers is the ability to contact the Board's architect consultants to provide advice on their projects and resolve issues. The architect consultants have decades of practice experience and are Architects Practice Act and project management experts. Consumers who use this service find the information invaluable and crucial to avoiding problems with their projects.

The Board expanded the consumer resources on its Disaster Preparedness webpage to strengthen protection after disasters. The Board also works to protect consumers in post-disaster settings, where they are most vulnerable, by distributing its *Homeowner Rebuilding Bulletin*, which educates consumers on their rights after a disaster, and by providing consumer education materials to local building departments and disaster recovery centers. Through social media and press releases, the Board promotes the availability of its toll-free number and its architect consultants as additional resources to assist homeowners as they begin the rebuilding process.

As part of the Board's 2017–2018 Strategic Plan, the Regulatory and Enforcement Committee (REC) is researching new ways to educate consumers on the standard of care so they understand what to expect from an architect when choosing to hire one. The REC also recommended to the Board that architects be required to disclose to consumers they are licensed and regulated by the Board in their written contracts in order to increase awareness and strengthen consumer protection. The REC's recommendation was approved by the Board on September 12, 2018 and requires a statutory amendment to Business and Professions Code section 5536.22. See Section 10 (New Issues) for further information regarding this amendment.

The Board will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 7 – Online Practice Issues

**59. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?**

Technology has been integrated into the architectural profession and continues to provide efficiencies in practice by allowing architects to prepare their instruments of service electronically (and outsource their production to online drafting services, as necessary), coordinate with other design professionals, and communicate and share design ideas with clients.

The Board believes the Architects Practice Act provides sufficient regulatory control over the use of technology and online practice by architects, as Business and Professions Code (BPC) section 5536.1 requires the architect's stamp and signature on instruments of service as evidence of the architect's responsibility for those documents. Another important consumer protection tool in this area is the written contract requirement (BPC section 5536.22), which requires an architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against architects, but the Board will continue to monitor these issues closely.

However, the prevalence of unlicensed individuals who misrepresent themselves as architects and/or offer architectural services to California consumers via the Internet remains a challenge for the Board's Enforcement Program. During the current reporting period, unlicensed advertising or activity complaints accounted for approximately 43 percent of all complaints received by the Board. The Board issues citations with administrative fines to unlicensed individuals who advertise or put out devices (such as Internet advertisements) that might indicate to the public that they are architects or qualified to engage in the practice of architecture, in violation of BPC section 5536(a). Egregious cases are referred to the Department of Consumer Affairs' Division of Investigation for possible criminal action.

The majority of these unlicensed advertising or activity complaints involve consumers with their first residential or tenant improvement projects and who may not be familiar with license requirements or the design and construction process. These consumers often rely on "referral" websites that offer to match them with "prescreened" professionals in their area who have passed the websites' background checks and can provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals' advertisements, and some allow unlicensed individuals to identify themselves as architects and/or offer architectural services to the public without verifying licensure.

The Board is interested in researching the feasibility of partnering with such referral websites to verify licensure for these professionals who advertise to California consumers and to remove illegal advertisements by unlicensed individuals. The Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting an architect on the Internet.

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# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 8 – Workforce Development and Job Creation

#### **60. What actions has the board taken in terms of workforce development?**

The Board periodically reviews the licensure process and amends its regulations, as appropriate, to implement efficiencies it determines will reduce the overall length of time to obtain licensure. Additionally, the Board maintains a career website ([architect.ca.gov](http://architect.ca.gov)) which contains easy to understand information about licensing requirements, history of the profession, career possibilities, and other related issues. Staff provides presentations regarding licensure at schools of architecture with National Architectural Accrediting Board (NAAB) accredited programs and local components of The American Institute of Architects. The Board strives to remove impediments to licensure, such as reducing the mandatory waiting period between retakes of the California Supplemental Examination (CSE). The National Architectural Registration Boards (NCARB) has also taken measures to remove impediments, such as formulating the Integrated Path to Architectural Licensure (IPAL) program, which the Board has adopted, where NAAB-accredited programs integrate professional architectural education with practical experience and examination. The intent of IPAL is to accelerate and streamline the licensure process, the length of which is often considered an impediment. In a show of its support for the concept, the Board sponsored legislation that grants early access to the Architect Registration Examination (ARE) for IPAL-enrolled students. More information regarding IPAL can be found in Section 10.

Since October 2014, the Board has worked to serve as a resource and catalyst for creating stronger pipelines and guiding veterans into architectural career opportunities. A product of this effort is the Board's "You Can Be One" career poster, which is disseminated to the California Department of Veterans Affairs' (CalVet) Local Interagency Network Coordinators (LINC). LINC's bridge the gap between CalVet and the federal, state, county, and non-governmental agencies that provide services to our state's nearly two million veterans. The "You Can Be One" career poster communicates the key message that veterans' military experience, training, and leadership (enhanced by their ability to organize, lead, analyze and formulate solutions to complex situations), are all characteristics well-suited for a career in architecture.

#### **61. Describe any assessment the board has conducted on the impact of licensing delays.**

No formal studies have been conducted. However, Board management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce.

**62. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.**

The Board maintains a career website (architect.ca.gov) that contains easy to understand information about licensing requirements, history of the profession, career possibilities, and other related issues. With the creation of IPAL programs, students are provided the tools to complete the licensure process as part of their degree program. Additionally, at the commencement of the school year, the Board, through the chairs and deans of the architectural colleges, sends a letter introducing itself and explaining its role to students. A similar related letter is disseminated at the end of the school year. This effort is supplemented each year with presentations by Board staff in conjunction with NCARB leadership explaining licensing requirements, the role of NCARB, the Architectural Experience Program (AXP), and the ARE at the campuses. Also, the Board shares information about opportunities in the architectural profession and the licensure process with community college students. The "You Can Be One" career poster for community colleges communicates the message that California has the most flexible licensure requirements for architects in the nation. It also informs that a college/university degree in architecture is not required for licensure; candidates are eligible to begin testing for the ARE after accomplishing five years of architectural training experience. The Board believes that these efforts pay dividends by helping students become licensed more efficiently, which will save candidates time and money.

**63. Describe any barriers to licensure and/or employment the board believes exist.**

The Board, in collaboration with NCARB, routinely assesses the licensure process to proactively address potential barriers to licensure consistent with the mandate to protect the public health, safety, and welfare.

The current components of licensure (education/equivalents, experience, and examination) are separate and governed by specific standards and requirements that can affect a candidate's progress. On the national examination, for example, candidates can take the six divisions at any time and in any order. This flexibility can be greatly beneficial to candidates but can also be a contributing factor to delays due to the lack of specific milestones with deadlines. The IPAL model may have sufficient structure to encourage greater efficiency for candidates. NCARB is collecting performance and examination data on IPAL programs; it was recently published by NCARB that several IPAL students from Florida and North Carolina graduated in May 2018 – first IPAL graduates nationwide. NCARB anticipates being able to provide performance data in three to five years when more students have progressed through the program. The Board will closely monitor future data releases for analysis and opportunities to provide NCARB with suggestions regarding enhancements or modifications to the program.

**64. Provide any workforce development data collected by the board, such as:**

**(a) Workforce shortages**

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty with hiring new architects.

**(b) Successful training programs.**

No data is available.

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

### Section 9 – Current Issues

#### **65. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?**

N/A

#### **66. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?**

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. The Board strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the Board continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The Board is exceeding expectations by closing complaints within an average of 123 days.

#### **67. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.**

##### **a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?**

The Board is not using the BreEZe platform. The Board was originally in the BreEZe Release 3 and has not submitted any change requests.

##### **b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?**

The Board and LATC, along with 19 other boards and bureaus, were scheduled for the third release of BreEZe. However, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

The Department of Consumer Affairs (DCA) developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose



of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. The Plan identifies a methodical step-by-step approach that boards and bureaus within DCA will use to assist in moving their programs forward. The goal is to embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlines four stages of the project approval process: Stage 1 - document business justification, Stage 2 - alternatives and cost benefit analysis, Stage 3 - solution development framework, and Stage 4 - project approval. The final step of the process will be system implementation.

An initial meeting was held on July 11, 2017, with the Board/LATC and DCA's Organizational Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, the Board/LATC met with OCM to discuss the Project Charter and initial inventory of the Board's existing administrative, enforcement, and licensing business processes. The Charter outlines the roles and responsibilities of key project stakeholders, describes the project decision-making authority, and the commitment needed in order to conduct a successful project. The Charter was finalized in January 2018.

The Board/LATC's Business Modernization Report accompanies the Business Modernization Plan and documents the business modernization activities that will be conducted specific to the Board/LATC. The Plan and Report were presented to the Board at their March 1, 2018 meeting along with a presentation by a DCA representative explaining the process planned for Release 3 boards. The Report presented to the Board included a proposed timeline, with a "go-live" release of a minimum viable product by November 2021 with release of configuration and phased implementation enhancements by November 2022. However, the Board's potential need for a Budget Change Proposal could extend this timeline.

The Board/LATC's business processes inventory was finalized and provided to OCM in May 2018. The next step included mapping all of the business processes in consultation of the Board/LATC's subject matter experts.

Currently the Board/LATC utilizes two legacy systems (Applicant Tracking System [ATS] and Consumer Affairs System [CAS]) and the LATC uses a workaround system for candidates. Because this planned approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

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

*Committee 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.

#### 2014 Board Response:

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 Department of Consumer Affairs (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.)

#### 2018 Board Update Response:

The Board's and LATC's travel requests for out-of-state meetings have been consistently approved including the two additional members' approval sought since the last reporting period. The Board has participated in all the NCARB Annual Meetings since the last report except for the 2017 Regional Meeting which took place in Kansas, a State banned from travel pursuant to Assembly Bill 1887 (Low, Chapter 687, Statutes of 2016). This bill prohibits State-funded or state sponsored travel to states that, after June 26, 2015, have enacted a law of a discriminatory nature.

The work conducted at these meetings is critically important and can have a profound impact on issues such as reciprocity. The Board's and LATC's participation can directly influence the policies and procedures that are discussed and decided upon. For example, by California's participation at an NCARB Annual Meeting, the Board was able to successfully advocate against a resolution that would have precluded California architects who do not hold an accredited degree from attaining the "NCARB Certificate" and, accordingly, gaining reciprocity in key states that require the certificate. Through the Board's advocacy, we were able to preserve this important pathway. Similarly, the presence of LATC representatives at the CLARB Annual Meetings ensures that California is sufficiently informed on CLARB activity and able to participate in major discussions and decisions that occur during the meetings. Additionally, during their annual meetings CLARB hosts many discussions to help inform participants of various trends related to the licensing, regulatory, and disciplinary functions of CLARB member boards. The Board and LATC look forward to maintaining a strong presence at the national level.

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

*Committee 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.

### 2014 Board Response:

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 (Lieu, 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.)

### 2018 Board Update Response:

The Board's 2014 response is still applicable. The Board/LATC's share of the department's distributed costs (pro rata) is calculated based on authorized position counts, licensing and enforcement record counts, volume of calls, complaints and correspondence, prior year workload, interagency agreements, and other distributions. The Board/LATC currently utilizes most, if not all, 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 (and potentially additional resources) to provide such administrative services in an effective manner. 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.

At an annual meeting, DCA provides an overview of the department's distributed costs. The purpose of this meeting is to explain how the costs of DCA's services are funded. In addition, Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) required the department to provide a one-time study of its process for distributing administrative costs among its 39 boards, bureaus, committees, commission and program (boards). The distribution of costs for these divisions is budgeted to all boards utilizing the various distribution methodologies described above. The study and resultant report provided to all boards provides robust data as to pro rata. For the size of the Board and LATC, the continued use of the DCA's pro-rata and centralized services is more practical

and cost efficient. The Board is appreciative of the transparency and DCA's efforts to explain the basis for costs for services.

**CAB 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.**

*Committee 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.*

2014 Board Response:

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.)

2018 Board Update Response:

The Board/LATC are working in collaboration with DCA on its Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is a structured approach to identifying business needs and overlaying those requirements on available licensing platforms and complimentary technology. This approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to

view all license-related data including licenses that an architect/ landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

Since the inception of the BreEZe project, the Board has contributed a total of \$328,269 through FY 2016-17. The Board's estimated budgeted contribution in FY 2017-18 is \$83,000. A budget change proposal may be required if the costs for the new platform are not absorbable. The Board has not yet determined whether it will utilize the BreEZe system or an alternative platform.

**CAB 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?**

*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.*

2014 Board Response:

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.

2018 Board Update Response:

Since its response to this issue in the 2014 Sunset Review Report, the Board has continued its close collaboration with the NCARB to streamline the licensure process and routinely assessed its requirements to see where it may realize efficiencies. After reviewing the RFP from interested schools across the nation, NCARB, as part of the inaugural cohort comprised of 14 schools, selected three California schools: NewSchool of Architecture and Design, University of Southern California, and Woodbury University.

To maintain a strong connection with the three universities, the Board holds some of its meetings on campuses with an Integrated Path to Architectural Licensure (IPAL) program (formerly known as APAL). This affords each institution the opportunity to provide updates on its program, explain any challenges, and identify areas

where collaboration with the Board can assist the program. As part of its strong support of IPAL, the Board sponsored an amendment to its Sunset Review bill (Assembly Bill 177 [Bonilla, Chapter 428, Statutes of 2015]) to allow students enrolled in an IPAL program early access to the national examination. In 2017, in an effort to assist IPAL schools in finding viable opportunities for students to gain the architectural training experience required for the national structured internship program (NCARB's Architectural Experience Program, or AXP), the Board sent letters to local architectural firms requesting their consideration of hiring an IPAL student. The Board's newsletter, *California Architects*, has also been a tremendous vehicle for showcasing California IPAL programs via a feature story on each one. Driven by the efficiencies being realized with IPAL, and the national examination in particular, the Board is amending its regulations to reduce the mandatory waiting period for candidates who must retake the California Supplemental Examination from 180 to 90 days.

IPAL is a dynamic program still in its early years of development. As such, the Board will continue to closely monitor it for opportunities to support the programs. As NCARB continues to provide leadership for IPAL programs, the Board will also monitor metrics to assess the performance of the programs and possible improvements.

IPAL programs are expected to have a positive impact on the pipeline into the profession. With respect to workforce needs, data from the Employment Development Department indicates that the demand for architects (excluding landscape and naval architects) is expected to grow slower than average growth rate for all occupations. Jobs for architects are expected to increase by 9.7 percent, or 1,500 jobs between 2014 and 2024. This appears to be a sustainable demand, as the Board licenses over 500 new architects per year. (The US Department of Labor - Bureau of Labor Statistics [BLS] job outlook for architects for 2016 to 2026 is 4%, which is considered by BLS to be less than average). The numerous recent efficiencies in the licensure process (such as reducing the number of divisions on the ARE) may also help promote licensure to meet future needs.

With respect to national licensing data, as of 2017 (the most recent available), the number of architects in the U.S. held steady at nearly 113,000 across all NCARB member board jurisdictions. There are two trends worth noting that reveal a continued demand for architectural licenses: 1) practitioners are seeking to expand their work into other states, as more than 125,00 reciprocal licenses are held by architects (a decrease of 1% from 2016); and 2) the pool of emerging professionals is stable, with 40,000 in the process (reporting experience or taking the ARE). In the past decade (2008–2017) the pool of licensure candidates across the nation increased by more than 10,000 and the number licensed architects increased by nearly 10,000.

The Board will continue to support the IPAL programs and new efficiencies in the licensure process. Current workforce trends are encouraging. NCARB is collecting performance and examination data on IPAL programs; it was recently published that several IPAL students from Florida and North Carolina graduated in May 2018 – first IPAL graduates nationwide. NCARB anticipates being able to provide performance data in three to five years when more students have progressed through the program. The Board will closely monitor future data releases for analysis and opportunities to provide NCARB with suggestions regarding enhancements or modifications to the program.

**CAB 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.**

*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.

2014 Board Response:

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.

2018 Board Update Response:

The Board's licensee CE compliance rate is 83 percent, which is consistent with other boards surveyed that provided data. The audit program is still relatively new, as it has been in place for only two complete renewal cycles. The Board believes that the issuance of citations may improve compliance over time and act as a deterrence. To facilitate compliance, the Board's license renewal form and website contain prominent information about the CE requirement and the certification of compliance is signed under penalty of perjury. Articles in *California Architects* (the Board's newsletter) have underscored the importance of compliance, and [cab.ca.gov](http://cab.ca.gov) contains robust information about the requirement. Professional associations, such as The American Institute of Architects, also regularly promote course offerings and compliance information. These communication efforts with licensees help deter noncompliance of the CE requirement.

The Board is currently completing an assessment of the program, as required pursuant to Assembly Bill 1746 (Emmerson, Chapter 240, Statutes of 2010), that will analyze the level of licensee compliance with the requirements, any actions taken for noncompliance with the requirements, the findings of audits, and any



recommendations for improving the process. This report to the Legislature will form the basis for future improvements to the program.

NCARB Member Boards at the 2018 Annual Business Meeting voted to pass a CE-related resolution that aligns the health, safety, and welfare (HSW) categories listed in the *Legislative Guidelines and Model Law / Model Regulations* with those of the core NCARB programs (ARE and AXP). This action revises and broadens the breadth of topics considered acceptable for HSW CE. Previously, NCARB membership had voted to pass a similarly related resolution that modified the NCARB *Bylaws* and placed oversight of CE under the purview of its Education Committee.

**CAB 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.**

*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.*

2014 Board Response:

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.

2018 Board Update Response:

The Board's 2014 response remains applicable. The Board has been able to effectively utilize NCARB's Disciplinary Database to monitor action of other states. There have been no additional requests for data, and there is no need for additional action from the Board at this time.

**CAB 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.**

*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.

2014 Board Response:

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.)

2018 Board Update Response:

The Board continues to focus on the collection of citation penalties, and its current Strategic Plan includes an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. Likewise, the LATC's current Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals.

The Board's ongoing efforts to pursue payment of citation penalties resulted in a 70% collection rate over the past three fiscal years. Research has also indicated that collection agencies can take action without SSNs.

Accordingly, the Board and LATC are currently collaborating with DCA to contract with a collection agency for full-service debt collection services, including “skip-tracing,” credit reporting, and filing legal actions, as appropriate, to assist in the collection of unpaid citation penalties and cost reimbursement accounts aged beyond 90 days. The Board and LATC anticipate execution of this contract by early 2019.

In addition, collaboration with the Contractors State License Board and Board for Professional Engineers, Land Surveyors, and Geologists to share disciplinary actions for the purpose of leveraging professional licenses may be feasible when the three boards are on a new platform system.

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

*Committee 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.)

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 11 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

The Board has addressed all issues from the prior review.

#### **NEW ISSUES**

##### Written Contract

The Board's "written contact requirement" is one of its most important consumer protection tools. AB 969 (Davis, Chapter 117, Statutes of 1995) added Business and Professions Code (BPC) section 5536.22 to the Architects Practice Act (Act). The provision requires architects to use a written contract when contracting to provide professional services to a client, with specified exceptions. The architect's written contract must: 1) describe the services to be provided by the architect to the client; 2) describe the basis of compensation and method of payment; 3) identify by name and address the client and the architect, including the architect's license number; 4) describe the procedure to accommodate additional services; and 5) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced opportunity for one party to take advantage of the other. The Board believes that the contract requirement benefits both the consumer and the architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the

Enforcement Program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations, section 160(f)(1), architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing. However, architects are not currently required to define the project description in their written contracts with clients. Therefore, it can be difficult for the client or architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers related to disputes regarding the ownership and use of an architect's instruments of service. AB 630 (Holden, Chapter 453, Statutes of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the architect's instruments of service.

The Board is proposing to amend BPC section 5536.22 in order to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project for which the client is seeking services; 2) the project address; 3) 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; 4) a statement identifying the ownership and use of instruments of service prepared by the architect; and 5) a statement notifying the client that architects are licensed and regulated by the Board. The Board is also proposing to exclude contracts with public agencies from the written contract requirement.

The Board expects this proposal to benefit consumers and architects by reducing the number of disputes related to disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service. In addition, by ensuring that both the architect and the client understand these issues, there may be cost savings for the Board due to fewer complaints.

The Board respectfully requests that this proposal be included as part of the legislation addressing its sunset date. See proposed language below:

*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 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.
  - (9) A statement in at least 12-point type that reads: "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, 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).
  - (5) Professional services rendered by an architect to a public agency.

# CALIFORNIA ARCHITECTS BOARD

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

### Section 12 – Attachments

Please provide the following attachments:

**A. Board’s administrative manual.**

See Attachment A

Board Member Administrative Procedure Manual

**B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).**

See Attachment B

Committee Organizational Chart

**C. Major studies, if any (cf., Section 1, Question 4).**

See Attachment C

California Architects Board Occupational Analysis of the Architect Profession (November 2014)

Review of the National Council of Architectural Registration Boards Architect Registration Examination – Executive Summary

**D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).**

See Attachment D

Year-End Organization Charts - FYs 14/15 – 17/18

**E. Performance Measure Reports (cf., Section 2, Question 6).**

See Attachment E

Quarterly Performance Measure Reports

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

## Section 1 –

### Background and Description of the LATC and Regulated Profession

Provide a short explanation of the history and function of the Landscape Architects Technical Committee (LATC). Describe the occupations/profession that are licensed and/or regulated by the LATC (Practice Acts vs. Title Acts).

- The Board of Landscape Architects (BLA) was created by the California Legislature in 1953.
- The LATC was established under the California Architects Board (Board) in 1997 to replace BLA.
- The five-member Committee consists of three gubernatorial appointees, one Senate Rules Committee appointee, and one Assembly Speaker appointee. Members are appointed for a term of four years.
- Fifty U.S. states, three Canadian Provinces, and Puerto Rico regulate the practice of landscape architecture.
- Of the 54 jurisdictions, 47 have practice acts and 7 have title acts only. California has both a practice and title act.
- There are more than 16,400 licensed landscape architects in the United States.
- More than 21 percent of the nation's landscape architects are licensed in California.
- The LATC is a strong proponent of strategic planning and collaborates with professional, consumer, and government agencies to develop effective and efficient solutions to challenges.
- The LATC is proactive and preventative by providing information and education to consumers, candidates, clients, licensees, rather than expend more resources later.
- The LATC is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of landscape architecture.

Landscape architects offer an essential array of talent and expertise to develop and implement solutions for the built and natural environment. Based on environmental, physical, social, and economic considerations, landscape architects produce overall guidelines, reports, master plans, conceptual plans, construction contract documents, and construction oversight for landscape projects that create a balance between the needs and wants of people and the limitations of the environment. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as the public and environment. Therefore, it is essential that landscape architects meet minimum standards of competency.

California began regulating the practice of landscape architecture in 1953 with the formation of the BLA. In 1994, the statute authorizing the existence of the BLA expired. The Department of Consumer Affairs (DCA) recommended the Board as the appropriate oversight agency due to the similarities between the two professions and the Boards' regulatory programs. DCA began discussions with the Board and other interested parties on possible organizational structures for regulating landscape architecture in California. In April 1997, the groups reached consensus and the Board unanimously supported legislation to establish the LATC under its



jurisdiction. Legislation establishing the LATC was passed by the Legislature and signed into law effective January 1, 1998.

The LATC is responsible for the examination, licensure, and enforcement programs concerning landscape architects. The LATC currently licenses more than 3,600 of the over 16,400 licensed landscape architects in the United States. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts the use of the title “landscape architect” to those who have been licensed by the LATC.

## **Mission**

The LATC regulates the practice of landscape architecture through the enforcement of the Landscape Architects Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

In fulfilling its mission, the LATC has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor problems from becoming disasters. As such, the LATC works to aggressively address issues well before they exacerbate into catastrophes. The LATC works closely with professional groups to ensure that landscape architects understand changes in laws, codes, and standards. The LATC also invests in communicating with schools, and related professions and organizations. To ensure the effectiveness of these endeavors, the LATC works to upgrade and enhance its communications by seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the LATC’s firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

### **1. Describe the make-up and functions of each of the LATC’s committees (cf., Section 12, Attachment B).**

The LATC and Board maintain an ongoing practice of providing regular updates regarding key issues at each other’s respective meetings in order to sustain understanding of each entity’s priorities. Moreover, the Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board. Likewise, an LATC member attends Board meetings to ensure ongoing Committee representation.

Furthermore, to assist in the performance of its duties, the LATC establishes subcommittees and task forces, as needed, which are assigned specific issues to address.

The **Education/Experience Subcommittee** (Subcommittee) was charged with reviewing informational tools and data relevant to California’s current landscape architecture licensure requirements and various licensure pathways in other states. Thereafter, the Subcommittee was charged with issuing a recommendation to the LATC for expanded pathways to licensure and amendment of California Code of Regulations (CCR) section 2620 to define and prescribe allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee’s recommendations and accepted them with the exception of the Subcommittee’s proposal to allocate credit toward designated non-accredited related degrees and any associates degree. On December 7, 2017, the Board approved the proposed

amendments to CCR section 2620. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in the language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC’s Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. Thereafter, at their meeting on July 20, 2018, the Committee reviewed staff’s research on other states’ verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with the Office of Administrative Law (OAL) by the end of 2018.

An organizational chart of the LATC’s committee structure is provided below:



**Table 1a. Committee Member Attendance (July 1, 2014 – June 30, 2018)** Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

<b>Andrew Bowden</b>			
Date Appointed: 1/17/2008 [Term Expired: 6/10/2010]			
Date Re-appointed: 5/24/2012 [Term Expired: 6/1/2015]			
Date Re-appointed: 6/1/2015 [Term Expires: 6/1/2019]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

<b>Nicki Johnson</b>			
Date Appointed: 5/24/2012 [Term Expired: 6/1/2014]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes

<b>Stephanie Landregan</b>			
Date Appointed: 5/11/2006 [Term Expired: 6/1/2010] Date Re-appointed: 12/10/2010 [Term Expired: 6/1/2014]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes

<b>Susan M. Landry</b>			
Date Appointed: 4/19/2018 [Term Expired: 6/1/2018] Date Re-appointed: 7/25/2018 [Term Expires: 6/1/2022]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting	5/4/2018	Sacramento	Yes

<b>Katherine Spitz</b>			
Date Appointed: 5/24/2012 [Term Expired: 6/1/2016] Resigned: 5/14/2015			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	No
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	No

<b>David Allan Taylor, Jr.</b>			
Date Appointed: 6/25/2008 [Term Expired: 6/1/2010]			
Date Re-appointed: 6/1/2010 [Term Expired: 6/1/2014]			
Date Re-appointed: 6/4/2014 [Term Expired: 6/1/2018]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10-11/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	No
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	No
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	No

<b>Patricia Trauth</b>			
Date Appointed: 6/1/2015 [Term Expired: 6/1/2018]			
Date Re-appointed: 6/8/2018 [Term Expires: 6/1/2022]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

<b>Marq Truscott</b>			
Date Appointed: 9/1/2015 [Term Expired: 6/1/2016]			
Date Re-appointed: 6/9/2016 [Term Expires: 6/1/2020]			
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

<b>Table 1b. Board/Committee Member Roster</b> Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.					
<b>Member Name (Include Vacancies)</b>	<b>Date First Appointed</b>	<b>Date Re- appointed</b>	<b>Date Term Expires</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
PATRICIA TRAUTH, Chair	6/1/2015	6/8/18	6/1/2018 6/1/2022	Governor	Landscape Architect
MARQ TRUSCOTT, Vice Chair	9/1/2015	6/9/2016	6/1/2016 6/1/2020	Governor	Landscape Architect
ANDREW BOWDEN	1/17/2008	5/24/2012 6/1/2015	6/10/2010 6/1/2015 6/1/2019	Governor	Landscape Architect
NICKI JOHNSON	5/24/2012	N/A	6/1/2014	Governor	Landscape Architect
DAVID ALLAN TAYLOR, JR..	6/25/2008	6/1/2010 6/4/2014	6/1/2010 6/1/2014 6/1/2018	Senate Rules Committee	Landscape Architect
SUSAN M. LANDRY	4/19/2018	7/25/2018	6/1/2018 6/1/2022	Speaker of the Assembly	Landscape Architect

**2. In the past four years, was the LATC unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?**

No, in the past four years, the LATC has held all meetings without any quorum issues.

**3. Describe any major changes to the LATC since the last Sunset Review, including, but not limited to:**

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

**California Supplemental Examination (CSE)**

The CSE tests for areas of practice unique to California. In January 2013, the LATC contracted with DCA's Office of Professional Examination Services (OPES) to conduct an occupational analysis (OA) of the landscape architect profession. The purpose of the OA was to define practice for landscape architects in terms of actual job tasks that new licensees must be able to perform safely and competently.

In May 2013, OPES initiated the OA process and finalized the OA report in May 2014. As part and parcel of the OA process, OPES conducted a Landscape Architect Registration Examination (LARE) review and linkage study in November 2014 that compared the content of the 2014 CSE Test Plan with the subject matter covered in the various sections of the LARE. The findings of the linkage study were then used to define the content of the CSE and form the basis for determining "minimum acceptable competence" as it relates to safe practice at the time of initial licensure.

The LATC has since contracted with OPES to prepare a new CSE form every year, using the examination plan contained in the 2014 OA as the basis. As a result, LATC developed and administered new CSE forms in 2015, 2016, 2017, and 2018.

**Proposal to Expand Initial Pathways to Licensure**

The LATC appointed the Education/Experience Subcommittee (Subcommittee) to issue a recommendation to the LATC that expands pathways to licensure and enables amendments of California Code of Regulations (CCR) section 2620 to define and prescribe allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee's recommendations and accepted all but two recommendations with minor changes. The Subcommittee's proposals not accepted by the LATC were recommendations to allocate credit toward designated non-accredited related degrees and any associate degree. On December 7, 2017, the California Architects Board approved the proposed amendments to CCR section 2620. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. Thereafter, at their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the

Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with OAL by the end of 2018.

### **Collection Agency Contract**

The Board's current Strategic Plan contains an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. Likewise, the LATC's current Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals. Accordingly, the Board and LATC are currently collaborating with DCA to execute a contract with a collection agency, through the informal solicitation method (Government Code section 14838.5), for full-service debt collection services, including "skip tracing," credit reporting, and filing legal actions as appropriate to assist in the collection of unpaid citation penalties and cost recoveries for unpaid administrative fines and cost reimbursement accounts aged beyond 90 days. The Board and LATC anticipate execution of this contract by early 2019.

### **Strategic Planning**

The LATC utilizes DCA SOLID Planning Solutions staff to facilitate the development of its biennial Strategic Plans. As preparation for each new Strategic Plan, SOLID conducts an environmental scan for the LATC, which is used as a reference tool for the establishment of new Strategic Plan objectives. The LATC commenced the development of its 2019-2020 Strategic Plan in November 2018.

### **Leadership and Personnel**

The LATC experienced a leadership change when former Program Manager, Trish Rodriguez, left the LATC in November 2016. In March 2017, Brianna Miller was hired as Program Manager. LATC has also experienced transitional changes as staff promoted to outside agencies. Presently, the LATC is fully staffed.

- **All legislation sponsored by the LATC and affecting the LATC since the last sunset review.**

**Assembly Bill (AB) 177 (Bonilla, Chapter 428, Statutes of 2015)** extends the effective date of the Landscape Architects Technical Committee from January 1, 2016 to January 1, 2020.

**AB 507 (Olsen, 2015) [BreEZe]** would have added Business and Professions Code (BPC) section 210.5 to require DCA to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. The author opted to not move the bill forward, as comprehensive reporting on BreEZe will be more appropriate when it is fully implemented.

**AB 1005 (Calderon, 2017) [Orders of Abatement]** would have amended BPC section 125.9 to require a citation containing an order to pay an administrative fine to contain an order of abatement, fixing a period of no fewer than 30 days for abatement of the violation before the administrative fine becomes effective. The bill did not advance.

**AB 2138 (Chiu and Low, 2018) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction]** would authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime



only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding seven years, except for serious felonies, and would require the crime to be substantially related to the qualifications, functions, or duties of the business or profession. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

**AB 2483 (Voepel, 2018) [Indemnification of Public Officers and Employees: Antitrust Awards]** would have required a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. The bill did not advance.

**Senate Bill (SB) 850 (Block, Chapter 747, Statutes of 2014)** authorized community colleges to establish baccalaureate degree pilot programs at campuses to be determined by the Chancellor of California Community Colleges.

**SB 704 (Gaines, Chapter 495, Statutes of 2015)** established an additional provision of the Government Code wherein appointed members of unelected boards or commissions would be permitted to recuse themselves from decisions on contracts in which they have a financial interest.

**SB 800 (Committee on Business, Professions and Economic Development, Chapter 573, Statutes of 2017)** authorizes a license to be renewed within five years of its expiration and prohibits a license that is expired for more than five years from being renewed, restored, reissued, or reinstated. Rather, the holder of the expired license would apply for a new license.

**SB 1195 (Hill, 2016) [Board Actions: Competitive Impact]** would have granted the DCA Director authority to review any board decision or other action to determine whether it unreasonably restrains trade. The bill was referred to the Senate inactive file.

**SB 247 (Moorlach, 2017) [Professions and Vocations: License Requirement: Business: Surety Bond Requirement]** would have repealed occupational licensing requirements. The bill failed passage in the Senate Business, Professions and Economic Development Committee and did not advance.

**SB 984 (Skinner, 2018) [State Boards and Commissions: Representation: Appointments]** would require all state boards and commissions, beginning on and after January 1, 2024, to be comprised of a specified minimum number of women board members or commissioners based on the total number of board or commission members on that board. This bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. SB 984 is with the Assembly Appropriations Committee.

**SB 1137 (Vidak, 2018) [Veterans: Professional Licensing Benefits]** would require the Department of Veterans Affairs and the Department of Consumer Affairs (DCA), in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans. This bill is on the Governor's desk.

**SB 1480 (Hill, 2018) [Professions and Vocations]** would require the DCA to amend department-wide enforcement guidelines to include the category of “allegations of serious harm to a minor” under the “urgent” or “highest priority level.” It would also reduce from three times per year to two times per year, the frequency with which the boards within the DCA meet. Other provisions of this bill are specific to individual programs.

- **All regulation changes approved by the LATC since the last sunset review. Include the status of each regulatory change approved by the LATC.**

A number of relevant regulatory changes have been enacted or proposed since the last Sunset Review. These changes are listed below.

**Education and Training Credits (CCR section 2620)** – Effective January 2017, CCR section 2620 was amended to add new subsection 2620(a)(13) to allow candidates to gain up to one year of training/practice credit for teaching in an approved or non-approved landscape architecture degree program or an associate landscape architecture degree program, under the supervision of a licensed landscape architect.

**Fees (CCR section 2649)** – Effective July 2017, CCR section 2649 was amended to extend the temporary renewal fee reduction to continue at \$220 between July 1, 2017 and June 30, 2019.

**Reciprocity (CCR section 2615)** – In September 2016, the LATC initiated a regulatory proposal that would amend CCR section 2615(c)(1) by adding a provision requiring candidates applying for California licensure based on licensure in another jurisdiction to submit verifiable documentation to the LATC that they possess both education and experience equivalent to that required of California applicants or, if they do not meet the education requirement, that they hold a current license in good standing in another jurisdiction where they have been actively engaged in the profession for at least 10 of the last 15 years. In response to this regulatory proposal, staff received 296 public comments, many of which were not supportive of the proposal. Thereafter, the LATC determined that reciprocity requirements should mirror the initial licensure requirements. As the regulatory package was not consistent with initial licensure requirements, at the advice provided by DCA legal counsel, the LATC elected to not pursue this regulatory change to CCR section 2615.

**Application for Examination (CCR section 2610)** – Effective April 2015, CCR section 2610 was amended to increase the amount of time that candidates have to apply for the LARE, and change the registration deadline to be consistent with LATC’s current application processing timeframe. This proposal also has the potential to expedite the pathway to licensure for prospective licensees.

**Reciprocity, Education, and Training Credits (CCR sections 2615 and 2620)** – The LATC is pursuing a regulatory change to amend CCR sections 2615 and 2620 to mirror its expanded licensure pathways and reciprocity requirements with those already used by the Board. Specifically, proposed amendments to section 2620(a) will expand pathways for licensure to provide credit for a candidate with an accredited civil engineering degree, any bachelor’s degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway. The LATC anticipates commencing the rulemaking process by the end of 2018.

**Expired License (CCR sections 2624 and 2624.1)** – The LATC is pursuing a regulatory change to repeal CCR sections 2624 and 2624.1 as they no longer are supported by statute due to amendments made to Business and Professions Code sections 5680.1 (Expired License – Renewal) and 5680.2 (License Renewal – Three Years After Expiration) effective January 1, 2018. These amendments allow an expired license holder to renew his/her license within five years of its expiration; and, an expired license holder, whose license is not renewed within five years after its expiration, to pay the fees required of new applicants and pass the CSE. The LATC anticipates commencing the rulemaking process by the end of 2018.

**Disciplinary Guidelines (CCR section 2680)** – The LATC is pursuing a regulatory change to amend CCR section 2680 to incorporate the revised *Disciplinary Guidelines* by reference. The LATC anticipates commencing the rulemaking process by the end of 2018.

#### **4. Describe any major studies conducted by the LATC (cf. Section 12, Attachment C).**

In 2017, the LATC began reviewing existing education and training requirements for licensure to ensure that there are no barriers to the landscape architect profession for qualified individuals. Staff collected initial research via two public forums, held on March 17, 2017 and April 18, 2017 in northern and southern California, to obtain stakeholder feedback about the expansion of existing licensure requirements. This feedback contributed to the LATC's pursuit of regulatory changes to create more opportunities for licensure.

In October 2017, the LATC held an Education/Experience Subcommittee (Subcommittee) meeting to evaluate and issue a recommendation to the LATC regarding increased pathways to licensure. To prepare for this meeting, staff conducted extensive research in order to provide the Subcommittee with data to guide their recommendation. This data included examination content areas for the CSE and the LARE, as well as the accreditation requirements for degrees in landscape architecture, architecture, and civil engineering. In addition, staff collected data on other states' licensing requirements. This included a reporting on which states allow for degrees in fields related to landscape architecture, baccalaureate degree requirements, associate degree requirements, and experience-only.

On November 2, 2017, the LATC considered the Subcommittee's recommendations and proposed amendments to CCR section 2620. The LATC made a recommendation for the Board's approval to expand the pathways to licensure that include related degrees (accredited architecture and civil engineering degrees), non-related baccalaureate degrees, an experience-only pathway, and experience supervised by a landscape contractor. The Board approved these proposed amendments to CCR section 2620 during its meeting on December 7, 2017.

Following the Board's approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. Thereafter, at their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on

September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with OAL by the end of 2018.

**5. List the status of all national associations to which the LATC belongs.**

- Does the LATC's membership include voting privileges?

The LATC is a member of CLARB and exercises its voting rights pursuant to CLARB's bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which the LATC participates.

None.

- How many meetings did LATC representative(s) attend? When and where?

The LATC was approved to participate in the CLARB Annual Meetings as follows:

CLARB Annual Meeting

September 17-19, 2015 (New Orleans, LA)

September 22-24, 2016 (Philadelphia, PA)

September 14-16, 2017 (Boise, ID)

September 27-29, 2018 (Toronto, ON)

- If the LATC is using a national exam, how is the LATC involved in its development, scoring, analysis, and administration?

The national exam, the LARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. CLARB contacts licensees directly to select technical experts for a four-year term on their Exam Writing Committee. Currently, there are three California participants on CLARB's Exam Writing Committee.

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

### Section 2 – Performance Measures and Customer Satisfaction Surveys

#### **6. Provide each quarterly and annual performance measure report for the LATC as published on the DCA website.**

The LATC's performance measure reports for the last four years are attached (cf., Section 12, Attachment E).

#### **7. Provide results for each question in the LATC's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

The LATC is committed to providing exemplary customer service to its stakeholders. To assist the LATC in fulfilling this commitment, it utilizes customer satisfaction surveys directed to its key constituents. The LATC performs customer satisfaction surveys of consumers including those who have filed complaints against landscape architects/unlicensed individuals and of individuals seeking or renewing a license to practice landscape architecture in California. A majority (70 percent) of the responses to the survey demonstrate that individuals are satisfied or very satisfied with the services provided by the LATC (non-applicable responses excluded).

The LATC distributes its customer satisfaction survey in the following manner:

- Visible link near top of LATC's website;
- Link included in all outgoing staff emails; and
- Link included in all LATC subscriber list emails.

In addition, the LATC is partnering with DCA's Communications Division to identify options by which to expand its social media presence. The LATC anticipates that this enhanced web presence could also create additional opportunities for stakeholder interactions and, accordingly, means by which to solicit customer satisfaction survey feedback.

Constituents who respond to the surveys may also provide written comments regarding the various functions of the LATC. The comments provide management an opportunity to obtain qualitative feedback from constituents and ensure exemplary customer service.

To increase the response rate, the LATC recently implemented distribution of the survey to all newly licensed individuals when mailed their license certificate. The LATC will continue to research additional methods to increase response rates and provide exemplary service to its stakeholders. This is an important component to the LATC's mission and strategic goals.

	FY 2017–2018	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contact with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	0	2	1	1	1	3
2.	When you visited our website, how would you rate the ease of locating information?	0	3	2	2	0	1
3.	When you visited our website, how would you rate the usefulness of the provided information?	0	2	2	1	1	2
4.	If you submitted an application, how would you rate the timeliness of processing your application?	0	2	1	0	0	4
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	1	0	2	0	1	4
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	2	0	0	0	6
7.	Were you satisfied with the overall service provided by the LATC?	0	3	1	0	0	4
	<b>Total:</b>	<b>1</b>	<b>14</b>	<b>9</b>	<b>4</b>	<b>3</b>	<b>24</b>

	FY 2016–2017	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contact with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	3	2	0	0	1	1
2.	When you visited our website, how would you rate the ease of locating information?	0	2	2	3	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	0	2	2	2	0	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	0	0	0	0	0	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	0	0	0	7
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	0	0	0	7
7.	Were you satisfied with the overall service provided by the LATC?	2	1	1	2	0	1
	<b>Total:</b>	<b>5</b>	<b>7</b>	<b>5</b>	<b>7</b>	<b>1</b>	<b>24</b>

	FY 2015–2016	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contact with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	6	2	1	1	2	2
2.	When you visited our website, how would you rate the ease of locating information?	5	4	4	1	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	4	5	1	2	1	0
4.	If you submitted an application, how would you rate the timeliness of processing your application?	3	0	2	2	1	6
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	2	0	1	1	2	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	1	0	1	0	2	10
7.	Were you satisfied with the overall service provided by the LATC?	4	3	2	1	3	1
	<b>Total:</b>	<b>25</b>	<b>14</b>	<b>12</b>	<b>8</b>	<b>11</b>	<b>27</b>



FY 2014–2015		Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contact with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	5	1	2	0	4	2
2.	When you visited our website, how would you rate the ease of locating information?	1	4	3	3	1	1
3.	When you visited our website, how would you rate the usefulness of the provided information?	2	3	4	3	1	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	1	0	3	0	2	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	1	0	3	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	1	0	3	8
7.	Were you satisfied with the overall service provided by the LATC?	3	4	2	0	4	1
<b>Total:</b>		12	12	16	6	18	28

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

### Section 3 – Fiscal and Staff

#### Fiscal Issues

- 8. Is the LATC's fund continuously appropriated? If Yes, please cite the statute outlining this continuous appropriation.**

No.

- 9. Describe the LATC's current reserve level, spending, and if a statutory reserve level exists.**

Per Business and Professions Code section 128.5(b), the LATC's statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2017/18 is \$1,751,000 (19.2 months in reserve). The estimated current spending level for 2018/19 is \$1,033,000. The LATC's fund condition is shown below in Table 2, identifying fund balance and expenditure levels. In addition, due to Landscape Architect Registration Examination and California Supplemental Examination savings, the LATC's request for spending authority reduction in the form of a Baseline Budget Adjustment was approved in the amount of \$200,000 for FY 2015/16 and ongoing.

- 10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the LATC.**

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. The LATC is committed to continue monitoring its fund condition and, in consultation with DCA Budget Office, has determined the next appropriate step to maintain its current, decreased fund condition is to allow the renewal fee to revert back to the full amount (\$400) beginning July 1, 2019.

<b>Table 2. Fund Condition</b>						
(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18 <sup>2</sup>	FY 2018/19 <sup>1</sup>	FY 2019/20 <sup>1</sup>
Beginning Balance (Includes Prior Year Adjustments)	\$2,524	\$2,521	\$2,299	\$2,102	\$1,751	\$1,170
Revenues and Transfers	\$787	\$540	\$519	\$517	\$512	\$836
Total Resources	\$3,311	\$3,061	\$2,818	\$2,619	\$2,263	\$2,006
Budget Authority	\$1,192	\$1,019	\$972	\$1,009	\$1,033	\$1,054
Expenditures (Includes Direct Fund Assessments)	\$773	\$751	\$716	\$868	\$1,093	\$1,115
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$2,538	\$2,310	\$2,102	\$1,751	\$1,170	\$891
Months in Reserve	40.6	38.7	23.8	19.2	12.6	9.4

<sup>1</sup> Projected to spend full budget.

<sup>2</sup> Estimated. Year-end figures expected to be available in March 2019 due to DCA's transition to FI\$Cal.

**11. Describe the history of general fund loans. When were the loans made? When have payments been made to the LATC? Has interest been paid? What is the remaining balance?**

The LATC has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the LATC loaned the general fund \$1.2 million that was repaid with interest in FY 2005/06.

**12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the LATC in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.**

During the last four years, the LATC has spent an average of approximately 23% of its budget on the enforcement program, 24% on the examination program, 23% on the licensing program, 5% on administration, and 25% on DCA pro rata. (Note: percentages differ slightly from last reporting period due to pro rata costs dispersed among the programs.)

<b>Table 3. Expenditures by Program Component</b>								<b>(list dollars in thousands)</b>	
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18 <sup>1</sup>		
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	
Enforcement	\$114	\$59	\$113	\$65	\$105	\$39	\$130	\$49	
Examination	\$122	\$63	\$120	\$70	\$112	\$42	\$138	\$53	
Licensing	\$118	\$61	\$117	\$67	\$108	\$40	\$134	\$51	
Administration <sup>2</sup>	\$27	\$14	\$26	\$15	\$24	\$9	\$30	\$12	
DCA Pro Rata		\$195		\$156		\$178		\$218	
<b>Total Expenditures</b>	<b>\$381</b>	<b>\$392</b>	<b>\$376</b>	<b>\$373</b>	<b>\$349</b>	<b>\$308</b>	<b>\$432</b>	<b>\$383</b>	

<sup>1</sup> Estimated. Year-end figures expected to be available in March 2019 due to DCA's transition to FISCAL.

<sup>2</sup> Administration includes costs for executive staff, board, administrative support, and fiscal services.

**13. Describe the amount the LATC has contributed to the BreZE program. What are the anticipated BreZE costs the LATC has received from DCA?**

Since the inception of the BreZE project, the LATC has contributed a total of \$44,221. The LATC's estimated budgeted contribution in FY 2017-18 is \$11,000.

**14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the LATC.**

The LATC is a special fund agency that generates revenue from its fees. The LATC's main source of revenue is from applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the license, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

Fees for an original license and biennial renewal increased on July 1, 2009, pursuant to CCR section 2649. As a result:

- 1) Original license fees increased from \$300 to \$400 (license is prorated based on birth month and year);
- 2) Renewal fees increased from \$300 to \$400 (prior to that, the fee had not been increased since 1991, when it was raised from \$200 to \$300); and
- 3) Delinquency fee increased from \$150 to \$200.

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. LATC is committed to continue monitoring its fund condition and, in consultation with DCA Budget Office, has determined the next appropriate step to maintain its current, decreased fund condition is to allow the renewal fee to revert to the full amount (\$400) beginning July 1, 2019.

Business and Professions Code section 5681 authorizes the LATC to charge fees as follows:

The fees prescribed by this chapter for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

- a) The application fee for reviewing an applicant's eligibility to take any section of the examination may not exceed one hundred (\$100).
- b) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam.
- c) The fee for an original license may not exceed four hundred dollars (\$400), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original license. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- d) The fee for a duplicate license may not exceed fifty dollars (\$50).
- e) The renewal fee may not exceed four hundred dollars (\$400).
- f) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed fifty dollars (\$50).
- g) The delinquency fee shall be 50 percent of the renewal fee for the license in effect on the date of the renewal of the license, but not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- h) The fee for filing an application for approval of a school pursuant to Section 5650 may not exceed six hundred dollars (\$600) charged and collected on a biennial basis.

CCR section 2649 currently authorizes the following fees:

- a) Eligibility application fee is \$35;
- b) Reciprocity application is \$35;
- c) CSE application fee is \$35;
- d) CSE fee is \$275;
- e) Original license fee is \$400 (Prorated);
- f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal is \$400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal is \$220. For licenses expiring on or after July 1, 2019, the fee for biennial renewal is \$400.;
- g) Delinquency fee is \$110; and
- h) Duplicate certificate fee is \$15.

**Table 4. Fee Schedule and Revenue**

(list dollars in thousands<sup>1</sup>)

Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 <sup>3</sup> Revenue	% of Total Revenue <sup>4</sup>
Duplicate License/Cert.	\$15	\$50	\$210	\$315	\$225	\$75	0%
Citation/Fine <sup>2</sup>	Various	Various	\$3,750	\$5,104	\$8,750	\$4,839	2%
Citation/Fine FTB Collection	Various	Various	\$0	\$0	\$0	\$0	0%
Cost Recovery	Various	Various	\$0	\$0	\$0	\$0	0%
Initial License (Prorated)	\$400	\$400	\$18,689	\$28,248	\$22,258	\$28,050	4%
CA Supplemental Exam	\$275	\$275	\$36,025	\$41,525	\$54,175	\$58,025	11%
LARE Eligibility	\$35	\$100	\$10,780	\$8,120	\$8,085	\$7,385	2%
Biennial Renewal	\$220	\$400	\$696,820	\$426,910	\$391,762	\$403,530	79%
Accrued Renewal	Various	Various	N/A	N/A	N/A	\$0	0%
Delinquent Renewal	\$110	\$200	\$14,200	\$13,960	\$10,740	\$9,470	2%
Dishonored Check	\$25	\$50	\$50	\$50	\$125	\$75	0%
<b>TOTAL(S)</b>			\$780,524	\$524,232	\$496,120	\$511,449	0%

<sup>1</sup> Listed actuals instead of thousands due to low amounts.

<sup>2</sup> Citation/Fine received and cashiered by LATC.

<sup>3</sup> Estimated. Year-end-figures expected to be available in March 2019 due to DCA's transition to FISCAL.

<sup>4</sup> Percentage of revenue based on most recent full FY results (FY 2016/17).

**15. Describe Budget Change Proposals (BCPs) submitted by the LATC in the past four fiscal years.**

**Table 5. Budget Change Proposals (BCPs)**

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

The LATC has not submitted any BCPs in the past four FYs.

## Staffing Issues

### **16. Describe any LATC staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.**

The LATC works expeditiously to fill vacant positions to help ensure adequate staff resources to meet the LATC's objectives. Currently, the LATC has all positions filled. The LATC's position vacancies have mainly been in the Staff Services Analyst and Office Technician classifications, which are entry level. These vacancies are often attributed to other promotional opportunities, a common civil service occurrence. Since one staff person is allocated to each program area, a single vacancy is 20% of the staffing level and can have a significant impact on workload until the position is filled. The LATC has been successful in reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs and cross-trains staff. Hiring temporary help such as Retired Annuitants and limited-term staff has also been effective in minimizing interruption in workload, training, and succession planning, when necessary.

Incorporated as an element of the LATC's Business Continuity Plan, the DCA's Workforce and Succession Plan identifies mission critical positions that have a significant impact on the LATC and requires specialized job skills and/or expertise. The LATC updates the plan annually to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

### **17. Describe the LATC's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).**

The LATC encourages training for all staff and participates heavily in courses offered at no cost through DCA's Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged and some have completed SOLID's Analyst Certification Training. This training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities both in-house and externally. SOLID also offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs as well as leadership trainings, such as the Future Leadership Development Program, which the Program Manager participated in.

In the past three FYs, the average cost per year spent on training (i.e., information technology, enforcement certification, regulatory process, annual meeting registrations) is approximately \$2,700. Specialized training is also encouraged and provided to staff as needed. These include mandatory courses such as sexual harassment prevention, ethics, information security awareness, and defensive driving.

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

### Section 4 – Licensing Program

**18. What are the LATC's performance targets/expectations for its licensing program? Is the LATC meeting those expectations? If not, what is the LATC doing to improve performance?**

The LATC's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete and all requirements are met (including the submission of required supporting documentation and there is no criminal history), the LATC typically meets this goal. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the LATC to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the LATC migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

**19. Describe any increase or decrease in the LATC's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the LATC to address them? What are the performance barriers and what improvement plans are in place? What has the LATC done and what is the LATC going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?**

Staff processing of applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Landscape Architect Registration Examination (LARE) at any time and, if found eligible, it may take several years for the candidate to pass all sections of the test. Candidates may submit applications for the California Supplemental Examination (CSE) and licensure once determined eligible by the LATC. There are no set deadlines for completing the examinations; however, inactive candidate records may be purged after five years (CCR section 2620 (d)(2)). The Council of Landscape Architectural Registration Boards (CLARB) implemented a Council Record as part of the application process in 2012. The Council Record includes information on the candidate's education and certifications of experience which are maintained annually. The Council Record can be transmitted to the LATC and is typically available within one day of the request.

Another matter for consideration relative to application processing is the documentation that must be submitted in support of an application. Candidates are required to have certified transcripts sent directly



from their school verifying their qualifying degree and a Certification of Experience form submitted by the licensee who supervised their experience. The LATC sends an ineligibility notification when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

There can also be a great variation in the amount of time a candidate is issued a license after he or she has passed the CSE. CSE results are provided to candidates immediately upon completion of the examination at the test center. However, a candidate may choose to wait before applying for the actual license. A license is typically issued within 30 days after receipt of the completed application and fee.

**20. How many licenses or registrations does the LATC issue each year? How many renewals does the LATC issue each year?**

Refer to Tables 7a and 7b below for data on licenses and renewals issued each year.

**21. How many licenses or registrations has the LATC denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the LATC determined were substantially related.**

During the past four years, the LATC has not denied any license based on an applicant's criminal history in which the conviction was substantially related to the practice of landscape architecture.

Table 6. Licensee Population					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Landscape Architect	Active <sup>1</sup>	3,507	3,593	3,607	3,644
	Delinquent	292	253	227	242
	Retired	N/A	N/A	N/A	N/A
	Out-of-State	461	470	490	500
	Out-of-Country	34	32	30	36

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

<sup>1</sup> Data does not include pending incomplete renewal applications, which range from 10 to 25 per FY and may result in an "Active" license record when application is completed correctly.

Table 7a. Licensing Data by Type											
Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2015/16	LARE	225	194	DNA	N/A	DNA	DNA	DNA	See note below <sup>2</sup>		
	CSE	152	122	DNA	N/A	DNA	DNA	DNA	“		
	License	97	96	DNA	96	DNA	DNA	DNA	“		
	Renewal	1,873 <sup>1</sup>	1,873	DNA	1,873	DNA	DNA	DNA	“		
FY 2016/17	LARE	231	177	DNA	N/A	DNA	DNA	DNA	“		
	CSE	196	146	DNA	N/A	DNA	DNA	DNA	“		
	License	74	74	DNA	74	DNA	DNA	DNA	“		
	Renewal	1,769 <sup>1</sup>	1,769	DNA	1,769	DNA	DNA	DNA	“		
FY 2017/18	LARE	192	179	DNA	N/A	DNA	DNA	DNA	“		
	CSE	246	225	DNA	N/A	DNA	DNA	DNA	“		
	License	109	108	DNA	108	DNA	DNA	DNA	“		
	Renewal	1,907 <sup>1</sup>	1,907	DNA	1,907	DNA	DNA	DNA	“		
* Optional. List if tracked by the committee.											
DNA = Data Not Available                      N/A = Not Applicable											

<sup>1</sup>Data does not include pending incomplete renewal applications, which range from 10 to 25 per FY.

<sup>2</sup>Applications are typically processed within 30 days from the date of receipt, provided application is complete and required supporting documentation submitted in accordance with the LATC’s regulations (i.e., certified transcripts sent by the educational institution, employment verification documentation, etc.).

<b>Table 7b. Total Licensing Data</b>			
	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>FY 2017/18</b>
<b>Initial Licensing Data:</b>			
Initial License/Initial Exam Applications Received	375	427	438
Initial License/Initial Exam Applications Approved	316	323	404
Initial License/Initial Exam Applications Closed	DNA	DNA	DNA
License Issued	96	74	108
<b>Initial License/Initial Exam Pending Application Data:</b>			
Pending Applications (total at close of FY)	DNA	DNA	DNA
Pending Applications (outside of committee control)*	DNA	DNA	DNA
Pending Applications (within the committee control)*	DNA	DNA	DNA
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):</b>			
Average Days to Application Approval (All - Complete/Incomplete)	See note 2 above for Table 7a		
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
<b>License Renewal Data:</b>			
License Renewed	1,873	1,769	1,907
Note: The values in Table 7b are the aggregates of values contained in Table 7a			
* Optional. List if tracked by the committee.			
DNA = Data Not Available			

## 22. How does the LATC verify information provided by the applicant?

The LATC uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate the qualifying degree or certificate listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the LATC for credit to be granted.

Work experience must be submitted on the LATC approved Certification of Experience form signed by the licensed professional who supervised the candidate's work to receive credit. LATC staff verify with the appropriate jurisdiction or regulatory agency that the supervising professional's licensing information provided on the form is true and correct. In 2018, LATC staff researched whether the Certification of Experience form may be expanded to more thoroughly capture the areas of experience gained by a candidate, especially with regard to the proposed experience-only pathway. Staff presented its research results to the LATC who concurred that the Certification of Experience form content will be expanded to address the additional pathways to licensure upon promulgation of the proposed regulatory language (i.e., account for experience gained under a licensed landscape contractor); however, it was also determined that the LATC's form must still be closely structured and tied to regulation to ensure that the information requested align with the LATC's regulatory parameters.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request that their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information must provide the examination history detailing what form of the LARE (or equivalent) was taken and when each section was passed.

Initial and reciprocal licensure candidates may substitute their CLARB Council Record in lieu of the above-mentioned transcripts and work experience documentation. The CLARB Council Record provides information on education, experience and examination. LATC staff use the information included in the Council Record to verify that the candidate meets California's licensure requirements.

**a. What process does the LATC use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the LATC denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

The LATC's applications include the following questions about the candidate's criminal/disciplinary history:

- Have you ever had a landscape architecture license denied, suspended, or revoked?
- Have you ever been disciplined by another public agency?
- Have you ever been convicted of, or plead guilty or nolo contendere to any criminal or civil offense in the United States, its territories, or a foreign country?
- Is any criminal action pending against you or are you currently awaiting judgement and sentencing following entry of a plea or jury verdict?

The applications of those candidates responding "yes" to any of the questions are referred to the LATC's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based upon LATC's regulations and relevant statutes, whether the offense or action is substantially related to the practice of landscape architecture or to the candidate's ability to practice landscape architecture in the interest of the public health, safety, and welfare.

CLARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

During the past four years, the LATC has not denied any licenses based on a candidate's failure to disclose required information on an application, as there have not been any cases involving a candidate who deliberately withheld such information from the Committee.

**b. Does the LATC fingerprint all applicants?**

The LATC is a component of the Board and works in tandem to align processes and procedures. The Board and LATC are not statutorily authorized to fingerprint candidates (applicants) for a landscape architect license.

In 2011 and 2012, the Board considered the necessity of a fingerprinting requirement as part of its Strategic Plan objectives and determined that based on the anticipated low number of arrest and prosecution reports expected, there would be little increased benefit to the public health, safety, and welfare. It was noted that current law already requires landscape architects working on school projects where children are present to have a background check conducted by submitting their fingerprints. Additionally, there would be increased costs to licensees and candidates.

The Board's current Strategic Plan includes an objective assigned to its Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. At this time, the Board is 1 of 6 programs within the Department of Consumer Affairs' (DCA) 39 boards and bureaus without the statutory authority to use fingerprinting for criminal background checks. Staff researched how other DCA boards and bureaus implemented their fingerprint requirements for applicants and licensees, as well as examined the current fingerprint requirements for other architectural licensing boards throughout the country. The REC reviewed and discussed this objective at its August 23, 2018 meeting, and while the REC recognized the benefit of a fingerprint requirement, it also noted:

1. There is a low percentage of the Board's applicant and licensee population with criminal records and most of those crimes are not substantially related to the qualifications, functions, or duties of an architect.
2. Applicants and licensees are already required to disclose convictions to the Board on their applications.
3. A fingerprint requirement would result in increased costs for applicants and licensees.
4. Related design and construction boards (the Board for Professional Engineers, Land Surveyors, and Geologists and the Contractors State License Board) fingerprint their applicants, but only deny a negligible percentage of applications due to prior convictions.
5. The Texas Board of Architectural Examiners is the only architectural licensing board in the United States with a fingerprint requirement.
6. A fingerprint requirement would only apply to applicants and licensees, not unlicensed employees of architectural firms who may also enter consumers' homes and businesses.

7. Licensees who work on school projects where children are present are already required to have a background check conducted by submitting their fingerprints.

The REC ultimately concluded there is insufficient data to justify the need for fingerprinting at this time and voted to recommend to the Board that it not pursue a fingerprint requirement for applicants or licensees at this time unless mandated to do so. The Board approved the REC's recommendation at its meeting on September 12, 2018.

The LATC continued to monitor the Board's action on fingerprinting and included an objective on its current 2017-2018 Strategic Plan to follow the Board's determination regarding a licensure fingerprint requirement.

**c. Have all current licensees been fingerprinted? If not, explain.**

No. The LATC is not statutorily authorized to fingerprint licensees. See response to 21b for additional information.

**d. Is there a national databank relating to disciplinary actions? Does the LATC check the national databank prior to issuing a license? Renewing a license?**

Yes, as noted above, CLARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards and the LATC's enforcement unit utilizes this resource. The LATC checks the database prior to issuing licenses and when a licensee discloses on his or her license renewal application that he or she had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

**e. Does the LATC require primary source documentation?**

Yes, the LATC requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The LATC also accepts CLARB Council Records which require primary source documentation.

**23. Describe the LATC's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.**

The LATC's laws and regulations require all candidates to meet the same prerequisites for a license. Candidates must document a combination of six years education and experience as specified in CCR section 2620 and successfully complete both the national examination (LARE or the equivalent) and the CSE.

**24. Describe the LATC's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.**

The LATC considers military education, training, and experience the same as that from any other source, provided it is related to the practice of landscape architecture. Education, training, and experience must fall within the parameters established in California Code of Regulations section 2620 to receive credit towards the six-year experience licensure requirement.

**a. Does the LATC identify or track applicants who are veterans? If not, when does the LATC expect to be compliant with BPC § 114.5?**

Yes, the LATC tracks the military status of all candidates (applicants), including branch of service and military documentation received and provides resources for candidates on its website so candidates may receive credit for their training and educational experience.

**b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the LATC?**

None.

**c. What regulatory changes has the LATC made to bring it into conformance with BPC § 35?**

No changes are necessary, as the LATC is already permitted by its regulations to grant credit for military education, training or experience that is related to the practice of landscape architecture.

**d. How many licensees has the LATC waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on LATC revenues?**

None.

**e. How many applications has the LATC expedited pursuant to BPC § 115.5?**

None. No candidates seeking reciprocal licensure and who are married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California have requested the expedited processing.

**25. Does the LATC send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

N/A

**Examinations**

Table 8. Examination Data – Tables modified to include examination results for the CSE and the LARE (by division).

<b>Table 8a. Examination Data</b>		
<b>California Supplemental Examination (CSE)</b>		
	License Type	Landscape Architect
FY 2014/15	# of 1 <sup>st</sup> Time Candidates	90
	Pass %	81%
FY 2015/16	# of 1 <sup>st</sup> Time Candidates	107
	Pass %	81%
FY 2016/17	# of 1 <sup>st</sup> Time Candidates	117
	Pass %	76%
FY 2017/18	# of 1 <sup>st</sup> time Candidates	141
	Pass %	55%
	Date of Last OA	May 2014
	Name of OA Developer	OPES
	Target OA Date	May 2020



<b>Table 8b. Examination Data</b>					
<b>Landscape Architect Registration Examination (LARE) (National Examination)</b>					
License Type		Landscape Architect			
Exam Title: LARE Divisions <sup>3</sup>		Section 1	Section 2	Section 3	Section 4
FY 2014/15	# of 1 <sup>st</sup> Time Candidates <sup>1</sup>	See note 2 below			
	Pass %	69%	65%	68%	47%
FY 2015/16	# of 1 <sup>st</sup> Time Candidates <sup>1</sup>	See note 2 below			
	Pass %	72%	62%	62%	54%
FY 2016/17	# of 1 <sup>st</sup> Time Candidates <sup>1</sup>	See note 2 below			
	Pass %	69%	66%	60%	58%
FY 2017/18	# of 1 <sup>st</sup> Time Candidates <sup>1</sup>	See note 2 below			
	Pass %	63%	65%	72%	69%
Date of Last OA		2016			
Name of OA Developer		Professional Testing, Inc.			
Target OA Date		TBD			

<sup>1</sup> Data includes all California candidates.

<sup>2</sup> The current candidate management system used by CLARB is unable to track this information. CLARB is working to expand their system functions and may be able to provide this information in the future.

<sup>3</sup> The LARE sections currently administered are:

- Section 1: Project and Construction Administration
- Section 2: Inventory and Analysis
- Section 3: Design
- Section 4: Grading Drainage and Construction Documentation

**26. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?**

Each candidate for licensure is required to complete both a national examination (LARE) and CSE to become licensed. The two examinations test candidates for their entry-level knowledge, skills, and ability to provide services required of a landscape architect who possesses entry-level competence. Both examinations are only offered in English.

**Landscape Architect Registration Examination (LARE)**

The LARE is a practice-based examination developed by CLARB. The content of the LARE is based on an analysis of landscape architectural practice conducted every five to seven years. The study identifies what is required at the initial point of licensure in terms of tasks to be completed and the knowledge required to successfully complete those tasks. The most recent “Practice Analysis” was conducted by CLARB in 2016. The LARE concentrates on those services that most affect the public health, safety, and welfare. The LARE has been developed with specific concern for its fidelity to the practice of landscape architecture; that is, its content relates to the actual tasks a landscape architect encounters in practice. No single examination can test for competency in all aspects of landscape architecture, which is why the LARE is not the only requirement to become a licensed landscape architect. Education and experience are also crucial licensure requirements. The examination attempts to determine the candidate’s qualifications not only to perform

measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of landscape architecture as an integrated whole.

All sections of the LARE are administered and graded by computer. The following is a list of the sections:

- Section 1 - Project and Construction Management
- Section 2 - Inventory and Analysis
- Section 3 - Design
- Section 4 - Grading, Drainage, and Construction Documentation

CLARB partners with Pearson VUE Test Centers to administer the LARE three times annually. There are 22 test centers in California and over 250 nationwide, making the examination easily accessible for candidates.

Candidates must pass each section of the LARE independently and receive credit for sections passed, but must retake those sections not passed. Full or partial credit may be given when all sections have not been completed at the time a new LARE is introduced, otherwise, credit for sections passed is valid until the candidate passes the entire current examination. Candidates receive an email from CLARB when their results are ready for viewing.

### **California Supplemental Examination (CSE)**

The setting for landscape architectural practice in California is distinct from that of other states. California's large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for landscape architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring landscape architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary landscape architectural knowledge and skills to respond to the conditions found in California.

The LATC administers the CSE to candidates who have successfully completed all sections of the LARE, as well as to eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice unique to California, including accessibility, energy conservation, sustainability, irrigation, water management, wetlands, wildlife corridors, wildfire resistant landscapes and legal issues (California Environmental Quality Act, etc.), and others to fulfill competencies identified in the occupational analysis.

The CSE was previously administered as a written examination, but has been delivered via computer since February 2011. The current CSE is based on the 2014 Occupational Analysis (OA) and Test Plan and consists of 100 multiple-choice questions that cover site assessment, program development, design process, and construction documents and contract performance. The CSE is administered by computer at a total of 40 nationwide locations, including 17 testing centers within California, and candidates are given two and one-half hours to complete.

The OA was completed in May 2014. The OA was immediately followed by a review of the LARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *Task Analysis for the Council of Landscape Architectural Registration Board's Landscape Architect (2010)* to ensure there is no overlap between the content in the LARE and CSE.

**27. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?**

Statistics collected by CLARB relative to pass rates for the LARE do not distinguish between first-time and retake candidates by state. However, the LATC does collect CSE pass rate statistics for a comparison between first-time and retake candidates. Both the LARE and CSE are only offered in English. The following table provides a comparison for CSE candidates.

Fiscal Year	First-Time Candidates	Retake Candidates
2014/2015	66%	62%
2015/2016	73%	64%
2016/2017	54%	47%
2017/2018	54%	56%

**28. Is the LATC using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?**

Yes, the LATC utilizes computer-based testing (CBT) for its licensing examinations. The LARE and CSE, which are required for licensure, are both administered through CBT. The LARE has been administered via CBT since 2012 when the exam transitioned from five to four sections. The CSE was a written examination given by the LATC until 2008 when the LATC contracted with Psychological Services Inc. (PSI) to begin offering the examination via CBT. The LARE is offered three times annually and each administration takes place over a two-week period.

Candidates schedule LARE sections through the CLARB online service. This service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their convenience. Pearson VUE Test Services is the test administrator for the LARE. Candidates schedule their exam appointments through CLARB and sit for an administration at a Pearson Vue test center. Each of the four LARE sections is scheduled and separately administered. Depending on the length of the specific section, it is possible to take more than one section on the same day.

The CSE is administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI test centers throughout the U.S. (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their examination.

**29. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.**

No.

**School approvals**

**30. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the LATC work with BPPE in the school approval process?**

In accordance with CCR section 2620(b)(2), a degree from a school with a landscape architecture program is deemed approved by the LATC if the curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB), as specified in its publication “Accreditation Standards for Programs in Landscape Architecture.” The Bureau for Private Postsecondary Education does not play a role in the process of approving schools of landscape architecture or landscape architectural degree programs for the purposes of the LATC.

The LAAB is the only agency nationally recognized to accredit professional and post-professional degree programs in landscape architecture within the U.S. LAAB accredits the degree programs within the schools, not the schools themselves. The Canadian Society of Landscape Architects Accreditation Council (CSLAAC) is the Canadian equivalent of LAAB and accredits the landscape architectural degree programs in Canada.

The LATC does approve extension certificate programs in landscape architecture. Currently, there are two such programs in California, the University of California, Los Angeles Extension Program and the University of California, Berkeley Extension Program. Programs must meet the requirements specified in CCR section 2620.5 for approval as extension certificate programs. In 2013, the LATC conducted reviews for each of the extension program. Approval is granted with the provision that curriculum cannot be changed without LATC approval. Both programs are currently approved through December 31, 2020. In July 2017, LATC was advised that the University of California, Berkeley Extension Program will close in the Fall 2019 and is no longer accepting new students.

**31. How many schools are approved by the LATC? How often are approved schools reviewed? Can the LATC remove its approval of a school?**

The LATC is not statutorily authorized to approve schools of landscape architecture or the professional and post-professional degree programs offered by them. The LAAB reviews degree programs every three to six years and has the authority to withdraw accreditation if the program is not meeting accreditation standards.

There are two landscape architecture extension certificate programs in California, as noted above, approved by the LATC. Approval is granted for seven-year periods.

### **32. What are the LATC's legal requirements regarding approval of international schools?**

The LATC is not authorized to approve schools of landscape architecture outside the U.S. or its territories. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approvals of landscape architectural schools or the professional and post-professional programs available at those schools. LAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

### **Continuing Education/Competency Requirements**

### **33. Describe the LATC's continuing education/competency requirements, if any. Describe any changes made by the LATC since the last review.**

The Landscape Architects Practice Act does not require continuing education.

**a. How does the LATC verify CE or other competency requirements? Has the LATC worked with the Department to receive primary source verification of CE completion through the Department's cloud?**

N/A

**b. Does the LATC conduct CE audits of licensees? Describe the LATC's policy on CE audits.**

N/A

**c. What are consequences for failing a CE audit?**

N/A

**d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?**

N/A

**e. What is the LATC's course approval policy?**

N/A

**f. Who approves CE providers? Who approves CE courses? If the LATC approves them, what is the LATC application review process?**

N/A

**g. How many applications for CE providers and CE courses were received? How many were approved?**

N/A

**h. Does the LATC audit CE providers? If so, describe the LATC's policy and process.**

N/A

**i. Describe the LATC's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.**

N/A

DRAFT

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

### Section 5 – Enforcement Program

#### **34. What are the LATC's performance targets/expectations for its enforcement program? Is the LATC meeting those expectations? If not, what is the LATC doing to improve performance?**

The LATC's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Landscape Architects Practice Act (Act).

For all complaints received, the LATC has a goal of assigning complaints to staff for investigation within seven days. Currently, the average time of assigning complaints for investigation to staff is one day. The LATC is exceeding expectations in this area. Concerning the time necessary to investigate a complaint, the LATC's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For fiscal years (FY's) 2014/15, 2015/16, 2016/17, and 2017/18, the LATC averaged 330 days, 306 days, 151 days, and 117 days respectively. Case review, evaluation, and consideration of the technical expert consultant findings and staff recommendations are critical, but are often a very time-consuming process that adds to the aging of the investigation and case closure process. The LATC's experts are not physically located in LATC's office. All complaint information must be copied and sent to them for review and returned by the expert upon completion of the report. To aid in improving the length of time it takes to investigate a complaint, the LATC contracts with two expert consultants and recruits additional experts as needed.

#### **35. Explain trends in enforcement data and the LATC's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the LATC done and what is the LATC going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?**

Since the last reporting period, the LATC has not experienced any fluctuations in enforcement data trends. The LATC received an average of 27 complaints for FY's 2014/15, 2015/16, 2016/17, and 2017/18, of which an average of 13 were advertising and unlicensed activity complaints. Staff has maintained an average of 14 pending complaints at the end of each FY. Enforcement staff closed 40% of investigations within 90 days and 41% within one year.

The LATC has issued 10 citations since the last reporting period. Nine of the citations included a fine assessment averaging \$1,639, and one outlier had a fine assessment at \$16,000. The majority of citations issued were to unlicensed individuals, who are often difficult to locate because they change addresses

frequently. For these citations, staff utilizes the Franchise Tax Board (FTB) Intercept Program to attempt to collect fines. However, there is currently no incentive for these individuals to pay their fines, unlike licensees who cannot renew their license without paying. To address this, the LATC is currently collaborating with DCA to execute a contract with a collection agency for full-service debt collection services, including “skip tracing,” credit reporting, and filing legal actions as appropriate to assist in the collection of unpaid citation penalties and cost recoveries for unpaid administrative fines and cost reimbursement accounts aged beyond 90 days. The Board and LATC anticipate execution of this contract by early 2019.

Lastly, the LATC’s 2017/2018 Strategic Plan contained an objective to collect and review data respective to unlicensed activity and licensee violations to identify if trends exist. The LATC will use the results of the collected data to shape consumer education and enhance enforcement efforts. One such measure is to contact various social media platforms, such as Yelp and LinkedIn, to request the addition of “landscape designer” as a category of profession to mitigate unlicensed activity complaints for those individuals who advertise as a landscape architect due to lack of other options available on that platform.

The LATC has also continued to focus on promptly responding to consumer complaints and maintain an internal weekly report on case aging to improve the tracking of each case through the intake and investigation processes.

<b>Table 9a. Enforcement Statistics</b>			
	FY 2015/16	FY 2016/17	FY 2017/18
<b>COMPLAINT</b>			
Intake			
Received	22	24	40
Closed	0	0	0
Referred to INV	22	24	40
Average Time to Close	1	5	1
Pending (close of FY)	0	0	0
Source of Complaint			
Public	9	5	7
Licensee/ Professional Groups	9	9	6
Governmental Agencies	3	7	26**
Other	1	3	1
Conviction / Arrest			
CONV Received	3	4	23**
CONV Closed	2	4	19
Average Time to Close	86 days	95 days	63 days
CONV Pending (close of FY)	0	0	6
<b>LICENSE DENIAL</b>			
License Applications Denied	0	0	0
SOIs Filed	0	0	0
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	N/A	N/A	N/A



<b>ACCUSATION</b>			
Accusations Filed	1	0	2
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0
Accusations Declined	0	0	0
Average Days Accusations	828	N/A	247
Pending (close of FY)	2	1	2
* All complaints received by the LATC are referred for investigation.			
** Number of complaints received increased during FY 2017/18 due to the tracking of candidate and licensee disclosed convictions.			

<b>Table 9b. Enforcement Statistics (continued)</b>			
	FY 2015/16	FY 2016/17	FY 2017/18
<b>DISCIPLINE</b>			
Disciplinary Actions			
Proposed/Default Decisions	0	1	0
Stipulations	1	1	0
Average Days to Complete	1,260	953	N/A
AG Cases Initiated	1	1	1
AG Cases Pending (close of FY)	2	1	2
Disciplinary Outcomes			
Revocation	0	1	0
Voluntary Surrender	0	1	0
Suspension	0	0	0
Probation with Suspension	1	0	0
Probation	0	0	0
Probationary License Issued	0	0	0
Other	0	0	0
<b>PROBATION</b>			
New Probationers	1	0	0
Probations Successfully Completed	0	0	0
Probationers (close of FY)	1	1	0
Petitions to Revoke Probation	0	0	0
Probations Revoked	0	0	0
Probations Modified	0	0	0
Probations Extended	0	0	0
Probationers Subject to Drug Testing	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	0
<b>DIVERSION</b>			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A

Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

<b>Table 9c. Enforcement Statistics (continued)</b>			
	FY 2015/16	FY 2016/17	FY 2017/18
<b>INVESTIGATION</b>			
All Investigations			
First Assigned	22	24	40*
Closed	33	19	37
Average days to close	306	145	117
Pending (close of FY)	8	13	16
Desk Investigations			
Closed	33	24	37
Average days to close	306	145	117
Pending (close of FY)	8	13	16
Non-Sworn Investigation			
Closed	0	0	0
Average days to close	0	0	0
Pending (close of FY)	0	0	0
Sworn Investigation			
Closed	3	2	0
Average days to close	80	169	0
Pending (close of FY)	2	0	0
<b>COMPLIANCE ACTION</b>			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	15	6	12
Referred for Diversion	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A
<b>CITATION AND FINE</b>			
Citations Issued	8	4	0
Average Days to Complete	648	248	N/A
Amount of Fines Assessed	\$12,500	\$18,250	\$0
Reduced, Withdrawn, Dismissed	2	0	0
Amount Collected	\$1,000	\$8,750**	\$2,180**
<b>CRIMINAL ACTION</b>			
Referred for Criminal Prosecution	0	0	0

\* Number of complaints received increased during FY 2017/18 due to the tracking of candidate and licensee disclosed convictions.

\*\*Amounts reflect fines collected, which were assessed in previous years.

<b>Table 10. Enforcement Aging</b>						
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
<b>Attorney General Cases (Average %)</b>						
Closed Within:						
0-1 Year	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
1-2 Years	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
2-3 Years	0 (0%)	0 (0%)	1 (100%)	0 (0%)	1	50%
3-4 Years	0 (0%)	1 (100%)	0 (0%)	0 (0%)	1	50%
Over 4 Years	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
Total Attorney General Cases Closed*	0	1	1	0	2	100%
<b>Investigations (Average %)</b>						
Closed Within:						
90 Days	10 (38.5%)	9 (27.3%)	7 (36.8%)	21 (56.8%)	46	40.0%
91-180 Days	2 (7.7%)	8 (24.2%)	8 (42.1%)	8 (21.6%)	26	22.6%
181 Days-1 Year	6 (23.1%)	7 (21.2%)	2 (10.5%)	6 (16.2%)	21	18.3%
1-2 Years	4 (15.4%)	6 (18.2%)	2 (10.5%)	2 (5.4%)	15	13.0%
2-3 Years	3 (11.5%)	1 (3%)	0 (0%)	0 (0%)	4	3.5%
Over 3 Years	1 (3.8%)	2 (6.1%)	0 (0%)	0 (0%)	3	2.6%
Total Cases Closed	26	33	19	37	115	100%

\*Accusation filed

### 36. What do overall statistics show as to increases or decreases in disciplinary action since last review.

The LATC filed four accusations, all seeking revocation of licensure, during the current reporting period (FY 2014/15 through FY 2017/18); this is an increase of two from the last reporting period. Two accusations resulted in a stipulated settlement in which the respondents voluntarily surrendered the license in response to the accusation; however, one of these decisions of the accusation became effective in FY 2018/19 and therefore was not reported in the above table. One accusation resulted in respondent's license being revoked. Respondent contested the decision and a hearing was held in April 2018. The majority of respondent's motions have been denied and the court ordered further briefing on one motion. At this time, the parties have not briefed nor has the court scheduled another hearing. One accusation has been served to the respondent and is currently awaiting a decision.

In evaluating an enforcement program, it is important to reflect on the nature of the profession being regulated. Landscape architects often collaborate with other parties (engineers, architects, attorneys, contractors, and other landscape architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the LATC typically do not deal with major property damage or bodily injury.

**37. How are cases prioritized? What is the LATC's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.**

The LATC's case prioritization policy is consistent with DCA's guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the LATC's prioritization guidelines. Complaints given the highest or "urgent" priority include imminent life and safety issues, severe financial harm to clients, egregious pattern of complaints, and project abandonment. Complaints given a "high" priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The most common complaints are contract violations, unlicensed advertising (title) violations, and routine settlement reports.

**38. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the LATC actions taken against a licensee. Are there problems with the LATC receiving the required reports? If so, what could be done to correct the problems?**

Mandatory reporting requirements are specified in BPC sections 5678 (Report of Settlement or Arbitration - Licensee), 5678.1 (Report of Settlement or Arbitration - Insurer), and 5680.05 (Report to Board by Clerk of Court of Judgement of Conviction of Crime by License Holder).

BPC sections 5678 and 5678.1 require that within 30 days, every licensee and insurer providing professional liability insurance to a California landscape architect send a report to the LATC on any civil action judgment, settlement, arbitration award, or administrative action of \$5,000, or greater of any action alleging the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice. The LATC received 8 settlement reports during the previous reporting period and 10 reports in the current period.

BPC section 5680.05 requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the licensee's fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the LATC.

Historically, the Board has tried to work with the courts to gain cooperation and compliance with the reporting requirement. However, the Board has not received a report of a judgment from a court. The Board previously requested the California Administrative Office of the Courts to assist in attaining compliance from court clerks. In an effort to obtain address this ongoing issue, the Board has requested its Deputy Attorney General (DAG) liaison to seek assistance to obtain compliance from the courts by disseminating a letter to clerks of the courts reminding them of BPC section 5590. The letter is planned to be released by the end of 2018.

In addition, BPC section 5680 (Renewal of License - Forms) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

**a. What is the dollar threshold for settlement reports received by the LATC?**

As noted above, the dollar threshold for settlement cases received by the LATC is \$5,000.

**b. What is the average dollar amount of settlements reported to the LATC?**

The average dollar amount of settlements reported to the LATC during the current reporting period is \$73,582.

**39. Describe settlements the LATC, and Office of the Attorney General on behalf of the LATC, enter into with licensees.**

The Board considers approving stipulated settlements with licensees where appropriate to promote cost-effective consumer protection and to expedite disciplinary decisions. In order to enter into a stipulated settlement, the licensee is generally required to admit to the violations set forth in the accusation, have his or her license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG 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.

**a. What is the number of cases, pre-accusation, that the LATC settled for the past four years, compared to the number that resulted in a hearing?**

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

**b. What is the number of cases, post-accusation, that the LATC settled for the past four years, compared to the number that resulted in a hearing?**

In the past four years, there were four cases sent to the Office of the Attorney General, all of which resulted in the filing of an accusation. Out of those four cases, two were settled without going to hearing, one resulted in a hearing, and one is awaiting a decision.

**c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?**

In the past four years, 50% of disciplinary cases were settled, 25% resulted in a hearing, and 25% is currently awaiting a decision.

**40. Does the LATC operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the LATC's policy on statute of limitations?**

The LATC's statute of limitations is defined by BPC section 5661: "All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the Board within three years after the Board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary

action, whichever occurs first, but not more than six years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of Section 5667 (Fraud, Misrepresentation - Obtaining License), the accusation may be filed within three years after the discovery by the Board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5667.”

Since FY 2014/15, the LATC has not lost any cases due to the expiration of its statute of limitations. However, the LATC received five cases in which the alleged violation(s) occurred beyond the statute of limitations. As a result of the statute of limitations, the LATC did not take any action after its investigation of four settlement cases and the fifth case’s investigation is pending. These cases involved settlement reports where the landscape architectural services were provided more than six years prior to the receipt of the reports.

#### **41. Describe the LATC’s efforts to address unlicensed activity and the underground economy.**

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The LATC addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

In an effort to address unlicensed practice, the LATC’s website contains a document entitled “Permitted Practice for Professionals, Practitioners, and Unlicensed Person,” which provides a quick reference regarding the various professionals, practitioners, and unlicensed persons who may offer landscape design services and the permitted scope and/or limitations that pertain to each.

Additionally, on its website, the LATC promotes publications for selecting a landscape architect for residential, private development, and public-sector projects. These publications were designed with the intention to help consumers understand the sometimes complex and technical nature of landscape architectural services to include: how to find and select a landscape architect; written contract requirements and recommendations; and what to do if a problem occurs with the project. The LATC also promotes its *Consumer’s Guide to Hiring a Landscape Architect* to provide information on the practice of landscape architecture and how to choose the right landscape architect for a project. This information contains a number of basic steps that consumers can take to help keep their projects on track.

In addition, the LATC provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

Lastly, with regard to LATC’s 2017-2018 Strategic Plan objective to collect and review data respective to unlicensed activity and licensee violations to identify if trends exist and shape its consumer protection efforts, LATC determined that one means to achieve this objective is to contact various social media platforms, such as Yelp and LinkedIn, to request the addition of “landscape designer” as a category of profession to mitigate unlicensed activity complaints for those individuals who advertise as a landscape architect due to lack of other options available on that platform.

## Cite and Fine

### **42. Discuss the extent to which the LATC has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the LATC increased its maximum fines to the \$5,000 statutory limit?**

The citation program provides the LATC with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 2630, the regulation that authorizes the LATC to issue administrative citations and fines, was last amended in 2006 to: 1) increase the maximum administrative fine to \$5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the Act. The Board also plans to assess CCR section 2630 to determine the appropriateness of the classifications of violations and the corresponding fine amounts through a future Strategic Plan objective.

For this reporting period, the LATC issued an average of three citations per year. Of those, all included a fine assessment averaging \$1,639, with one outlier fine assessment of \$16,000.

### **43. How is cite and fine used? What types of violations are the basis for citation and fine?**

As noted above, the citation program provides the LATC with an expeditious method of addressing violations that have not result in substantial financial or physical harm. All professional practice complaints and some unlicensed practice complaints recommended for citation are reviewed by an expert. Administrative fines range from \$250 to \$5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The LATC has used the citation program most frequently to cite individuals who have violated the following:

#### BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions

#### CCR Section:

- 2670 - Rules of Professional Conduct

Licenses who fail to pay the assessed fines have a “hold” placed on their license record that prevents renewal of the license until the fine is paid.

### **44. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**

In the last four fiscal years, there have been six informal conferences and no administrative hearings as a result of citation appeals.

#### **45. What are the 5 most common violations for which citations are issued?**

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions
- 5657 - Filing of Mailing Address - Requirement
- 5671 - Negligence, Willful Misconduct in Practice

CCR Section:

- 2670 - Rules for Professional Conduct

#### **46. What is average fine pre- and post-appeal?**

The average pre-appeal fine is \$1,639 and the average post-appeal fine is \$1,306 with an outlier fine of \$16,000.

#### **47. Describe the LATC's use of Franchise Tax Board intercepts to collect outstanding fines.**

The LATC uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the LATC's outstanding, unpaid fines are against unlicensed individuals, and Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

#### **Cost Recovery and Restitution**

#### **48. Describe the LATC's efforts to obtain cost recovery. Discuss any changes from the last review.**

The LATC seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is required pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

The Board's current Strategic Plan contains an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. Likewise, the LATC's current Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals. Accordingly, the Board and LATC are currently collaborating with DCA to execute a contract with a collection agency for full-service debt collection services, including "skip tracing," credit reporting, and filing legal actions as appropriate to assist in the collection of unpaid citation penalties and cost recoveries for unpaid administrative fines and cost reimbursement accounts aged beyond 90 days. The Board and LATC anticipate execution of this contract by early 2019.



**49. How many and how much is ordered by the LATC for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.**

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing.

In the last four FYs, the Board has filed four accusations. One accusation resulted in a disciplinary decision of license surrender with a cost reimbursement of \$4,775; a second accusation resulted in a disciplinary decision of license revocation with a cost reimbursement of \$7,762.50 (this accusation is currently being appealed through the State of California Superior Court); a third accusation resulted in a disciplinary decision of license surrender, that became final in FY 2018/19, with a cost reimbursement of \$2,240.00; and one accusation is pending disciplinary decision.

**50. Are there cases for which the LATC does not seek cost recovery? Why?**

No.

**51. Describe the LATC’s use of Franchise Tax Board intercepts to collect cost recovery.**

The LATC currently utilizes FTB to collect cost recovery.

**52. Describe the LATC’s efforts to obtain restitution for individual consumers, any formal or informal LATC restitution policy, and the types of restitution that the LATC attempts to collect, i.e., monetary, services, etc. Describe the situation in which the LATC may seek restitution from the licensee to a harmed consumer.**

The LATC has no authority to order restitution outside of a stipulated agreement or an administrative law judge’s proposed decision. Through the LATC’s complaint handling process, the LATC may recommend that a licensee refund a client’s monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The LATC has no jurisdiction over fee disputes.

<b>Table 11. Cost Recovery</b> (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures	\$173	\$178	\$144	\$179
Potential Cases for Recovery *	0	0	\$2	0
Cases Recovery Ordered	0	0	\$2	0
Amount of Cost Recovery Ordered	\$0	\$0	\$13	\$0
Amount Collected	\$0	\$0	\$0	\$0
* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.				

<b>Table 12. Restitution</b> (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	\$0	\$0	\$0	\$0
Amount Collected	\$0	\$0	\$0	\$0

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

### Section 6 – Public Information Policies

**53. How does the LATC use the internet to keep the public informed of LATC activities? Does the LATC post LATC meeting materials online? When are they posted? How long do they remain on the LATC's website? When are draft meeting minutes posted online? When does the LATC post final meeting minutes? How long do meeting minutes remain available online?**

The LATC continually updates its website to reflect upcoming LATC and subcommittee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the LATC's retention schedule. Draft meeting minutes are posted on the website in the subsequent meeting packet for Committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the LATC's retention schedule. The LATC continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents. Moreover, the LATC's 2017-2018 Strategic Plan contains an objective to revamp its website to be more user-friendly to constituents. The LATC is consulting with DCA Office of Information Services to update its website to align with that of the Board using v5 of the California Department of Technology's template. The new website design was launched in Fall 2018.

Other tools used by the LATC to communicate its messages include the eSubscriber list for e-news broadcasts and social media (Twitter).

**54. Does the LATC webcast its meetings? What is the LATC's plan to webcast future LATC and sub-committee meetings? How long do webcast meetings remain available online?**

The LATC webcasts its meetings when DCA resources are available. The meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the LATC has actively engaged with the DCAs' Office of Public Affairs to facilitate the webcasting of its Committee and subcommittee meetings and includes notification of webcast availability on its meeting notices. Despite the LATC's active effort to facilitate webcast at each of its meetings, varying technical capabilities of the meeting sites (schools of landscape architecture and public venues) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are available online for an indefinite period of time.

**55. Does the LATC establish an annual meeting calendar, and post it on the LATC’s web site?**

Yes. The LATC establishes a prospective meeting calendar at its last meeting of each year and posts it on the website afterwards. Meetings of subcommittees are also posted to the calendar when the dates are determined by the respective subcommittee Chair.

**56. Is the LATC’s complaint disclosure policy consistent with DCA’s *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the LATC post accusations and disciplinary actions consistent with DCA’s *Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)*?**

The LATC’s complaint disclosure policy is consistent with DCA’s Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the LATC’s website according to the LATC’s records retention schedule.

**57. What information does the LATC provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

California Code of Regulations (CCR) section 2608 requires the LATC to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed landscape architects and unlicensed persons subject to its jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). Information is made available by the LATC in writing or by telephone within 10 days of the request.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the LATC’s records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The LATC also discloses the total number of enforcement and disciplinary actions, as well as brief summaries. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 2608), accusations, statements of issues, and citations filed by the Board.

**58. What methods are used by the LATC to provide consumer outreach and education?**

The LATC provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

The LATC has specific publications targeting consumers and utilizes the following long-standing publications:

1. *Consumer Tips for Design Projects*. This information is a concise document that summarizes the basic steps that consumers can take to help keep their projects on track.
2. *Selecting a Landscape Architect* publications, which include: *Selecting a Landscape Architect for Public Sector Projects*; *Selecting a Landscape Architect for Residential Projects*; and *Selecting a Landscape Architect for Private Development Projects*. These publications contain information regarding: 1) A description of the typical services a licensed landscape architect can provide; 2) How to select a landscape architect; 3) What the written agreement between a consumer and a landscape architect should include; and 4) The LATC's role as a regulatory entity. Though the information provided in each of the three publications is consistent, each publication has information tailored to the type of project being performed by the landscape architect.

Additionally, in 2017, the LATC approved a new consumer-oriented publication: *Consumer's Guide for Hiring a Landscape Architect*. This publication is a comprehensive guide for consumers that includes information about the practice of a landscape architect, contract criteria, as well as how to file a complaint.

A key means of distributing these publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on landscape architects and managing a project. In addition, the LATC's posts these publications on its website in order to make them readily available. Further, in response to the LATC's 2017-2018 Strategic Plan objective to expand communication to stakeholders, the LATC is conducting more frequent emails to its e-Subscribers. An example of such notification includes advertisement of the availability of new publications and means by which stakeholders can request hardcopies for their own use or distribution. The LATC's 2017-2018 Strategic Plan also contained an objective to adopt DCA's best practices for social media use. Though the LATC currently maintains a Twitter account, in 2018, LATC began consulting with DCA's Communications Division to begin the process of expanding its social media presence.

Lastly, the website continues to be a primary focus of LATC efforts, providing the public, licensees, and candidates with a wide range of information. The website provides stakeholders with access to enforcement actions, a license verification tool, newsletters, as well as a comprehensive list of downloadable applications, forms, publications, and instructional materials. In order to enhance public attention to the LATC's website, the LATC's 2017-2018 Strategic Plan also contains an objective to optimize the LATC website on search engines for individuals searching for a landscape architect to enhance LATC's ability to reach more consumers interested in using a landscape architect. Staff have consulted with DCA's Communications Division to begin the process of optimizing the LATC's website so that consumers' web searches related to landscape architecture are more likely to yield the website as a search option.

The LATC will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 7 – Online Practice Issues

#### **59. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the LATC regulate online practice? Does the LATC have any plans to regulate internet business practices or believe there is a need to do so?**

Technology has been integrated into the landscape architectural profession and continues to provide efficiencies in practice by allowing landscape architects to prepare instruments of service electronically (and outsource their production to online drafting services, as necessary), coordinate with other design professionals, and communicate and share design ideas with clients.

The LATC believes the Landscape Architects Practice Act provides sufficient regulatory control over the use of technology and online practice by landscape architects, as Business and Professions Code (BPC) section 5659 requires the landscape architect's stamp and signature on instruments of service as evidence of the landscape architect's responsibility for those documents. Another important consumer protection tool in this area is the written contract requirement (BPC section 5616), which requires a landscape architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against landscape architects, but the LATC will continue to monitor these issues closely.

However, the prevalence of unlicensed individuals who misrepresent themselves as landscape architects and/or offer landscape architectural services to California consumers via the Internet remains a challenge for the LATC's Enforcement Program. During the current reporting period, unlicensed advertising or activity complaints accounted for approximately 47 percent of all complaints received by the LATC. The Board issues citations with administrative fines to unlicensed individuals who advertise or put out devices (such as Internet advertisements) that might indicate to the public that they are landscape architects or qualified to engage in the practice of landscape architecture, in violation of BPC section 5640.

Many of these unlicensed activity complaints involve consumers who may not be familiar with license requirements or the design and landscape construction process. These consumers often rely on "referral" websites that offer to match them with "prescreened" professionals in their area who have passed the websites' background checks and can provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals' advertisements, and some allow unlicensed individuals to identify themselves as landscape architects and/or offer landscape architectural services to the public without verifying licensure.

The Board and LATC are interested in researching the feasibility of partnering with such referral websites to verify licensure for these professionals who advertise to California consumers and to remove illegal

advertisements by unlicensed individuals. The Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting a landscape architect on the Internet.

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# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

### As of December 1, 2018

#### Section 8 – Workforce Development and Job Creation

#### **60. What actions has the LATC taken in terms of workforce development?**

The LATC has amended regulations and implemented process efficiencies to expand the eligibility requirements for licensure. In 2017, amendments to CCR section 2620 (Education and Training Credits) became effective, which grant candidates up to one year of training credit for teaching in a landscape architecture degree program.

The LATC is currently pursuing additional amendments to CCR section 2620 that would expand the eligibility requirements to grant two years of education credit for an accredited degree in civil engineering or architecture, one-year of credit for any bachelor's degree, and up to six years of training credit for qualifying landscape architectural experience. Presently, a candidate must hold a landscape architectural degree or certificate, or an accredited architecture degree to qualify for licensure. By expanding these pathways, the LATC hopes to achieve more opportunities for individuals to become licensed landscape architects. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with the Office of Administrative Law by the end of 2018. (See Section 11 for additional information.)

Additionally, the LATC maintains its website ([latc.ca.gov](http://latc.ca.gov)), which contains easy-to-understand information about licensing requirements and other related issues. Staff provides presentations regarding licensure at the accredited and approved schools of landscape architecture. The LATC strives to remove impediments to licensure, such as allowing candidates to take Sections 1 and 2 of the LARE prior to completion of the experience requirements.

#### **61. Describe any assessment the LATC has conducted on the impact of licensing delays.**

No formal studies have been conducted. However, LATC management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce.

#### **62. Describe the LATC's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.**

The LATC is proactive in working with chairs, deans and students of landscape architectural programs to convey information on the licensing requirements in California. The LATC supplements this effort by holding Committee meetings at schools' campuses. Student outreach seminars are also conducted at campuses to explain licensing requirements. Additionally, at the commencement of the school year, the LATC, through the chairs and deans of the landscape architectural colleges, sends a letter introducing itself

and explaining its role to students. A similar related letter is disseminated at the end of the school year. The LATC believes that these efforts pay dividends by helping students become licensed more efficiently, which saves candidates time and money.

**63. Describe any barriers to licensure and/or employment the board believes exist.**

The LATC proactively strives to expand its pathways to licensure such that there are more opportunities for potential candidates to qualify for licensure. As the Committee operates under California Architects Board’s (Board) governance, the LATC strives to mirror the regulations of the Board, where appropriate. The Board offers diversity in pathways to licensure, including granting credit for related and unrelated degrees and an Integrated Pathway to Architectural Licensure (IPAL) program. IPAL is a structured pathway designed for aspiring architects to have the opportunity to complete the requirements for licensure in an integrated and streamlined manner while earning their accredited degree.

Current LATC licensure requirements necessitate that a candidate must hold a degree or extension certificate in landscape architecture or an accredited degree in architecture. However, the LATC believes that education and training requirements should be expanded as valuable training can occur via the inclusion of more diversity in its licensure pathways. Accordingly, in 2018, the LATC approved amendments to CCR section 2620 that would allow education credit for a degree in civil engineering as well as any baccalaureate degree. In addition, the proposed regulation would allow for expanded opportunities to gain experience credit for licensure as well as a new experience-only pathway to licensure. The LATC believes that promulgation of these regulatory amendments will achieve mitigation of licensure impediments as well as effectuate enhanced opportunities for individuals to pursue licensure in California.

**64. Provide any workforce development data collected by the LATC, such as:**

**a. Workforce shortages**

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty hiring new landscape architects.

**b. Successful training programs.**

No data is available.



# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

## Section 9 – Current Issues

### **65. What is the status of the LATC's implementation of the Uniform Standards for Substance Abusing Licensees?**

N/A

### **66. What is the status of the LATC's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?**

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. The LATC strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the LATC continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The LATC is exceeding expectations by closing complaints within an average of 225 days.

### **67. Describe how the LATC is participating in development of BreEZe and any other secondary IT issues affecting the LATC.**

#### **a. Is the LATC utilizing BreEZe? What Release was the board included in? What is the status of the LATC's change requests?**

The LATC is not using the BreEZe platform. The LATC was originally in the BreEZe Release 3 and has not submitted any change requests during this reporting period.

#### **b. If the LATC is not utilizing BreEZe, what is the LATC's plan for future IT needs? What discussions has the LATC had with DCA about IT needs and options? What is the LATC's understanding of Release 3 boards? Is the LATC currently using a bridge or workaround system?**

The Board and LATC, along with 19 other boards and bureaus, were scheduled for the third release of BreEZe. However, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

The Department of Consumer Affairs (DCA) developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. The Plan identifies a methodical step-by-step approach that boards and bureaus within DCA will use to assist in moving their programs forward. The goal is to

embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlines four stages of the project approval process: Stage 1 - document business justification, Stage 2 - alternatives and cost-benefit analysis, Stage 3 - solution development framework, and Stage 4 - project approval. The final step of the process will be system implementation.

An initial meeting was held on July 11, 2017, with the Board/LATC and DCA's Organizational Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, the Board/LATC met with OCM to discuss the Project Charter and initial inventory of the existing administrative, enforcement, and licensing business processes. The Charter outlines the roles and responsibilities of key project stakeholders, describes the project decision-making authority, and the commitment needed in order to conduct a successful project. The Charter was finalized in January 2018.

The Board/LATC's Business Modernization Report accompanies the Business Modernization Plan and documents the business modernization activities that will be conducted specific to the Board/LATC. The Plan and Report were presented to the Board at their March 1, 2018 meeting along with a presentation by a DCA representative explaining the process planned for Release 3 boards. The Report presented to the Board included a proposed timeline, with a "go-live" release of a minimum viable product by November 2021 with release of configuration and phased implementation enhancements by November 2022. However, the LATC's potential need for a Budget Change Proposal could extend this timeline.

The Board/LATC's business processes inventory was finalized and provided to OCM in May 2018. The next step included mapping all of the business processes in consultation of the Board/LATC's subject matter experts.

Currently the Board/LATC utilizes two legacy systems (Applicant Tracking System [ATS] and Consumer Affairs System [CAS]) and the LATC uses a workaround system for candidates. Because this planned approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

### Section 10 – LATC Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the LATC.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the LATC took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the LATC has for dealing with the issue, if appropriate.

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

*Committee 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.*

#### 2014 LATC Response:

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 Department of Consumer Affairs (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.)

#### 2018 LATC Update Response:

The Board's and LATC's travel requests for out-of-state meetings have been consistently approved including the two additional members' approval sought since the last reporting period. The Board has participated in all the NCARB Annual Meetings since the last report except for the 2017 Regional Meeting which took place in Kansas, a State banned from travel pursuant to Assembly Bill 1887 (Low, Chapter 687, Statutes of 2016). This bill prohibits State-funded or state sponsored travel to states that, after June 26, 2015, have enacted a law of a discriminatory nature.

The work conducted at these meetings is critically important and can have a profound impact on issues such as reciprocity. The Board's and LATC's participation can directly influence the policies and procedures that are discussed and decided upon. For example, by California's participation at an NCARB Annual Meeting, the Board was able to successfully advocate against a resolution that would have precluded California architects who do not hold an accredited degree from attaining the "NCARB Certificate" and, accordingly, gaining reciprocity in key states that require the certificate. Through the Board's advocacy, we were able to preserve this important pathway. Similarly, the presence of LATC representatives at the CLARB Annual Meetings ensures that California is sufficiently informed on CLARB activity and able to participate in major discussions and decisions that occur during the meetings. Additionally, during their annual meetings CLARB hosts many discussions to help inform participants of various trends related to the licensing, regulatory, and disciplinary

functions of CLARB member boards. The Board and LATC look forward to maintaining a strong presence at the national level.

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

*Committee 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.

2014 LATC Response:

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 (Lieu, 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.)

2018 LATC Update Response:

The Board's 2014 response is still applicable. The Board/LATC's share of the department's distributed costs (pro rata) is calculated based on authorized position counts, licensing and enforcement record counts, volume of calls, complaints and correspondence, prior year workload, interagency agreements, and other distributions. The Board/LATC currently utilizes most, if not all, 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 (and potentially additional resources) to provide such administrative services in an effective manner. 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.

At an annual meeting, DCA provides an overview of the department's distributed costs. The purpose of this meeting is to explain how the costs of DCA's services are funded. In addition, Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) required the department to provide a one-time study of its process for distributing administrative costs among its 39 boards, bureaus, committees, commission and program (boards). The

distribution of costs for these divisions is budgeted to all boards utilizing the various distribution methodologies described above. The study and resultant report provided to all boards provides robust data as to pro rata. For the size of the Board and LATC, the continued use of the DCA's pro-rata and centralized services is more practical and cost efficient. The Board is appreciative of the transparency and DCA's efforts to explain the basis for costs for services.

**LATC 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.**

*Committee 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.*

2014 LATC Response:

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.)

2018 LATC Update Response:

The Board/LATC are working in collaboration with DCA on its Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is a structured approach to identifying business needs and overlaying those requirements on available licensing platforms and complimentary technology. This approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction, and an enhanced license verification feature

on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

Since the inception of the BreZE project, the Board has contributed a total of \$328,269 and the LATC \$44,221 through FY 2016-17. The estimated budgeted contribution in FY 2017-18 is \$83,000 and \$11,000 respectively. The Board may require a budget change proposal if the costs for the new platform are not absorbable. The Board/LATC have not yet determined whether they will utilize the BreZE system or an alternative platform.

**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.**

*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.

2014 LATC Response:

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.)

2018 LATC Update Response:

The Board continues to focus on the collection of citation penalties, and its current Strategic Plan includes an objective to measure the effectiveness of the Board’s citation collection methods as a means of protecting future consumers. Likewise, the LATC’s current Strategic Plan includes an objective to contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals.

The Board’s ongoing efforts to pursue payment of citation penalties resulted in a 70% collection rate over the past three fiscal years. Research has also indicated that collection agencies can take action without SSNs. Accordingly, the Board and LATC are currently collaborating with DCA to execute a contract with a collection agency for full-service debt collection services, including “skip-tracing,” credit reporting, and filing legal actions, as appropriate, to assist in the collection of unpaid citation penalties and cost reimbursement accounts aged beyond 90 days. The Board and LATC anticipate execution of this contract by early 2019.

In addition, collaboration with the Contractors State License Board and Board for Professional Engineers, Land Surveyors, and Geologists to share disciplinary actions for the purpose of leveraging professional licenses may be feasible when on a new platform system.

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

*Committee 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?**

*Committee 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.



### 2014 LATC Response:

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.

### 2018 LATC Update Response:

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees (a degree related to landscape architecture) to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

The LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulations that expand pathways to enhance accessibility into the profession. These pathways provide for more related degrees, specifically allocating credit toward licensure for an accredited civil engineering degree as well as provide credit for a

candidate with any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

The LATC has also continued to assess reciprocity requirements since the last reporting period. In the past, the LATC has received requests for reciprocal licensure from individuals licensed in jurisdictions where a degree in landscape architecture or architecture was not a requirement for initial licensure, as it is in California. Accordingly, the LATC is seeking to align its reciprocity and initial licensure requirements such that an out-of-state candidate who meets the criteria for initial licensure will also be eligible for reciprocity licensure. The enhanced pathways that are being proposed to expand access to licensure (i.e., related degrees, any degree, and experience-based pathways) will afford more opportunities for out-of-state candidates to become licensed in California.

During its meeting May 4, 2018, the Committee determined that the current regulation for reciprocity aligns with the newly proposed initial licensure pathways, but that only minor changes were necessary to update the language. Furthermore, the Committee determined that further research related to the LATC's Certification of Experience form, which is used to certify that a candidate's experience meets the requirements for licensure, was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. At their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates submitting a regulatory proposal to the OAL by the end of 2018.

Additionally, the Committee will continue discussions regarding how it will structure the allocation of experience-based credit. The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

## Section 11 – New Issues

This is the opportunity for the LATC to inform the Committees of solutions to issues identified by the LATC and by the Committees. Provide a short discussion of each of the outstanding issues, and the LATC's recommendation for action that could be taken by the LATC, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the LATC in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

The LATC has addressed all issues from the prior review.

### **NEW ISSUES**

#### Enhanced Pathways to Licensure

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

The LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to

architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulation that provide credit for a candidate with an accredited civil engineering degree, any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. At their meeting on July 20, 2018, the Committee reviewed staff's research on other states' verification of candidate experience and determined that no additional amendments were necessary to the Certification of Experience form nor CCR section 2620. The proposed amendments were then approved by the Board on September 12, 2018. Barring no additional changes to CCR section 2620, the LATC anticipates initiating the rulemaking process with the Office of Administrative Law by the end of 2018.

The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

#### Written Contract

The LATC's "written contact requirement" is one of its most important consumer protection tools. Presently, the landscape architect's written contract must: 1) describe the services to be provided by the landscape architect to the client; 2) describe the basis of compensation, including total cost and method of payment; 3) include a notice that reads, "Landscape architects are licensed by the State of California"; 4) identify by name and address the client and the landscape architect, including the landscape architect's license number; 4) describe the procedure to accommodate additional services; and 5) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced opportunity for one party to take advantage of the other. The LATC believes that the contract requirement benefits both the consumer and the landscape architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the enforcement program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect or landscape architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations, section 2670(d), landscape architects are prohibited from materially altering the scope or objective of a project without first fully informing

the client and obtaining the client's consent in writing. However, landscape architects are not currently required to define the project description in their written contracts with clients. Therefore, it can be difficult for the client or landscape architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers related to disputes regarding the ownership and use of an architect's instruments of service. Assembly Bill 630 (Holden, Chapter 453, Statutes of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects and landscape architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the instruments of service.

The LATC is proposing to amend BPC section 5616 in order to clarify that the following elements are needed in landscape architects' written contracts with clients for professional services: 1) a description of the project for which the client is seeking services; 2) the project address; 3) a description of the procedure that the landscape 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; and 4) a statement identifying the ownership and use of instruments of service prepared by the landscape architect. The LATC is also proposing to clarify that landscape architects are specifically licensed by LATC in the required notice to the client.

The LATC expects this proposal to benefit consumers and landscape architects by providing enhanced transparency for contracted parties, thereby, reducing the number of disputes related to disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

The LATC respectfully requests that this proposal be included as part of the legislation addressing its sunset date. See proposed language below:

*Amend section 5616 of the Business and Professions Code to read:*

(a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape 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:

(1) A description of the project for which the client is seeking services.

~~(2)~~ A description of the services to be provided by the landscape architect to the client.

~~(3)~~ A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract and the method of payment agreed upon by both parties.

~~(4)~~ A ~~notice statement in at least 12-point type~~ that reads: "Landscape architects are licensed by the State of California Landscape Architects Technical Committee located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834."

(45) The name, address, and license number of the landscape architect, and the name and address of the client and project address.

(56) A description of the procedure that the landscape architect and client will use to accommodate additional services.

(7) A description of the procedure that the landscape 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, total price, and method of payment.

(68) A description of the procedure to be used by either party to terminate the contract.

(9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

~~(b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with this section is not required.~~

(eb) This section shall not apply to any of the following:

(1) Professional services rendered by a landscape 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 landscape architect's services are of the same general kind that the landscape architect has previously rendered to, and received payment for 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.

(34) Professional services rendered by a landscape architect to any of the following:

(A) A landscape architect licensed under this chapter.

(B) An architect licensed under Chapter 3 (commencing with Section 5500).

(C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).

(G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.

(H) A public agency.

(d) As used in this section, "written contract" includes a contract that is in electronic form.

DRAFT

# LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

## Section 12 – Attachments

Please provide the following attachments:

**A. LATC’s administrative manual.**

See Attachment A – LATC Member Administrative Procedure Manual

**B. Current organizational chart showing relationship of committees to the LATC and membership of each committee (cf., Section 1, Question 1).**

See Attachment B – Committee Organization Chart

**C. Major studies, if any (cf., Section 1, Question 4).**

See Attachment C – Review of the Council of Landscape Architectural Registration Boards’ Landscape Architect Registration Examination – Executive Summary

**D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 17)**

See Attachment D – Year End Organization Charts – FYs 14/15 – 17/18

**E. Performance Measure Reports (cf., Section 2, Question 6).**

See Attachment E – Quarterly Performance Measure Reports



## Agenda Item M

### REVIEW OF FUTURE BOARD MEETING DATES

#### September

3	<i>Labor Day</i>	<i>Office Closed</i>
12	Board Meeting	Oakland
27-29	Council of Landscape Architectural Registration Boards Annual Meeting	Toronto, Ontario

#### October

25	Professional Qualifications Committee Meeting	Sacramento
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#### November

8-9	Landscape Architects Technical Committee Meeting & Strategic Planning Session	Sacramento
12	<i>Veterans Day Observed</i>	<i>Office Closed</i>
22-23	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

#### December

13-14	Board Meeting & Strategic Planning Session	Sacramento
25	<i>Christmas Day</i>	<i>Office Closed</i>

**ELECTION OF BOARD SECRETARY FOR REMAINDER OF 2018 TERM**

Board Member Denise Campos' term ended on August 15, 2018; she served as the Board's Secretary. According to the Board Member Administrative Procedure Manual, if an office becomes vacant during the year, an election shall be held at the next meeting. Elected officers shall then serve the remainder of the term.

At this meeting, the Board is asked to elect a new Board Secretary for the remainder of 2018.

## **Agenda Item O**

**CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(c)(3), 11126(f)(4), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:**

1. Review and Possible Action on June 13, 2018 Closed Session Minutes
2. Deliberate and Vote on Disciplinary Matters
3. Adjourn Closed Session

**RECONVENE OPEN SESSION**

The Board will reconvene open session following Closed Session.

**ADJOURNMENT**

Time: \_\_\_\_\_