

MINUTES
BOARD MEETING
CALIFORNIA ARCHITECTS BOARD
SEPTEMBER 12, 2018
OAKLAND

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

Board President, Sylvia Kwan, called the meeting to order at 10:02 a.m. and Board Vice President, Tian Feng, called roll.

Board Members Present

Sylvia Kwan, President
Tian Feng, Vice President
Pasqual Gutierrez
Ebony Lewis (arrived at 10:13 a.m.)
Matthew McGuinness
Robert C. Pearman, Jr.
Nilza Serrano

Board Member Absent

Barry Williams

Guests Present

Mike Armstrong, Chief Executive Officer (CEO), National Council of Architectural Registration Boards (NCARB)
Josh Batkin, Director of Council Relations, NCARB
Mark Christian, Director of Government Relations, American Institute of Architects, California Council (AIACC)
Susan M. Landry, Member, Landscape Architects Technical Committee (LATC)
Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services, Department of Consumer Affairs (DCA)

Staff Present

Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant EO
Alicia Hegje, Program Manager Administration/Enforcement
Brianna Miller, LATC Program Manager
Marccus Reinhardt, Program Manager Examination/Licensing
Kristin Walker, Enforcement Analyst
Bob Chase, Architect Consultant
Tara Welch, Attorney III, DCA

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

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

Ms. Kwan announced that 1) the meeting is being webcast, 2) LATC member, Susan M. Landry, is in attendance, 3) NCARB CEO, Mike Armstrong, and NCARB Director of Council Relations, Josh Batkin, will give a presentation under Agenda Item D, and 4) all motions will be repeated for the record, and votes on all motions will be taken by roll-call. She also advised the public that signing in on the list provided at the door is optional and those listed will be recorded in the official minutes of the meeting.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Karen Nelson congratulated Laura Zuniga on her new EO appointment. Ms. Nelson updated the Board on key departmental activities, including the Director's quarterly teleconference meeting. She announced that the Director hosted his first Board Member and Advisory Committee Leadership call on June 25, 2018, and that the next meeting is being planned to be held before the end of the year, potentially in December. Ms. Nelson informed that the Director's quarterly meeting was most recently held on August 6, 2018, and included presentations from the: 1) Department of General Services (DGS); 2) DCA Equal Employment Opportunity (EEO) office; and 3) DCA Office of Human Resources (OHR). She reported that the: 1) DGS previewed construction plans for a new DCA office building to be completed in 2024; 2) EEO provided a primer on implicit bias; and 3) OHR shared new improvements on HR processes related to recruitment and adverse actions. Ms. Nelson announced that the next quarterly meeting is scheduled for October 29, 2018. She explained the purpose of the Department's licensing and enforcement workgroups, which is to convene EOs and key licensing and enforcement staff to explore best practices; she expressed gratitude for the Board's participation and contributions. Ms. Nelson recognized Kristin Walker and Brianna Miller as first and second cohort participants, respectively, of the DCA Future Leadership Development Program.

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

1. JUNE 2018 ANNUAL BUSINESS MEETING;
2. OCTOBER 12-13, 2018 MEMBER BOARD CHAIRS / MEMBER BOARD EXECUTIVES LEADERSHIP SUMMIT;
3. NCARB'S COMMITMENT TO DIVERSITY;
4. MODERNIZATION OF MODEL LAW AND MODEL REGULATIONS;
5. LEGISLATIVE TRENDS;
6. INTEGRATED PATH TO ARCHITECTURAL LICENSURE (IPAL) UPDATES;
7. ARCHITECT REGISTRATION EXAMINATION (ARE) 5.0; AND
8. ARCHITECTURAL EXPERIENCE PROGRAM (AXP)

Mr. Armstrong and Mr. Batkin gave an overview of NCARB and the services it provides to members. They recapped NCARB's June Annual Meeting, when NCARB elected its Board of Directors, shared financial information, and educated members about current issues and the services provided by NCARB. Mr. Armstrong reported that NCARB's October summit will focus on strategic plan updates and diversity/ inclusion training efforts. He noted that NCARB issued a statement earlier this year on its commitment to diversity. Mr. Armstrong announced that recruitment efforts are underway to increase diversity on NCARB committees, and explained

that more diversity on the national board is dependent upon state board membership and who appoints them.

Mr. Armstrong reported there are 26 IPAL programs at 21 schools; IPAL is only available to National Architectural Accrediting Board-accredited schools. He explained that NCARB does not dictate the curriculum, but schools must align their programs to allow student to both gain experience and take each division of the exam while in school.

Pasqual Gutierrez asked about NCARB's code of ethics and how leadership plans to obtain member buy-in. Mr. Gutierrez suggested the Regulatory and Enforcement Committee (REC) consider whether the Board could address ethics issues in the Board's new licensee publication. He also expressed his view that a significant challenge is getting licensees to provide work experience opportunities to IPAL participants. Mr. Gutierrez asked about NCARB's Emerging Professionals publications and opined there should be something similar for IPAL participants to help mitigate risk to firms that hire them.

Ms. Lewis asked about NCARB's strategies to promote diversity and whether those strategies are employed for executive positions. Mr. Armstrong explained that NCARB actively encourages states to identify diverse candidates for vacant board member positions.

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

Ms. Kwan asked for comments concerning the minutes of the June 13, 2018 Board meeting.

- **Nilza Serrano moved to approve the June 13, 2018 Board meeting minutes.**

Ebony Lewis seconded the motion.

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

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

Ms. Zuniga provided the Board with updates to its programs. She reminded the Board that its next meeting is scheduled for December 13-14, 2018, in Sacramento, which will include a Strategic Planning session. Ms. Zuniga reported that Board staff is exploring the possibility of accepting credit card payments for license renewals. She also reported that staff collaborated with the DCA Office of Public Affairs and the Contractors State License Board to publish an article in the June issue of *Consumer Connection*. Ms. Zuniga reported that the Board migrated to the DCA Search on September 5, 2018, which replaced the Web License Look Up tool. She directed the Board's attention to the ARE 4.0 and 5.0 test results, of which Ms. Serrano expressed concern about California candidate performance. Ms. Zuniga offered to provide more insights into California candidate performance at a future meeting. Mr. Armstrong announced that NCARB is considering opportunities to collaborate with the test preparation industry. Ms. Zuniga reported that staff is currently developing a regulatory proposal to reduce the mandatory wait time after a candidate fails the CSE from 180 days to 90 days. She also announced that the next Professional Qualifications Committee meeting is scheduled to be held at the end of October in Sacramento.

G. UPDATE AND POSSIBLE ACTION ON PROPOSED LEGISLATION:

Ms. Zuniga updated the Board on the status of bills of interest to the Board. She reported that Assembly Bill (AB) 2138 (Chiu and Low, 2018), which changes the types of criminal convictions a licensing board may use to deny an application for licensure, is on the Governor's desk.

Mr. Feng asked about the status of Senate Bill (SB) 721 (Hill, 2018), to which Ms. Zuniga reported that a letter conveying the Board's concerns was sent to the author, but the letter did not inspire the author to amend the bill. Mark Christian informed the Board that AIACC did not take a position on SB 721.

Ms. Zuniga reported that AB 2483 (Voepel, 2018) and SB 984 (Skinner, 2018) are dead and did not make it to the Governor's desk. She also reported that SB 1137 (Vidak, 2018) and SB 1480 (Hill, 2018) are on the Governor's desk.

H. REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

Ms. Walker updated the Board on the recent activities of the REC and reported that the Committee last met on August 23, 2018, to work on its remaining 2017-2018 Strategic Plan objectives. Ms. Walker reported the following about the REC meeting:

1. REC members reviewed and discussed proposed changes to the Board's *Building Official Information Guide*. Staff will consult with DCA legal counsel about proposed revisions. A final draft will be presented to the REC at its next meeting.
2. REC members discussed its objective to educate consumers on the standard of care and what to expect from an architect when choosing to hire one. The REC during its discussions expressed concern over the potential legal implications of defining standard of care for consumers. Staff will be researching case law on the topic of standard of care. A subcommittee of REC members has been formed to develop the standard of care message to consumers.

Ms. Walker reported that the REC considered its Strategic Plan objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. She informed that 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. Ms. Walker reported that staff is working with the DCA 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; the contract is anticipated to be executed in early 2019. She reported that 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 the effectiveness of citation collection methods is captured.

Ms. Lewis enquired about how long it would take for staff to define standard of care. Ms. Walker explained that staff is exploring the legal implications of this effort, and that a target date to complete the project had not been identified. Ms. Zuniga agreed to provide a status update on the standard of care definition at the next meeting.

- **Matthew McGuinness moved to approve REC’s recommendation to carry over the objective to measure the effectiveness of collection efforts to the 2019-2020 Strategic Plan until sufficient data to measure is captured.**

Ebony Lewis seconded the motion.

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

Ms. Walker reminded the Board of its Strategic Plan objective to develop educational materials for newly licensed architects to provide more information about the requirements in order to avoid future violations. She explained that in order to further educate new licensees about the Architects Practice Act (Act), staff created a draft *New Licensee Information Guide* outlining various requirements, provisions, disciplinary actions, and most common violations of the Act. Ms. Walker reported that the REC reviewed and discussed the proposed content of the *Guide* at its August 23, 2018 meeting, and voted to approve the draft *Guide* and direct staff to work with DCA legal counsel to obtain approval of the publication and present it to the Board at its next meeting. She noted that following the REC meeting, legal counsel reviewed and approved the proposed content of the *Guide*. Ms. Walker explained that 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. She noted that, once finalized, the new publication would be distributed to each newly licensed architect with the initial license packet and posted on the Board’s website.

Mr. Gutierrez commended the REC for its work on the *Guide*. He requested the REC consider including standard of care in the *Guide* and develop a supplemental document of best practices for experienced architects. Ms. Kwan expressed a desire to include information on ethics, to which Ms. Mayer informed that ethics must somehow relate to the Act. Ms. Mayer opined that the rules of conduct already fill that need. She also noted that the Board does not govern ethics in general. Tara Welch reminded the Board that its primary concern is for consumer protection. Mr. Gutierrez expressed his desire for competency / standard of care to be reflected in the *Guide*.

Ms. Kwan asked how the nature of crimes is addressed at NCARB (e.g., model law, rules of conduct). Mr. Armstrong explained that NCARB recognizes that each jurisdiction has a different interpretation of the issue. The Board discussed its scope to discipline violations of law and ethics. Mr. Gutierrez clarified his desire for a “Standard of Care” component to be added to the *Guide*. Ms. Walker informed that the next step would involve defining “Standard of Care” at the committee level.

- **Pasqual Gutierrez moved to accept the REC’s recommendation to approve the draft *New Licensee Information Guide*.**

Tian Feng seconded the motion.

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

Ms. Walker reminded the Board of its 2017-2018 Strategic Plan objective to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. She delivered a presentation regarding the existing review process for

applicant and licensee convictions, criminal offender record information searches through the California Department of Justice and Federal Bureau of Investigation, and fingerprint requirements for other DCA boards and bureaus, and those of other states.

Ms. Walker reported that the Board previously considered the benefits of a fingerprint requirement in 2012. She noted that, at that time, the Board determined that a fingerprint requirement would offer little benefit to the public health, safety, and welfare. Ms. Walker described the Board's substantial relationship criteria, which defines the degree to which an applicant's or a licensee's criminal behavior is substantially related to the profession. She recalled that the REC recognized the benefit of a fingerprint requirement at its August 23, 2018 meeting, but also noted several disadvantages. Ms. Walker reported that the REC ultimately determined there to be 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.

- **Matthew McGuinness moved to accept the REC's recommendation for the Board to not pursue a fingerprint requirement for applicants or licensees at this time, unless mandated to do so.**

Pasqual Gutierrez seconded the motion.

Ms. Serrano shared her view that photographing applicants and licensees as part of the licensure process would be ideal. She asked that the fingerprint requirement be reconsidered in two years. Ms. Zuniga recommended that the Board revisit the issue during the upcoming Strategic Planning session. Ms. Landry announced her support for the idea of a fingerprint requirement. She observed that the new Bureau of Cannabis Control requires photograph identification and fingerprinting as part of its application process, and recommended the Board adopt the same requirement.

Members Feng, Gutierrez, McGuinness, Pearman, and President Kwan voted in favor of the motion. Members Lewis and Serrano abstained. Member Williams was absent. The motion passed 5-0-2.

Ms. Walker reminded the Board of its 2015-2016 Strategic Plan objective to identify and pursue needed statutory and regulatory changes so laws and regulations are consistent with current architectural practice to promote public health, safety, and welfare, such as amending the Act's written contract requirement. She recalled that, at its April 28, 2016 meeting, the REC accepted staff's recommendation to, in part, include a statement identifying the ownership and/or use of instruments of service prepared by the architect. Ms. Walker reminded that, at its December 15, 2016 meeting, the Board approved the proposed language to amend Business and Professions Code (BPC) section 5536.22 except for the proposed subsection (a)(9); the Board returned subsection (a)(9) to the REC for further study and consideration of alternative methods of disclosure. She reported that, 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.

Ms. Walker informed that 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.” She also informed that the REC ultimately voted to recommend to the Board that it approve revised wording of subsection (a)(9) in the proposed language to amend BPC section 5536.22 and consider exempting public agency contracts from the requirement(s) in subsection (a)(9) or all of subdivision (a).

Ms. Walker also reported that staff reviewed the written contract requirements for landscape architects and professional engineers, 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. She recommended changing the minimum type size from 10-point to 12-point for consistency with current accessibility requirements.

Mr. Gutierrez observed that client roles and responsibilities are not identified in the written contract with the architect. Ms. Mayer clarified that BPC section 5536.22 provisions are designed to protect consumers and meet basic requirements. The Board discussed the feasibility of specifying client responsibilities as an element to the written contract requirement. Tara Welch commented that the Board would not enforce missing contract provisions against a consumer and reminded the Board of its responsibility to ensure the architect includes the necessary provisions of the contract. Ms. Mayer informed that the Board’s *Consumer’s Guide to Hiring an Architect* contains key information about architectural services and about how to vet an architect. She also informed the Board that the written contract proposal will be included in the Sunset Report as a “New Issue,” and that whatever the Board decides will be aligned with the Report.

- **Matthew McGuinness moved to accept REC’s recommendation to approve revised wording of subsection (a)(9) in the proposed language to amend BPC section 5536.22 and include an exemption for professional services rendered to a public agency [subsection (b)(5)].**

Robert Pearman seconded the motion.

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

I. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Brianna Miller reported that the LATC last met on July 20, 2018, in San Diego at Woodbury University. Ms. Miller described several discussions at that meeting, including the discussion around the 2017-2018 Strategic Plan objective 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.” Specifically, she reported that the LATC made recommendations for the Board’s consideration about proposed amendments to California Code of Regulations (CCR) sections 2615 and 2620. Ms. Miller directed the Board’s attention to the proposed amendments to CCR sections 2615 and 2620 and asked members to consider approving them. She also asked the Board to approve the LATC’s recommendation to submit the proposed amendments to the Office of Administrative Law (OAL) as a single regulatory package.

Mr. McGuinness asked why extension certification programs earn two years of education credit for licensure while associate degree programs earn only one year of credit. Ms. Miller explained that the Board offers an additional year of credit for licensure to one who completes the University of California (UC) Los Angeles or UC Berkeley extension certificate program in part, because, these extension programs are more focused than associate degree programs.

- **Matthew McGuinness moved to approve the proposed amendments to CCR sections 2615 and 2620, and to submit the proposed amendments to the OAL as a single regulatory package.**

Ebony Lewis seconded the motion.

Ms. Welch advised Mr. McGuinness to consider modifying the motion.

- **Matthew McGuinness amended his motion to approve the proposed regulatory changes to CCR sections 2615 and 2620, 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 period, and, if no adverse comments are received during the 45-day comment period, adopt the proposed regulatory changes as modified.**

Ebony Lewis seconded the amended motion.

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

Ms. Miller also described the LATC's discussion around its 2017-2018 Strategic Plan objective to "research the possibility of enhancing the statutory written contract requirement to include a consumer notification to enhance consumer education." She reported that the Committee reviewed and discussed several proposed amendments to BPC section 5616 (Landscape Architecture Contract – Contents, Notice Requirements) to enhance the LATC's written contract requirements. Ms. Miller informed that the Committee voted to recommend proposed 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.

- **Nilza Serrano moved to approve the proposed 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.**

Ebony Lewis seconded the motion.

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

Ms. Miller described the LATC's efforts around its 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." She informed that, like the Board, the LATC does not have statutory authority to use fingerprinting for background checks. Ms. Miller reported that, 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 CCR section 2655. She informed that the LATC has not yet discussed this Strategic Plan objective given its aim to follow the Board's determination on a fingerprinting requirement. Ms. Miller asked the Board to consider its decision from Agenda Item H.2.c and take possible action consistent with that prior action.

- **Tian Feng moved to affirm the Board's decision to not pursue a fingerprint requirement for landscape architect applicants or licensees at this time, unless mandated to do so.**

Matthew McGuinness seconded the motion.

Members Feng, Gutierrez, McGuinness, Pearman, and President Kwan voted in favor of the motion. Members Lewis and Serrano abstained. Member Williams was absent. The motion passed 5-0-2.

Ms. Landry raised the Board's awareness of upcoming issues that will affect the landscape architectural profession, including matters of water conservation and recycling.

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

Marccus Reinhardt reminded the Board that BPC section 5600.05 requires, as a condition of renewal, architects complete CE on disability access requirements. He informed that BPC section 5600.05(d) imposes a requirement for the Board (on or before January 1, 2019) to submit a letter to the Legislature on the disability access CE provisions required under the law. Mr. Reinhardt reported that staff created a draft letter to the Legislature contained in the meeting packet that includes recommendations to improve the process.

Mr. Feng asked how the law for architects to complete CE on disability access requirements is currently enforced. Ms. Mayer explained that licensees are required, as a condition of license renewal, to complete the CE within the previous two years and it depends on the date the licensee signs the renewal application and submits it to the Board. She noted that sometimes a licensee does not submit the renewal application promptly, and, therefore, clarity is needed of when the two-year period begins and ends. Ms. Mayer further explained that some licensees will certify that they have completed CE coursework without having completed it. She suggested to the Board that it consider creating a provision to require licensees to complete CE coursework within a defined period after failing the audit. Ms. Mayer shared that staff considered the possibility of using an Order of Abatement and citation to create this requirement, but legal counsel advised against that approach.

Ms. Kwan expressed concern about how this issue may impact the Board's Sunset Review reporting activities. Ms. Mayer informed that the Sunset Report is due December 1, 2018, and staff does not plan for the letter to be included in the Report but rather filed on the January 1, 2019 deadline. Ms. Zuniga advised that the letter will likely be addressed at the Board's Sunset Review hearing in the spring of 2019.

The Board discussed citation penalties for CE coursework violations. Ms. Serrano expressed her view that the Board may be excessively patient with violators that fail the audit. She shared her desire for the process to be fair for everyone. Ms. Mayer explained that violators are penalized according to the law – a citation, a fine, and public posting. Alicia Hegje shared that licensees are only required to complete their CE coursework two years prior to their license expiring. Mr. Reinhardt asked the Board to consider clarifying through regulation whether it wants to specify an amount of time the Board would want architects to maintain their coursework documentation. Ms. Welch clarified that BPC section 5600.05(3)(b) states that a licensee shall maintain records of completion of the required coursework for two years from the date of license renewal and shall make those records available to the Board for auditing upon request. Mr. Feng asked about how other states conduct audits of their CE requirements; Ms. Zuniga offered to explore other DCA boards. Mr. Armstrong shared that most jurisdictions require more than 12 hours of CE per year. He informed that 47 states have a CE requirement, 7 states do not have a CE requirement, and 22 states have adopted a 12-hour CE requirement per year.

- **Nilza Serrano moved to 1) approve the draft letter to the Legislature to fulfill the requirements of BPC section 5600.05(d) and 2) direct staff to audit licensees that failed a prior audit in addition to a randomly selected 3% of licensees.**

Robert C. Pearman, Jr. seconded the motion.

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

K. REVIEW AND POSSIBLE ACTION TO APPROVE PROPOSED AMENDMENTS TO THE BOARD AND LATC MEMBER ADMINISTRATIVE PROCEDURE MANUALS

Ms. Mayer informed that the Board previously revised its Member Administrative Procedure Manual in 2012, while the LATC's Manual was last updated in 2001. She shared that DCA-sponsored Sunset Review training in which they encouraged boards to provide a current, updated iteration of their manuals in their Sunset Review Reports. Ms. Mayer directed the Board's attention to the Board's and LATC's updated Manuals, showing all edits in tracked changes. She noted edits that were identified after the publication of the meeting packet, including on page one of the Board's Manual which contains omitted content from the LATC Manual; she asked the Board to consider adding that content to LATC's Manual. Ms. Mayer noted that staff intends to attach these Manuals to the Board's and LATC's Sunset Review Reports. She also noted that the Manuals are living documents, and the Board and LATC will have future opportunities to revise, as needed. Ms. Mayer asked the Board to review and consider approving the proposed amendments to the Board and LATC Manuals.

- **Matthew McGuinness moved to approve the proposed amendments to the Board and LATC Member Administrative Procedure Manuals.**

Nilza Serrano seconded the motion.

Ms. Lewis asked if the Board will again review the Manuals at its December 2018 meeting. Ms. Mayer explained that because the manuals will be included in the Sunset Reports which are due to the Legislature on December 1, 2018, this was the Board's opportunity to make any needed amendments. She added the Manuals as amended today will be included in the Board's and LATC's respective Sunset Review Reports. Mr. Feng asked if the manuals had been

reviewed by any of the committees. Ms. Mayer stated that they had not, due to the need to have the manuals approved by the Board in time to be included in the Sunset Review Reports.

Members Gutierrez, Lewis, McGuinness, Pearman, Serrano, and President Kwan voted in favor of the motion. Member Feng abstained. Member Williams was absent. The motion passed 6-0-1.

L. REVIEW AND POSSIBLE ACTION TO APPROVE THE BOARD'S AND LATC'S 2018 SUNSET REVIEW REPORTS TO BE SUBMITTED TO THE LEGISLATURE

Ms. Zuniga thanked Board and LATC staff for their contributions to the 2018 Sunset Review Reports. She described several edits made (and will be made) to the Reports for the Board's review, including:

- a) A description of the relationship between the Board and LATC in Section 1;
- b) References to the collection agency contract;
- c) Updates to when more IPAL data is expected from NCARB;
- d) Legislative updates;
- e) Fiscal updates;
- f) Noting the status of fingerprint requirements as a Strategic Plan objective;
- g) Changes to the proposed written contract provision; and
- h) References to the Board secretary.

Ms. Zuniga asked the Board to approve the Board's and LATC's 2018 Sunset Review Reports and delegate authority to the 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.

Mr. Gutierrez suggested including the term "collateral professional associations" when referencing the list of Board constituencies. The Board was agreeable. The Board was also agreeable to search for "streamline" and substitute it with "expedite" or "accelerate," as proposed by Mr. Gutierrez.

- **Nilza Serrano moved to approve the Board's and LATC's 2018 Sunset Review Reports for submission to the Legislature, and delegate authority to the 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.**

Pasqual Gutierrez seconded the motion.

Ms. Zuniga clarified that the motion includes a directive for staff to make edits to the Reports as discussed by the Board, and to authorize the Board President and EO to make any necessary edits to the Reports prior to submittal.

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

M. REVIEW OF FUTURE BOARD MEETING DATES

Ms. Zuniga reviewed future Board and LATC meeting dates.

N. ELECTION OF BOARD SECRETARY FOR REMAINDER OF 2018 TERM

Ms. Kwan announced that Denise Campos' term has expired; she nominated Robert. C. Pearman, Jr. to serve as Board Secretary for the remainder of 2018.

- **Matthew McGuinness moved to elect Robert. C. Pearman, Jr. as Board Secretary for the remainder of 2018.**

Tian Feng seconded the motion.

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

- 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

The Board agreed to postpone Closed Session until its next meeting.

P. RECONVENE OPEN SESSION

The Board remained in Open Session.

Q. ADJOURNMENT

The meeting adjourned at 4:29 p.m.