



### **Board Members**

Tian Feng, President  
Denise Campos, Vice President  
Nilza Serrano, Secretary  
Malcolm "Brett" Gladstone  
Pasqual V. Gutierrez  
Sylvia Kwan  
Ebony Lewis  
Robert C. Pearman, Jr.  
Charles "Sonny" Ward, III

## **NOTICE OF MEETING**

### **California Architects Board**

**February 28, 2020**

**Department of Consumer Affairs  
Hearing Room  
1747 North Market Blvd.  
Sacramento, CA 95834  
(916) 574-7220 (Board office)**

The California Architects Board (Board) will hold a meeting as noted above.

### **AGENDA**

**10:30 a.m. to 2:30 p.m.**  
(or until completion of business)

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

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Update on the Department of Consumer Affairs (DCA) – Kimberly Kirchmeyer, Director
- D. Public Comment on Items Not on the Agenda

The Board may not discuss or act 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)).

- E. Review and Possible Action on December 11, 2019 Board Meeting Minutes
- F. Presentation of Octavius Morgan Distinguished Service Award to L. Kirk Miller
- G. Presentation on Local Building Approval Process – Roxanna Recinos-Serna, CBO, CASp, Deputy Chief Building Official, City of Sacramento
- H. Presentation by DCA Budget Office Regarding Board Annual Budget Update

*(Continued)*

- I. Closed Session - Pursuant to Government Code Sections 11126(c)(3) and (f)(4) and 11126.1, the Board Will Meet in Closed Session to:
  - 1. Review and Possible Action on December 11, 2019 Closed Session Minutes
  - 2. Deliberate and Vote on Disciplinary Matters
  - 3. Adjourn Closed Session
- J. Reconvene Open Session
- K. Review and Possible Action on Revised Executive Officer (EO) Duty Statement
- L. Discuss and Possible Action on Proposed Adoption of California Code of Regulations (CCR), Title 16, Division 2, Article 5, Section 135 (Presentment and Advertising Requirements)
- M. Review and Possible Action on Modified Proposed Regulatory Language for CCR, Title 16, Division 2, Article 2, Sections 110 Substantial Relationship Criteria and 110.1 Criteria for Rehabilitation
- N. Update on January 23, 2020 Professional Qualifications Committee Meeting
- O. Landscape Architects Technical Committee (LATC) Report
  - 1. Update on February 5, 2020 LATC Meeting
  - 2. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2611 Abandonment of Application and 2616 Application for Licensure Following Examination, and Adoption of Section 2611.5 Retention of Candidate Files
  - 3. Review and Possible Action on Modified Proposed Regulatory Language for CCR, Title 16, Division 26, Article 1, Sections 2655 Substantial Relationship Criteria and 2656 Criteria for Rehabilitation
  - 4. Review and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 5659 Regarding Local Jurisdiction Acceptance of Landscape Architecture Documents
  - 5. Review and Possible Action on Legislative Proposal to Implement Fingerprint Requirement
- P. National Council of Architectural Registration Boards (NCARB)
  - 1. Review of the 2020 NCARB Regional Summit Agenda
  - 2. Consider and Take Action on Candidates for 2020 NCARB Region VI Officers and Directors
  - 3. Discuss and Possible Action on NCARB Resolutions:
    - a. 2020-A *NCARB Certification Guidelines* Amendment – Qualifications for Education Alternative
    - b. 2020-B Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)

c. 2020-C Amendment and Restatement of the *NCARB Legislative Guidelines and Model Law/ Model Regulations*

Q. EO's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs

R. Review of Future Board Meeting Dates

S. 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 plans to webcast the 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. 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 Board prior to it 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 their 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:** Gabe Nessar

**Telephone:** (916) 575-7202

**Email:** [gabriel.nessar@dca.ca.gov](mailto:gabriel.nessar@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 A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM**

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

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

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

### **Board Member Roster**

Denise Campos

Tian Feng

Malcolm Gladstone

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Nilza Serrano

Charles Ward, III



## **AGENDA ITEM E: REVIEW AND POSSIBLE ACTION ON DECEMBER 11, 2019 BOARD MEETING MINUTES**

### **Summary**

The Board is asked to review and take possible action on the minutes of the December 11, 2019 Board meeting.

### **Action Requested**

Approval of the December 11, 2019 Board Meeting Minutes.

### **Attachment(s)**

December 11, 2019 Board Meeting Minutes (Draft)



## DRAFT MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

December 11, 2019  
Los Angeles

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

On December 11, 2019, Board President, Sylvia Kwan, called the meeting to order at 9:35 a.m. and Executive Officer (EO), Laura Zuniga, called roll.

#### Board Members Present

Sylvia Kwan, President  
Tian Feng, Vice President  
Nilza Serrano, Secretary  
Denise Campos (arrived at 9:52 a.m.)  
Malcolm "Brett" Gladstone  
Pasqual Gutierrez  
Ebony Lewis  
Robert C. Pearman, Jr.  
Charles "Sonny" Ward, III

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

#### Guests Present

David E. Barker, Esq., Collins Collins Muir + Stewart LLP  
Mark Christian, Director of Government Relations, American Institute of Architects, California (AIA California)  
D. Michael Hamner, Professor & Chair, East Los Angeles College (ELAC)  
Jon S. Wreschinsky, Vice Chair, Landscape Architects Technical Committee (LATC)

#### Staff Present

Laura Zuniga, Executive Officer (EO)  
Marccus Reinhardt, Program Manager Examination/Licensing  
Tim Rodda, Program Manager Administration/Enforcement  
Trish Rodriguez, LATC Program Manager  
Tara Welch, Attorney III, Department of Consumer Affairs (DCA)  
Gabrial Nessar, Administration Analyst  
Mike Sanchez, Television Specialist, DCA

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

Ms. Kwan 1) announced that the meeting is being webcast, 2) thanked ELAC for hosting the Board, 3) recognized LATC Vice Chair, Jon Wreschinsky, is in

attendance, 4) welcomed new Board members Brett Gladstone and Sonny Ward, and 5) reminded members that all motions and seconds will be repeated for the record, and votes on all motions will be taken by roll-call.

### **C. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)**

Ms. Zuniga informed the Board that Assistant Deputy Director, Karen Nelson, no longer serves the Department. Ms. Zuniga read a letter from newly appointed DCA Director, Kimberly Kirchmeyer, in which Ms. Kirchmeyer 1) outlined her focus on: a) client services and satisfaction, b) effective teamwork, and c) data transparency and action; 2) announced that the next quarterly meeting between the DCA Executive Office and board/bureau EOs is scheduled for December 16, 2019, when departmental goals and updates will be shared and provided; 3) informed of personnel changes to the DCA leadership team, to include the departures of a) Chief Deputy Director, Christopher Shultz, b) Deputy Director, Christopher Castrillo, c) Deputy Director for Legislation, Dennis Cuevas-Romero, and d) Ms. Nelson; 4) publicized recent updates to the on-line *Board Member Resources Center*; and 5) revealed the new departmental publication, *DCA We Are Listening*.

### **D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

There were no comments from the public.

### **F.\* PRESENTATION ON ARCHITECTURAL COPYRIGHT – DAVID E. BARKER, ESQ., COLLINS COLLINS MUIR + STEWART LLP**

Mr. Barker provided an overview on architectural copyrights. He explained that architects are authors of their plans; however, ownership of a copyright is different from ownership of the plans.

Exclusive rights of copyright include ability to reproduce plans, to prepare derivative work based upon the copyrighted work, and to distribute copies of the copyrighted work. All those rights belong to owner of the copyright. Copyrights are established under federal law, while California law is about licenses and contracts.

Health and Safety Code section 19851 controls when building departments can release copies of plans. Departments cannot release a copy of plans without the permission of the owner and the original designer.

Some terms to look out for in contracts are “Fair Use” when a copyrighted document is used for teaching or educational purpose. Also “Work for Hire,” which is anything made by employee in the course and scope of employment. That work product is owned by the firm, not by an individual. If there is an agreement signed by the parties before the work that is created that says the work will be a work made for hire, the client then owns the copyright.

As soon as architects start creating a design, they own it. However, although architects hold copyright automatically, if there is going to be legal action architects should file for copyright and go through the process to easily demonstrate their copyright.

## **E. PRESENTATION ON EAST LOS ANGELES COLLEGE**

Professor D. Michael Hamner provided the Board with a presentation on the ELAC architecture program. Mr. Hamner also provided members with his biographical information that included a connection to the local area in which the school is located. He further provided members with a historical summation of the ELAC program and its growth over the past 13 years.

Mr. Hamner listed some of the universities ELAC serves, which include seven of the 2018 top ten schools. He noted that 270 students have transitioned to university architecture programs and, of those, 97% graduated. Mr. Hamner introduced students who accompanied him to the presentation and described them as demographically representative of the population within the ELAC architecture program; however, he noted that the program is evenly split along the lines of gender. He explained the amount of support the ELAC program has received from local major architecture firms and universities. Mr. Hamner added that ELAC averages 24 students per year who transition to university-level programs. He closed the presentation with an explanation of the methodology used by ELAC to professionally and personally develop its architecture students.

Ms. Campos complimented the program and stated that ELAC serves the community well.

## **G. REVIEW AND POSSIBLE ACTION ON SEPTEMBER 11, 2019 BOARD MEETING MINUTES**

Ms. Kwan asked for comments concerning the minutes of the September 11, 2019 Board meeting. Ms. Zuniga noted a technical correction on page one.

- **Denise Campos moved to approve the September 11, 2019 Board meeting minutes with a technical correction on page one.**

**Robert C. Pearman, Jr. seconded the motion.**

There were no comments from the public.

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

## H. ELECTION OF 2020 BOARD OFFICERS

Ms. Kwan referred this agenda item to the Nominations Committee members, Pasqual Gutierrez and Ebony Lewis. Mr. Gutierrez presented the Committee's recommended slate of officers for 2020:

### Nominations Committee Recommended Slate of Officers for 2020

Tian Feng – President

Denise Campos – Vice President

Nilza Serrano – Secretary

Mr. Feng and Mses. Campos and Serrano accepted the Committee's nominations.

- **Robert Pearman moved to elect Tian Feng for President, Denise Campos for Vice President, and Nilza Serrano for Secretary for 2020.**

**Ebony Lewis seconded the motion.**

There were no comments from the public.

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

## I. DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2019 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARDS

Ms. Kwan explained the nature of the Octavius Morgan Distinguished Service Award and the requirements to be nominated. She summarized for members the contributions over the past two decades of Kirk Miller, the 2019 nominee for the award.

- **Tian Feng moved to award Kirk Miller the Octavius Morgan Distinguished Service Award for 2019 and to use Board member personal funds to pay for the cost of the award.**

**Sylvia Kwan seconded the motion.**

There were no comments from the public.

**Members Campos, Feng, Gladstone, Gutierrez, Lewis, Serrano, Ward, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of the vote. The motion passed 8-0.**

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

Ms. Zuniga informed the Board that its next Professional Qualifications Committee (PQC) meeting is scheduled for January 23, 2020. She also noted that an update on the November 19, 2019, Communications Committee meeting will be provided under Agenda Item O. Ms. Zuniga reminded the Board that the DCA is transitioning to a new budgeting program and that final fiscal data for fiscal year 2017-18 is still unavailable. She anticipated this data will be released prior to the next Board meeting when Budget Office staff will present a comprehensive budget update to the Board. Ms. Zuniga reported that Business Modernization is still being developed and that departmental leadership is now considering whether boards will be organized into cohorts to minimize costs; she noted an estimated project completion date of November 1, 2022. Ms. Zuniga reported that updates to the *Building Official Information Guide* are now complete and are available online. She also announced that the Board has expanded its social media presence to include *LinkedIn*.

Ms. Serrano opined the Architect Registration Examination (ARE) pass/fail statistics for 2019 have not improved from the previous year. Mr. Feng expressed a similar view and noted the importance of comparative studies of California candidate performance versus that of candidates in other large states. He suggested the Board may soon become involved in exploring solutions to this perceived problem. Ms. Zuniga reminded the Board that the issue is referred to the PQC. She recommended the PQC consider the impact of the Board's multiple pathways approach to licensure on ARE performance. The Board discussed the 1) distinction between ARE candidates who a) received architectural education from California institutions, and b) did not fulfill their education requirements in California but are geographically present while taking the examination; 2) availability of detailed ARE candidate demographic data to generate comparative statistics (e.g., accredited degree versus non-accredited degree program candidates); and 3) need for a deeper assessment of the architect pipeline in California's current economic climate.

Ms. Zuniga reported that 14 qualified licensed architects were recruited to serve as subject matter experts to provide evaluation on the Board's enforcement cases. She also reported that the Board's three-year Strategic Plan goals and objectives are being addressed by its various committees.

**K. REVIEW, DISCUSS, AND POSSIBLE ACTION ON DRAFT NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) MODEL LAW**

Ms. Zuniga presented the draft of the NCARB Model Law. She stated that the first comment period had passed but that NCARB had asked each member jurisdiction

to review the draft, and that there will be additional opportunities to comment. Ms. Zuniga noted that the Model Law continues to require an accredited degree as a requirement for licensure, while California has additional pathways to licensure.

Mr. Feng asked if the PQC could review the draft at its next meeting. Ms. Zuniga agreed to place on the agenda.

Mr. Gutierrez noted that the NCARB Model Law Task Force continues to work on the draft and released an updated version after the Board meeting materials were printed. He stated it is important to consider the Model Law and Model Regulations together. He further noted it is up to the Board to determine if it wants to accept additional pathways to licensure.

Mr. Pearman asked when California passed its Practice Act and if it was based on the Model Law. Ms. Zuniga stated she did not believe California's law was based on the Model Law.

#### **L. UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING:**

##### **1. Assembly Bill (AB) 476 (B. Rubio, 2019) Department of Consumer Affairs: Task Force: Foreign-Trained Professionals**

Ms. Zuniga presented this item as an update only and informed the Board the Governor vetoed the bill.

##### **2. AB 626 (Quirk-Silva, 2019) Conflicts of Interest**

Ms. Zuniga presented this item and reminded the Board they had requested the opportunity to review and discuss further. Mr. Feng suggested the Board wait and see if the bill is amended further before taking a position. Mark Christian, AIA California, said that would be good option, as we do not yet know what the new language would look like.

Mr. Gladstone asked Mr. Christian about how the state got to point that this type of activity was considered a conflict of interest, and Mr. Christian replied that it was through court rulings on Government Code section 1090.

Ms. Kwan mentioned there are two schools of thought generally on conflict of interest. Architects would like to be able to continue their work, while the other view is that early participation creates an unfair advantage. Mr. Christian said that the building trades are concerned if architects are going to do construction management.

##### **3. Senate Bill (SB) 601 (Morrell, Chapter 854, Statutes of 2019) State Agencies: Licenses: Fee Waiver**

Ms. Zuniga presented this item for update only.

#### **4. SB 608 (Glazer, Chapter 376, Statutes of 2019) Architects and Landscape Architects**

Ms. Zuniga presented this item for update only and reminded the Board this was the bill that extended the Board's sunset date and made related changes to the Practice Act.

Mr. Gutierrez asked that the Board take California Community Colleges into consideration when developing continuing education (CE) requirements. He also asked that staff include information in the practice brief about the written contract requirements and specifically the exemption from the written contract requirement for work with public agencies.

#### **M. DISCUSS AND POSSIBLE ACTION ON 2020 LEGISLATIVE PROPOSAL ON IMPLEMENTATION OF FINGERPRINTING REQUIREMENT**

Ms. Zuniga presented this item. She explained that SB 608 requires both the Board and LATC to begin fingerprinting applicants, and that while SB 608 included additional language for the Board to implement the requirement, the bill did not include similar language for LATC. This proposal would add that language to the Landscape Architects Practice Act.

- **Nilza Serrano moved to approve the legislative proposal to implement the fingerprint requirement.**

**Robert Pearman seconded the motion.**

There were no comments from the public.

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

#### **N. DISCUSS AND POSSIBLE ACTION ON RETIRED LICENSE:**

##### **1. Proposed Amendment to California Code of Regulations (CCR), Title 16, Division 2, Article 7, Section 144, Fees**

Mr. Reinhardt reminded the Board that, at its September 11, 2019 meeting, staff was directed to research administrative costs associated with retiring an architect license. He reported that staff worked with the DCA Budget Office to determine such costs using a methodology specified in the State Administrative Manual. Mr. Reinhardt recommended a \$40 fee for issuance of a retired license. Ms. Kwan subsequently provided new Board members with a brief background on the issue prior to voting on the motion.



Mr. Christian asked whether the fee includes the cost of the wall certificate issued to a retired architect. The Board advised the fee includes all related costs.

- **Robert Pearman moved to approve the proposed regulatory changes to CCR section 144 and set the fee for a retired architect license at \$40; direct the EO to take all steps necessary to initiate the rulemaking process; authorize the EO to make any technical or nonsubstantive 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.**

**Denise Campos seconded the motion.**

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

## **2. 2020 Legislative Proposal to Amend Business and Professions Code Section 5600.4**

Ms. Zuniga presented this item. She stated this proposal arose from reviewing the retired license fee and a determination that existing law only provides a path for a retired license holder whose license had been expired for more than five years to reinstate their license. This change would be to establish a pathway for retired licensee holder whose license has been expired for less than five years to reinstate their license to active status.

Mr. Gutierrez asked if the licensee would be required to complete CE. Ms. Zuniga said they would not be required to complete any CE for the time period in which their license was in retired status.

Mr. Pearman asked if the retired license holder would have to pay a delinquency fee to reinstate. Mr. Reinhardt stated that the delinquency fee does not need to be paid if they were not delinquent in their renewal or reinstatement, and further explained that the change is needed to allow a retired license holder to reinstate without taking the California Supplemental Examination in order to restore their license to active status, if their license had not been retired for more than five years.

Tara. Welch clarified the change is only to further define the reinstatement process for a retired license holder.

- **Tian Feng moved to approve the legislative proposal.**

**Robert Pearman seconded the motion.**

There were no comments from the public.

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Ward, and President Kwan voted in favor of the motion. Member Gladstone was absent at the time of the vote. The motion passed 8-0.**

**O. UPDATE ON NOVEMBER 19, 2019 COMMUNICATIONS COMMITTEE MEETING**

Ms. Campos, Chair of the Communications Committee, provided an update on the meeting held on November 19, 2019. She reported that the Committee discussed the Board's stakeholders, its target audiences, and how to use the Board's social media assets more effectively. Ms. Campos expressed the Committee's view that the *California Architects* newsletter published more frequently with less content will better fill the needs of its subscribers. She requested the Board begin building publicity through earned media, particularly following national or natural disasters. Ms. Campos additionally asked the Board for clarification on what it would like to be communicated that is not already being addressed.

**P. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT**

**1. Update on September 5, 2019 and November 8, 2019 LATC Meetings**

Trish Rodriguez updated the Board on the past two LATC meetings held on September 5, 2019 and November 8, 2019. She explained that the purpose of the September LATC meeting was to prepare for the Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting and approve the elections ballot and resolutions. Ms. Kwan asked for an explanation of CLARB, and Ms. Rodriguez explained that CLARB was similar to the NCARB in that CLARB administers the national examination for landscape architects. She reported that during the November LATC meeting, a presentation from the Office of Professional Examination Services (OPES) was given regarding the Occupational Analysis (OA) process. She noted that the approved contract for the OA was also included in the meeting packet. Mr. Gutierrez observed that CLARB's Model Law was the basis for NCARB's Model Law.

**2. Review and Possible Action to Approve Proposed Amendments to the LATC Member Administrative Manual**

Ms. Rodriguez reported that the LATC Member Administrative Manual, which was part of the submission to the Sunset Report in December 2018, was approved with additional edits by the Board in June 2019. She explained that the LATC Manual incorporated language from the Board approved manual, and the LATC worked with DCA legal to include additional language explaining that

members are appointed to four-year terms and no member may serve for more than two consecutive terms. Ms. Rodriguez informed that a copy of the LATC Member Administrative Manual with the proposed changes is provided for the Board's consideration.

- **Nilza Serrano moved to approve the proposed amendments to the LATC Member Administrative Manual.**

**Ebony Lewis seconded the motion.**

Mr. Feng inquired about the process to approve the LATC Member Administrative Manual, to which Ms. Rodriguez clarified that the LATC approved additional edits to the Manual and the LATC Manual was modeled after language in the Board's. Mr. Ward asked whether the Board had reviewed the LATC Manual previously, and Ms. Zuniga replied that the Board reviewed the Manual last year and the additional edits were being included because the LATC's statute was different than the Board's.

Ms. Welch advised that members may abstain from voting on this item; however, enough information was provided in the meeting materials to make an informed decision.

**Members Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Gladstone, and President Kwan voted in favor of the motion. Member Ward abstained. The motion passed 8-0-1.**

### **3. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2655 Substantial Relationship Criteria and 2656 Criteria for Rehabilitation**

Ms. Welch reported that regulations are being enacted in response to recently passed legislation related to the criteria for consideration of a crime and when it is substantially related to the practice. She explained that the regulations would also include formal discipline for professional misconduct and revisions to criteria used when considering rehabilitation of an applicant who is denied a license or licensee who has been put on probation, and revisions to the criteria used to assess whether formal discipline is necessary. Ms. Welch reported that the Office of Administrative Law (OAL) requested text changes, and that she is working with OAL to determine what additional information is required for the rulemaking documents to satisfy their concerns, and any necessary modifications for the rulemaking text. She elaborated that they have worked on several revisions to the text that OAL identified as non-substantive, and they are still working with OAL on other items to determine whether additional changes are necessary and non-substantive. Ms. Welch informed that the LATC has already completed the 45-day comment period for their regulatory package, and the LATC is ready to submit the final rulemaking package for

approval by the DCA and the Business, Consumer Services and Housing Agency (Agency). She further explained that once the draft language satisfies OAL's concerns and other necessary documentation is submitted, then a 15-day public notice would be required of the additional documents, and once complete, the package would be under review for final approval and enactment by OAL.

**Q. REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CCR, TITLE 16, DIVISION 2, ARTICLE 2, SECTIONS 110 SUBSTANTIAL RELATIONSHIP CRITERIA AND 110.1 CRITERIA FOR REHABILITATION**

Ms. Welch stated that the regulatory package for the Board is ready for the 45-day comment period, and the same process as the LATC's regulation would be followed, leading potentially to 15-day public review, and then review by the DCA and approval by OAL. She noted that if OAL identifies substantive changes that need to be made to the text, then the Board would need to review the modified text. Ms. Welch also cautioned that the regulations need to be on file with the Secretary of State by July 1, 2020, stating that a teleconference may be necessary to approve changes requested by OAL. Lastly, she updated the Board that the DCA has a new regulations unit to assist with the regulatory packages.

**R. REVIEW OF FUTURE BOARD MEETING DATES**

The Board discussed potential meeting dates and locations for the upcoming year.

**S. CLOSED SESSION - PURSUANT TO GOVERNMENT CODE SECTIONS 11126(A)(1), (C)(3), AND (F)(4), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:**

- 1. Review and Possible Action on September 11, 2019 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Perform Annual Evaluation of its Executive Officer**
- 4. Adjourn Closed Session**

**T. RECONVENE OPEN SESSION**

The Board reconvened in Open Session.

**U. ADJOURNMENT**

The meeting adjourned at 2:14 p.m.

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

## **AGENDA ITEM F: PRESENTATION OF OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD TO L. KIRK MILLER**

### **Summary**

Named after the first president of the California Architects Board, the Octavius Morgan Distinguished Service Award recognizes individuals who have over the years significantly contributed to the Board's mission through their volunteerism. The Board annually selects award recipients. Nominations are accepted from Board members and staff.

The Board relies on volunteers to assist in developing the California Supplemental Examination and to serve on many of its committees. The Board, at its December 11, 2019, meeting selected L. Kirk Miller.

Board President, Tian Feng will present the award to Mr. Miller at today's meeting.

### **Action Requested**

None

### **Attachment(s)**

None

## **AGENDA ITEM H: PRESENTATION BY DCA BUDGET OFFICE REGARDING BOARD ANNUAL BUDGET UPDATE**

### **Summary**

Paul McDermott, Budget Analyst with the Department of Consumer Affairs Budget Office will provide an overview of the Board's budget and fund condition.

### **Action Requested**

None

### **Attachment(s)**

1. Board Fiscal Year 2019-20 Expenditure Projection
2. Board Fund Condition

**CALIFORNIA ARCHITECTS BOARD - 0706**  
**BUDGET REPORT**  
**FY 2019-20 EXPENDITURE PROJECTION**  
**Prelim FM 06**

OBJECT DESCRIPTION	FY 2019-20				
	Govenor's Budget 2019-20	CURRENT YEAR EXPENDITURES 1.30.2020	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
	<b>PERSONNEL SERVICES</b>				
Salary & Wages (Staff)	1,362,000	585,348	43%	1,170,697	191,303
Statutory Exempt (EO)	129,000	64,326	50%	128,652	348
Temp Help Reg (907)	39,000	19,190	0%	38,380	620
Board Member Per Diem (901, 920)	10,000	800	8%	1,500	8,500
Staff Benefits	886,000	410,986	46%	821,972	64,028
<b>TOTALS, PERSONNEL SVC</b>	<b>2,426,000</b>	<b>1,080,651</b>	<b>45%</b>	<b>2,161,201</b>	<b>264,799</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>					
General Expense	22,000	17,588	80%	22,000	0
Printing	30,000	1,337	4%	11,725	18,275
Communication	9,000	2,431	27%	8,866	134
Postage	37,000	1,310	4%	27,767	9,233
Travel In State	57,000	561	1%	38,054	18,946
Training	21,000	350	2%	700	20,300
Facilities Operations	195,000	94,533	48%	189,066	5,934
C & P Services - Interdept.	4,000	0	0%	0	4,000
<b>DEPARTMENTAL SERVICES:</b>					
Office of Information Services	262,000	131,000	50%	262,000	0
Administration Pro Rata	428,000	214,000	50%	428,000	0
DOI-ProRata Internal	14,000	7,000	50%	14,000	0
Communications Division	24,000	12,000	50%	24,000	0
Program Policy Review Division Pro Rata	17,000	8,500	50%	17,000	0
<b>INTERAGENCY SERVICES:</b>					
Consolidated Data Center (OTECH)	14,000	270	2%	5,000	9,000
DP Maintenance & Supply (IT)	30,000	3,229	11%	9,686	20,314
<b>EXAM EXPENSES:</b>					
Exam Contracts** O	100,000	37,100	0%	91,424	8,576
C/P Svcs-External Expert Administrative P	47,000	18,952	40%	37,496	9,504
C/P Svcs-External Expert Examiners	40,000	15,315	38%	30,629	9,371
C/P Svcs-External Subject Matter	40,000	14,137	35%	28,273	11,727
<b>ENFORCEMENT:</b>					
Attorney General	59,000	22,321	38%	58,446	554
Office Admin. Hearings	25,000	250	1%	24,970	30
Architect Consultant Contracts*	43,000	22,851	0%	42,000	1,000
Court Reporters	5,000	2,400	0%	3,000	2,000
Evidence/Witness Fees	6,000	3,000	50%	6,000	0
DOI - Investigations	33,000	16,500	0%	33,000	0
Equipment	4,000	246	6%	4,000	0
<b>TOTALS, OE&amp;E</b>	<b>1,566,000</b>	<b>647,234</b>	<b>41%</b>	<b>1,417,102</b>	<b>148,898</b>
<b>TOTAL EXPENSE</b>	<b>3,992,000</b>	<b>1,727,885</b>	<b>43%</b>	<b>3,578,303</b>	<b>413,697</b>
Sched. Reimb. - External/Private	(5,000)	(940)	19%	(5,000)	0
US DOI Administrative		0	0%	0	0
Sched Interdepartmental - Distributed	(26,000)	0	0%	(26,000)	0
Unsched. Reimb. - Investigation Cost Recover		0	0%	0	0
<b>NET APPROPRIATION</b>	<b>3,961,000</b>	<b>1,726,945</b>	<b>44%</b>	<b>3,547,303</b>	<b>413,697</b>
				<b>SURPLUS/(DEFICIT):</b>	<b>10.4%</b>



**0706 - California Architects Board  
Analysis of Fund Condition**

Prepared 1.16.2020

Governor's Budget 2020-21

	PY 2018-19	Budget Act CY 2019-20	BY 2020-21	BY + 1 2021-22
<b>BEGINNING BALANCE</b>	\$ 5,171	\$ 5,024	\$ 4,948	\$ 3,775
Prior Year Adjustment	\$ 635	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 5,806	\$ 5,024	\$ 4,948	\$ 3,775
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
4121200 Delinquent fees	\$ 26	\$ 70	\$ 30	\$ 70
4127400 Renewal fees	\$ 2,519	\$ 3,681	\$ 2,721	\$ 3,681
4129200 Other regulatory fees	\$ 20	\$ 40	\$ 40	\$ 40
4129400 Other regulatory licenses and permits	\$ 460	\$ 457	\$ 450	\$ 457
4163000 Income from surplus money investments	\$ 78	\$ 60	\$ 54	\$ 51
4172500 Miscellaneous revenues	\$ -	\$ -	\$ 1	\$ 1
Totals, Revenues	\$ 3,103	\$ 4,308	\$ 3,296	\$ 4,300
Totals, Revenues and Transfers	\$ 3,103	\$ 4,308	\$ 3,296	\$ 4,300
Totals, Resources	\$ 8,909	\$ 9,332	\$ 8,244	\$ 8,075
<b>EXPENDITURES</b>				
Disbursements:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 3,628	\$ 4,061	\$ 4,162	\$ 4,287
8880 Financial Information System for California (State Operations)	\$ -	\$ -1	\$ -	\$ -
9892 Supplemental Pension Payment (State Operations)	\$ 44	\$ 95	\$ 95	\$ 95
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 213	\$ 229	\$ 212	\$ 212
Total Disbursements	\$ 3,885	\$ 4,384	\$ 4,469	\$ 4,594
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 5,024	\$ 4,948	\$ 3,775	\$ 3,481
<b>Months in Reserve</b>	13.8	13.3	9.9	9.1

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR BY + 1 AND ON-GOING
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR IN BY + 1 AND ON-GOING
- C. ASSUMES INTEREST RATE OF 1.5%

\$ 247 \$ -866 \$ 13

**AGENDA ITEM I: CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(a)(1), (c)(3), AND (f)(4), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:**

- 1. Review and Possible Action on December 11, 2019 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Adjourn Closed Session**

## **AGENDA ITEM K: REVIEW AND POSSIBLE ACTION ON REVISED EXECUTIVE OFFICER (EO) DUTY STATEMENT**

### **Summary**

The Board approved the current EO Duty Statement at the March 2018 meeting. Pursuant to Senate Bill 608 (Glazer, Chapter 376, Statutes of 2019), the Board will begin fingerprinting candidates for licensure in 2020. The duty statements for the staff members who will have access to the background check results must be updated to specify that these staff, including the EO, must also complete a background check. As the Board previously approved the EO Duty Statement, it will need to approve this addition to that Duty Statement.

### **Action Requested**

Review and possible action on the revised EO Duty Statement.

### **Attachment(s)**

Executive Officer Duty Statement (Draft)

**Department of Consumer Affairs**

**Exempt Position Duty Statement**

HR-041E (new 1/2015)

<b>Exempt Employee's Name</b> Laura Zuniga	
<b>Classification Title</b> Executive Officer	<b>Board / Bureau / Commission / Committee</b> California Architects Board/ Landscape Architects Technical Committee
<b>Exempt Level / Salary Range</b> J / \$8,942.00 – \$9,960.00	<b>Geographic Location</b> Sacramento
<b>Position Number</b> 616-110-8937-001	<b>Effective Date of Appointment</b> August 1, 2018

General Statement:

Under the general direction and guidance of the 10-member California Architects Board (Board) and 5-member Landscape Architects Technical Committee (LATC), the Executive Officer (EO) is responsible for the: administration and management of Board/LATC programs, resources, and staff; consulting with, and carrying out, the policies of the Board/LATC, which are charged with the licensing and regulation of architects and landscape architects of the State of California; and regulatory oversight of approximately 24,000 licensed architects/landscape architects. Specific responsibilities include, but are not limited to, the following:

**A. Specific Assignments [Essential (E)/Marginal (M) Functions]:**

**25% (E) Program Management**

Act as the principal operations officer for the Board/LATC. Responsible for overseeing all activities of the Examination, Licensing, Enforcement, and the Administration Programs, including legislation and regulation activities. Maintain an awareness of existing and emerging issues that may affect the regulatory environment for licensees and communicate such issues with appropriate recommendations to the Board/LATC. Maintain overall responsibility for Board/LATC budgets and provide information concerning the budgets to the members, Department of Consumer Affairs (DCA), Department of Finance, Legislative Analyst, and the Legislature. Participate in the development and negotiation of Requests for Proposals and contracts for professional services, consultants and facilities.

**20% (E) Policy Consultant**

Act as a consultant to the Board/LATC on policy development and implement the Board/LATC's policies. Participate in development of philosophy, mission, vision, values, goals, and objectives and implement the Board/LATC's goals and objectives and action plans. Act as the liaison between Board/LATC, committees, and staff. Provide orientation for newly appointed Board/LATC members. Ensure meetings are scheduled, noticed, and recorded and meeting minutes are approved and published. Advise members on legal requirements (annual filing, conflict of interests, open meetings, etc.). Ensure Board/LATC members follow Board administrative policies and procedures. Perform other duties and functions as directed by the President of the Board and Chair of the LATC.

**20% (E) Enforcement**

Interpret and ensure compliance with the Architects Practice Act and the Landscape Architects Practice Act; authorize legal action against violators of those Acts, and carry out the Board/LATC's enforcement policies. Provide program direction, approve and execute citations, statements of issues, and accusations; negotiate stipulated settlements

of disciplinary actions; authorize disciplinary actions to go to hearing; and ensure provisions of the Administrative Procedure Act are followed. Oversee citation program and issue decisions on informal conferences. Act as liaison with the Division of Investigation (DOI), Office of Attorney General, and other state and national regulatory authorities regarding the enforcement of the Architects Practice Act and the Landscape Architects Practice Act. Coordinate and oversee the interstate disciplinary reporting system.

**15% (E) Examination and Licensing**

Responsible for the Board/LATC's examination and licensing programs. Provide program direction for national and state computer-based examinations and architect/landscape architect candidates. Approve examination administration and licensing policies and procedures. Approve all conditions of access to licensee or candidate files. Develop and recommend policies for foreign and out-of-state applicants. Responsible for the review and approval of landscape architect extension certificate programs.

**10% (E) Legislation, Regulations, Policies, and Procedures**

Direct the Board/LATC's legislative programs, which includes: recommending modification of proposed legislation to align with the policies, programs, or procedures; identifying the need for new legislation; acting to support or oppose legislation; and lobbying, and testifying before the Legislature at policy and fiscal committees. Implement regulations adopted by the Board in compliance with the Administrative Procedure Act and legislatively mandated standards.

**10% (E) Board Liaison**

Act as the Board/LATC liaison with the DCA Administration, Legislature, professional associations, other governmental agencies, and the media. Implement the Board/LATC communication plans and serve as the main contact for the media, public, and professional organizations. Implement the Board/LATC's disaster response procedures, when necessary. Serve on the National Council of Architectural Registration Boards committees and ensure representation on Council of Landscape Architectural Registration Boards committees. Maintain positive working relationships with the DCA and other state agencies.

**B. Supervision Received**

The EO reports directly to the Board President and receives majority of assignments from the Board.

**C. Supervision Exercised**

The EO directly supervises the Assistant Executive Officer (Staff Services Manager II), and indirectly supervise subordinate staff through subordinate supervisors.

**D. Administrative Responsibility**

The EO manages Board/LATC resources, programs, and personnel through subordinate managers.

**E. Personal Contacts**

The EO will have regular direct contact with licensees; members of the Board and the LATC; schools; public; trade and industry groups; Legislature, Business, Consumer Services and Housing Agency; Governor's Office; various DCA employees; and other agencies. The information exchanged may include sensitive and confidential information. On a daily basis, the EO will respond to inquiries from the general public by telephone, email, or in writing. In addition, the EO works directly with the Board's President and other Board and committee members, program staff, DCA staff, and other state agencies.

**F. Actions and Consequences**

Failure to properly ensure effective implementation of Board initiatives could result in the inability to fulfill mission-critical objectives related to the regulation of the professions for the protection of the public. Such failure could cause delays in services to the public, licensees, and candidates, thereby impacting consumer protection or financial affairs of individuals.

Failure to properly administer and manage the Board/LATC's programs and operations may result in ineffective, inefficient, and non-compliant operations jeopardizing the health, safety, and welfare of consumers of architectural and landscape architectural services and potentially violating the Government Code, Business and Professions Code, or other mandates and controls governing a regulatory board.

**G. Functional Requirements**

The EO is a Work Week Group E employee and is expected to work an average of 40 hours per week each year, and may be required to work specified hours based on the business needs of the office. The EO works in an office setting with artificial light and temperature control. The EO may spend 75%-85% of the working day using a personal computer. The position requires bending and stooping to retrieve files, sitting and standing consistent with office work, walking, and occasional lifting, up to 20 pounds, and travel via auto and/or air to attend various meetings. The ability to use a personal computer and telephone is essential.

**H. Other Information**

The EO routinely works with, and has access to, sensitive and confidential issues and/or materials related to consumers of services and/or employees of the Board/LATC and is expected to maintain privacy and confidentiality at all times. The successful completion of these duties requires a broad knowledge of Board, LATC, and DCA programs, policies, and procedures, as well as the ability to identify, thoroughly understand, and respond to sensitive issues.

[This position has access to Criminal Offender Record Information \(CORI\). Title 11, Section 703\(d\) of the California Code of Regulations requires criminal record checks of all personnel who have access to \(CORI\). Pursuant to this requirement, incumbents in this position will be required to submit fingerprints to the Department of Justice and be cleared before hiring.](#)

The EO must also possess, at a minimum, the following skills and abilities to support the achievement of the Board/LATC's goals and objectives:

- represent the Board/LATC in a professional manner and responsive to its needs;
- strong interpersonal skills to support achievement of the goals and objectives;
- maintain good working relationships with staff, governmental agencies, and other entities;
- excellent communication (written and verbal) and public speaking;
- creativity and flexibility in problem identification and resolution;
- good judgment in decision-making;
- manage time and resources effectively;
- computer and software program proficiency (Microsoft Office Suite);
- maintain regular and consistent attendance and punctuality; and
- travel to and attend meetings by various methods of transportation for one or multiple consecutive days.

This position requires the incumbent to take an Oath of Office prior to appointment and serves at the pleasure of the Board.

This position is also subject to California Code of Regulations, Title 16, Division 38, Chapter 2, Section 3830, the DCA's Conflict of Interest Regulations. The incumbent is required to submit a Statement of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1<sup>st</sup>, and within 30 days of leaving office.

**I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation.** (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety analyst.)

---

Employee Signature

Date

Laura Zuniga

**I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.**

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Board President Signature

Date

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Board President Printed Name

(Revised: ~~2/2018~~1/2020)

Revised and adopted by the Board at March 1, 2018 Board meeting

DRAFT



## **AGENDA ITEM L: DISCUSS AND POSSIBLE ACTION ON PROPOSED ADOPTION OF CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 5, SECTION 135 (PRESENTMENT AND ADVERTISING REQUIREMENTS)**

### **Summary**

The Board's 2019-2021 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to collaborate with websites to restrict advertisements from unlicensed entities.

Unlicensed advertising is one of the most common complaints received at the Board. Oftentimes the Board receives complaints about unlicensed persons describing themselves as architects and/or offering to provide architectural services on numerous websites.

At the August 1, 2019 REC meeting, one of the Committee's recommendations was to adopt a regulation that required licensees place their license number of advertisements. The Board discussed this proposal at its September 11, 2019 meeting and suggested research be conducted to obtain a sampling of requirements and opinions from the profession.

From November 14, 2019 to December 1, 2019 the Board conducted a survey to seek input from licensees on the possibility of requiring the placement of a license number on advertising. Of the 1,547 responses, 66% indicated support for the proposal and 22% were opposed. Of those that opposed, their concerns were: 1) how would large firms identify a license number to display; 2) how would the Board enforce this; and 3) requirement may increase the chance of someone fraudulently using a license number.

Staff drafted proposed regulatory language to address the REC's recommendation to require licensees to display their name and license number on all forms of advertising. The proposed language is similar to the Landscape Architects Technical Committee licensee advertising requirement currently in effect with proposed regulatory changes.

### **Action Requested**

The Board is asked to discuss and consider the proposed regulatory language to adopt CCR section 135 and delegate authority to the Executive Officer 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.

### **Attachment(s)**

Proposed Regulatory Language to Adopt CCR Section 135 (Presentment and Advertising Requirements)

**CALIFORNIA ARCHITECTS BOARD**  
**PROPOSED REGULATORY LANGUAGE**

**Article 5. Miscellaneous**

Changes to the original language are shown in single underline for new text and single for deleted text.

Adopt Section 135 of Article 5 of Division 2 of Title 16 of the California Code of Regulations as follows:

**§135. Presentment and Advertising Requirements.**

(a) An architect shall include their name and license number in all forms of advertisement solicitation, or other presentments to the public in connection with the rendition of architectural services for which a license is required by the Architects Practice Act, including, but not limited to, any advertisement, card, office sign, letterhead, telephone listing, Internet Web site, written solicitation to a prospective client or clients, or contract proposal.

(b) For purposes of a business entity that contains or employs two or more architects, the requirements of subsection (a) shall be deemed satisfied as to such business entity if the advertisements, solicitations, or presentments to the public include the name and license number of at least one architect who is (1) in management control of the business entity and (2) either the owner, a part-owner, an officer, or an employee of the business entity.

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 137, Business and Professions Code.

## **AGENDA ITEM M: REVIEW AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY LANGUAGE FOR CCR, TITLE 16, DIVISION 2, ARTICLE 2, SECTIONS 110 SUBSTANTIAL RELATIONSHIP CRITERIA AND 110.1 CRITERIA FOR REHABILITATION**

### **Summary**

As previously reported at the Board's February 27, 2019 meeting, Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) amended several sections of the Business and Professions Code (BPC) related to how regulatory licensing boards respond to applicants with criminal convictions. This bill generally removed the Board's authority to deny an application based on formal discipline by a licensing board in or outside of California or criminal convictions and underlying acts occurring over seven years ago. The bill also required each board to develop criminal conviction substantially related and rehabilitation criteria by July 1, 2020.

As AB 2138 applies to all boards within the Department of Consumer Affairs (DCA), DCA consulted the Attorney General's Office (AG) and the Office of Administrative Law (OAL) to develop regulatory template language for use by all DCA boards. The Board reviewed and approved the regulatory language on February 27, 2019. On March 8, 2019, the Board submitted its rulemaking file for review by DCA, the Business, Consumer Services, and Housing Agency (Agency), and the Department of Finance. On December 27, 2019, the Board's proposal was published by OAL, and the 45-day public comment period was completed on February 10, 2020.

In November 2019, OAL reviewed another DCA board's rulemaking file to implement AB 2138 and raised several minor, technical corrections to be made to the regulatory text and several substantive concerns. The Board's proposed regulatory text is substantially similar to that board's text; as such, OAL would have similar substantive concerns with this Board's text.

DCA worked with OAL to resolve the substantive concerns with the regulatory proposal. The Board has until December 27, 2020, to complete the rulemaking review with OAL; however, the rulemaking must be submitted prior to that date to meet the July 1, 2020 deadline in AB 2138.

### **Modifications to the Regulatory Proposal**

Based upon the resolution of the other board's regulatory proposal, the Board's text should be modified as follows:

1. CCR, title 16, section 110:
  - a. Subsection (a):

- i. Add reference to BPC section 5586, which authorizes the Board to deny, revoke, or suspend a license for disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties as an architect.
  - b. Subsection (b): Insert “all of” before “the following criteria” to reflect the statutory requirement in BPC section 481, subdivision (b).
  - c. Subsection (b)(1) through (3): Make technical punctuation corrections.
  - d. Subsection (c): Make technical revisions to conform the use of singular nouns throughout the section.
  - e. Authority and Reference: Make minor revisions to delete inapplicable authority sections and add statutes relevant to substantial relationship criteria.
2. CCR, title 16, section 110.1:
  - a. Subsection (a): Add a new heading “Denial of a license” to clarify this subsection refers to criteria for rehabilitation applicable to license applicants.
  - b. Paragraph (a)(1): Revise subsection numbering, make technical revisions, and strike “and is presently eligible for a license” to resolve OAL’s concerns that this phrase may be misinterpreted. According to OAL, the phrase “is presently eligible for a license” appears to mean that rehabilitation will only be evaluated if the initial eligibility threshold is met; if that is what the Board intends, the language should be clarified.
  - c. Subparagraphs (a)(1)(A) through (E): Make technical revisions to reflect the new subsection numbering and lettering scheme.
  - d. Paragraph (a)(2): Revise subsection numbering and remove and restate the subsection to clarify the circumstances under which the Board will apply rehabilitation criteria to applicants who have not completed a criminal sentence without a violation, the applicant with a criminal conviction did not make a showing of rehabilitation under paragraph (a)(1), the denial is based on professional misconduct (as that term is used under new BPC section 480), or the denial is based on one or more grounds as specified in BPC section 5552 or 5553, which authorizes the Board to deny or refuse to issue a license if the applicant has committed acts or crimes constituting grounds for denial under BPC section 480 or any act which would constitute grounds for disciplinary action under the Architects Practice Act if committed by a licensee. These clarifications are necessary to inform the public, applicants, and Board staff that rehabilitation criteria will be considered for all application denials, regardless of whether the grounds for denial stem from BPC section 480. The clarifications promote equity and fairness to all applicants in keeping with the legislative intent of AB 2138.
  - a. Subparagraphs (a)(2)(A) through (C): Add “professional misconduct” to include the conduct described under BPC section 480 as grounds for denial. The proposal requires consideration of “act(s)” but “professional misconduct” is not included in the criteria for

rehabilitation; OAL requested the Board consider changing “act(s)” to “professional misconduct.”

- e. Subparagraphs (a)(2)(A) through (F): Make technical revisions to reflect the new subsection numbering and lettering scheme.
- f. Subparagraph (a)(2)(B): Strike “under Section 480 of the” and “code” as new paragraph (a)(2) is applicable to all statutory grounds for denial, as specified, not just grounds under BPC section 480.
- g. Subsection (b): Add a new heading “Suspension or revocation of a license” to clarify this subsection refers to criteria for rehabilitation applicable to issued licenses.
- h. Paragraph (b)(1): Clarify the conditions for applying rehabilitation criteria for suspension or revocation of a license for criminal convictions pursuant to BPC section 490 and strike “and is presently eligible for a license” to resolve OAL’s concerns that this phrase may be misinterpreted. According to OAL, the phrase “is presently eligible for a license” appears to mean that rehabilitation will only be evaluated if the initial eligibility threshold is met; if that is what the Board intends, the language should be clarified.
- i. Subparagraphs (b)(1)(A) through (E): Make technical revisions to reflect the new subsection numbering and lettering scheme.
- j. Paragraph (b)(2): Remove and restate subsection (d) as paragraph (b)(2) and clarify the circumstances under which the Board will apply rehabilitation criteria to licensees who have not completed a criminal sentence without a violation, the licensee with a criminal conviction did not make a showing of rehabilitation under paragraph (b)(1), the suspension or revocation is based on a disciplinary action as described in BPC section 141, or the suspension or revocation is based on one or more grounds specified in Article 5 of Chapter 3 of Division 3 of the BPC, which enumerates in various statutes the grounds for discipline that may be imposed by the Board. These clarifications are necessary to inform the public, licensees, and Board staff that rehabilitation criteria will be considered for all license suspensions and revocations, regardless of whether the grounds for discipline stem from BPC sections 141 or 490. The clarifications promote equity and fairness to all licensees in keeping with the legislative intent of AB 2138.
- k. Subparagraphs (b)(2)(A) and (C): Add “disciplinary action(s)” to include the conduct described under BPC section 141 as grounds for suspension or revocation.
- l. Subparagraphs (b)(2)(A) through (G): Make technical revisions to reflect the new subsection numbering and lettering scheme.
- m. Subsection (c): Make technical corrections to conform this subsection to the lettering changes in the other subsections.
- n. Authority and Reference: Minor technical revisions to delete inapplicable authority sections and add statutes relevant to rehabilitation criteria.

**Action Requested**

The Board is asked to review and approve the attached modified regulatory proposal.

**Attachment(s)**

Modified Proposed Regulatory Language

**California Code of Regulations**  
**Title 16. Professional and Vocational Regulations**  
**Division 2. California Architects Board**

MODIFIED PROPOSED REGULATORY LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Amend Section 110 of Article 2 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 110. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension, or revocation of the license of an architect pursuant to ~~Section 141, of~~ Division 1.5 (commencing with Section 475), or Section 5586 of the code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, or duties of an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by ~~his/her~~ the license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(b) In making the substantial relationship determination required under subsection (a) for a crime, the board shall consider all of the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of an architect.

(c) For purposes of subsection (a), a substantially related crimes, professional misconduct, or acts shall include, but ~~are~~ is not limited to, the following:

- (a1) Any violation of the provisions of Chapter 3, Division 3 of the ~~Business and Professions Code~~code or other state or federal laws governing the practice of architecture.

Note: ~~Additional a~~Authority cited: Sections ~~481, 493, and~~ 5526, Business and Professions Code. Reference: Sections ~~475-492~~141, 475, 480, 481, 490, 493, 5577, and 5586, Business and Professions Code.

Amend Section 110.1 of Article 2 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 110.1. Criteria for Rehabilitation.

(a) Denial of a license.

~~(1) When considering the denial of an architect's license under Section 480 of the Business and Professions Codecode, on the ground that the applicant ~~was~~has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation ~~and is presently eligible for a license~~, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:~~

~~(4A) The nature and gravity of the crime(s).~~

~~(2B) The length(s) of the applicable parole or probation period(s).~~

~~(3C) The extent to which the applicable parole or probation period was shortened or lengthened and the reason(s) the period was modified.~~

~~(4D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.~~

~~(5E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.~~

~~(b2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (c)(1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 5552 or 5553 of the code, the board shall apply the following criteria in evaluating an applicant's rehabilitation: ~~if subsection (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:~~~~

~~(4A) The nature and ~~severity~~gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.~~



~~(2B)~~ Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial under Section 480 of the Business and Professions Code~~.

~~(3C)~~ The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraph subdivision (4A) or ~~(2B)~~.

~~(4D)~~ ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

~~(5E)~~ The criteria in subsection (a)(1)(A)-~~(E5)~~, as applicable.

~~(56F)~~ Evidence, if any, of rehabilitation submitted by the applicant.

~~(b6b)~~ Suspension or revocation of a license.

~~(1)~~ When considering the suspension or revocation of the license of an architect under Section 490 of the code on the grounds that the person licensed has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:

~~(4A)~~ The nature and gravity of the crime(s).

~~(2B)~~ The length(s) of the applicable parole or probation period(s).

~~(3C)~~ The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

~~(4D)~~ The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

~~(5E)~~ The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

~~(42)~~ If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (b)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Article 5 of Chapter 3 of Division 3 of the code, the board shall apply the following criteria in evaluating the licensee's rehabilitation: If subsection (c) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (c), the board shall apply the following criteria in evaluating the licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the licensee is rehabilitated:

~~(4A)~~ The Nature and severity-gravity of the act(s), disciplinary action(s), or offense-crime(s).

~~(2B)~~ The Total criminal record.

~~(3C)~~ The time that has elapsed since commission of the act(s), disciplinary action(s), or offense-crime(s).

~~(4D)~~ Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

~~(5E)~~ The criteria in subsection (e)(1)(A)-(E), as applicable.

~~(6F)~~ If applicable, evidence of expungement-dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

~~(67G)~~ Evidence, if any, of rehabilitation submitted by the licensee.

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

Note: Authority cited: Sections ~~482 and~~ 5526, Business and Professions Code.

Reference: Sections ~~475-492, 491, 475, 480, 481, 482, 488, 490, and 493, 5560, 5577, 5578, 5579, 5580, 5582, 5582.1, 5583, 5584, 5585, 5586 and 5588,~~ Business and Professions Code.

## **AGENDA ITEM N: UPDATE ON JANUARY 23, 2020 PROFESSIONAL QUALIFICATIONS COMMITTEE MEETING**

The Professional Qualifications Committee met on January 23, 2020 in Sacramento and via teleconference (see the attached Notice of Meeting). Pasqual Gutierrez, Chair of the Committee will provide an update to the Board on the meeting.

### **Action Requested**

None

### **Attachment(s)**

Professional Qualifications Committee January 23, 2020 Notice of Teleconference Meeting



**Committee Members**

Pasqual Gutierrez, Chair  
Tian Feng, Vice Chair  
Raymond Cheng  
Betsey Olenick Dougherty  
Glenn Gall  
Brett Gladstone  
Kirk Miller  
Steve Sands  
Stephanie Silkwood  
Sonny Ward

**NOTICE OF  
TELECONFERENCE  
MEETING**

**Professional Qualifications  
Committee**

**January 23, 2020**

The Professional Qualifications Committee (Committee) will hold a teleconference meeting at the locations listed below:

California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 574-7220

Cedars-Sinai Medical Center  
6500 Wilshire Boulevard, 20th Floor  
Los Angeles, CA 90048  
(323) 866-7884

The American Institute of Architects  
Silicon Valley Chapter  
325 South 1st Street, Suite 100  
San Jose, CA 95113  
(408) 298-0611

Bay Area Rapid Transit  
Kaiser Center  
300 Lakeside Drive, Room 2238  
Oakland, CA 94612  
(510) 464-6549

Perkins Eastman  
3194 D Airport Loop Drive  
Costa Mesa, CA 92626  
(714) 427-0277

June Street Architecture  
8730 Santa Monica Boulevard, Suite H  
West Hollywood, CA 90069  
(310) 360-3910

Goldstein, Gellman, Melbostad,  
Harris & McSparran, LLP  
1388 Sutter Street, Suite 1000  
San Francisco, CA 94109  
(415) 673-5600

**AGENDA**

**11:00 a.m. to 1:00 p.m.**  
(or until completion of business)

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

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

- B. Chair's Procedural Remarks and Committee Member Introductory Comments
- C. Public Comment on Items Not on the Agenda

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

- D. Review and Possible Action on April 18, 2019 Meeting Minutes
- E. Discuss and Possible Action on Architect Registration Examination (ARE) Performance
- F. Update and Possible Action on 2019-2021 Strategic Plan Objectives to:
  - 1. Amend Existing Law Regarding Continuing Education (CE) Requirements for License Renewal to Reflect the Evolving Practice
  - 2. Provide Licensees the Opportunity to Submit CE Documentation Online to Increase Efficiency in License Renewal
  - 3. Conduct Occupational Analysis of the Profession to Reflect Current Practice
  - 4. Review and Amend California Code of Regulations (CCR), Title 16, Division 2, Article 3, Section 117 (Experience Evaluation) and Related Regulations to Reflect Current Licensing Requirements
- G. Review, Discuss, and Possible Action on National Council of Architectural Registration Boards (NCARB) Draft Model Law

#### H. 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 a 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 it 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 their 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 to participate in the meeting may make a request by contacting:

**Person:** Marccus Reinhardt

**Telephone:** (916) 575-7212

**Email:** [marccus.reinhardt@dca.ca.gov](mailto:marccus.reinhardt@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 O.1: UPDATE ON FEBRUARY 5, 2020 LATC MEETING**

The LATC met on February 5, 2020, in Chula Vista where presentations were given by Southwestern College staff and Department of Consumer Affairs (DCA) staff from the Office of Public Affairs (OPA). LATC Program Manager, Trish Rodriguez, will provide an update on the meeting.

### **Action Requested**

None

### **Attachment(s)**

LATC February 5, 2020 Notice of Meeting



**NOTICE OF MEETING**  
**Landscape Architects Technical Committee**

**LATC MEMBERS**

Marq Truscott, Chair  
Jon S. Wreschinsky, Vice Chair  
Andy C. N. Bowden  
Susan M. Landry  
Patricia M. Trauth

**February 5, 2020**

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

**Southwestern College**  
**Landscape and Nursery Technology Department**  
**900 Otay Lakes Road, Room 1801**  
**Chula Vista, CA 91910**  
**(619) 421-6700**

The Landscape Architects Technical Committee (LATC) will hold a meeting, as noted above.

**Agenda**

**10:00 a.m. – 2:30 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. Update on the Department of Consumer Affairs (DCA)
- E. Review and Possible Action on November 8, 2019 LATC Meeting Minutes
- F. Program Manager’s Report - Update on LATC’s Administrative/Management, Examination, Licensing, and Enforcement Programs

*(Continued)*



G. Presentation on Southwestern College

H. Discuss and Possible Action on 2019-2021 Strategic Plan Objectives to:

1. Develop an Online Tutorial to Clarify the Licensure Process for Candidates
2. Educate the Different Jurisdictional Agencies (State and Local) About Landscape Architecture Licensure and Its Regulatory Scope of Practice to Allow Licensees to Perform Duties Prescribed Within the Regulation
3. Research Regulations Governing Allied Professionals to Better Understand Their Scope of Practice as it Relates to Landscape Architecture

I. Review and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2611 Abandonment of Application

J. Discuss and Possible Action on 2020 Legislative Proposal for Fingerprint Requirement

K. Review and Possible Action on Modified Proposed Regulatory Language for CCR, Title 16, Division 26, Article 1, Section 2655 Substantial Relationship Criteria and 2656 Criteria for Rehabilitation

L. Discuss and Possible Action on New LATC Logo

M. Future LATC Meeting Dates

N. 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 to participate in the meeting may make a request by contacting:

*(Continued)*

**Person:** Blake Clark  
**Telephone:** (916) 575-7236  
**Email:** [Blake.clark@dca.ca.gov](mailto:Blake.clark@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).***

## **AGENDA ITEM O.2: REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTIONS 2611, ABANDONMENT OF APPLICATION AND 2616 APPLICATION FOR LICENSURE FOLLOWING EXAMINATION, AND ADOPTION OF SECTION 2611.5 RETENTION OF CANDIDATE FILES**

### **Summary**

The LATC's retention schedule expired in December 2018 and in the process of updating and implementing a new retention schedule it was determined that CCR sections 2611 (Abandonment of Application) and 2616 (Application for Licensure Following Examination) needed updating. Staff collaborated with Department of Consumer Affairs (DCA) legal counsel to draft appropriate language in order to define the abandonment of an application within CCR section 2611. Additionally, it was advised by legal counsel to add CCR section 2611.5 (Retention of Candidate Files) to provide LATC authority for the retention and purging of candidate files. Lastly, it was advised to provide additional language to CCR section 2616 providing for the abandonment of a candidate's application for licensure.

At their meeting on February 5, 2020, the LATC approved the attached draft proposed regulatory language and recommends to the Board to amend CCR sections 2611 and 2616 and adopt 2611.5.

### **Action Requested**

The Board is asked to review and take possible action on the attached draft language to amend CCR sections 2611 and 2616 and adopt 2611.5.

### **Attachments**

1. Proposed Amendments to CCR § 2611
2. Proposed Adoption of CCR § 2611.5
3. Proposed Amendments to CCR § 2616

**CALIFORNIA ARCHITECTS BOARD**  
**LANDSCAPE ARCHITECTS TECHICAL 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 2611 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2611. Abandonment of Application.**

(a) An applicant whose application for licensure is incomplete, or for which additional information is requested, shall be deemed to have abandoned the application if ~~he or she does~~ they have not submit ~~submitted~~ all required documents, data, ~~and~~ information, and license fees, and complied with applicable criminal history record check requirements, ~~within~~ by the date that is one year from ~~after~~ the date of the letter notifying the applicant that the application is incomplete or requesting additional information.

~~(b)~~(1) An applicant whose eligibility application for the Landscape Architect Registration Examination or the California Supplemental Examination is incomplete, or for which additional information is requested, shall be deemed to have abandoned the application if they have not submitted all required documents, data, information, and required fees by the date that is one year after the date of the letter notifying the applicant that the application is incomplete or requesting additional information.

(2) An applicant whose eligibility application for the Landscape Architect Registration Examination or the California Supplemental Examination has been accepted shall be deemed to have abandoned the application if ~~he or she does not take the California Supplemental Examination~~ they have not:

(A) For the Landscape Architect Registration Examination, taken a section of the examination within five years from the date an eligibility letter was issued or the last date on which the applicant took a section of the examination, whichever is later.

(B) For the California Supplemental Examination, taken the examination within three years from the date an eligibility letter was issued or the last date on which the applicant took the examination, whichever is later.

(c) Any application submitted subsequent to the abandonment of a former application shall be treated as a new application and shall include all required information and accompanying materials that would be submitted by a first-time applicant regardless of whether the information or materials were previously included in the former application. An abandoned application shall be retained in the candidate file, as defined in Section 2611.5, until the candidate file is purged pursuant to that section.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.

**CALIFORNIA ARCHITECTS BOARD**  
**LANDSCAPE ARCHITECTS TECHICAL COMMITTEE**  
**PROPOSED REGULATORY LANGUAGE**

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Adopt section 2611.5 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2611.5. Retention of Candidate Files.**

(a) For purposes of this section, the following terms have the following meanings:  
(1) "Candidate file" means the file maintained by the Board relating to a candidate's eligibility for examinations or licensure and previous examinations taken by that candidate. For purposes of Section 2620(d)(2), the references in that section to "applications" and "records" shall be deemed to be references to a candidate file.

(2) "Examination" means an examination necessary for licensure.

(3) "Inactive" means that a candidate, during the period of time specified, has not either:

(A) Submitted an eligibility application for an examination. For purposes of this subparagraph, "submitted" means that the Board has received the application.

(B) Been issued or mailed notice that an eligibility application is incomplete or a request for additional information.

(C) Responded in writing to a notice or request described in subparagraph (B). For purposes of this subparagraph, "responded" means that the Board has received that response.

(D) Been issued a notice of eligibility or ineligibility for an examination.

(E) Taken an examination. For purposes of this subparagraph, "taken an examination" means that the Board has received the examination results.

(F) Applied for a license.

(G) Requested the Board to retain the candidate file for an additional time. For purposes of this subparagraph, "requested" means that the Board has received the request.

(b) The Board shall retain candidate files on the following schedule:

(1) If a candidate still needs to pass an examination necessary for licensure, the Board shall retain the candidate file unless (A) the file has been inactive for the previous five years, (B) the Board has mailed the candidate, at the candidate's last address known to the Board, notice of its intention to purge the file, and (C) the Board has waited at least six weeks after mailing to receive a request to retain the file for an additional time. Except as provided in subsection (c), the Board shall purge an inactive candidate file if all of the preceding conditions are met.

(2) If a candidate has passed each examination necessary for licensure, the Board shall retain the candidate file until the following dates, as applicable:

(A) The date after which the Board would be prohibited from issuing a license to the candidate pursuant to Section 2616(b). Except as provided in subsection (c), the Board shall purge the candidate file after that date.

(B) The date on which the candidate is issued a license. The Board shall redesignate the candidate file as a license file after that date.

(c)(1) Notwithstanding subsection (b), the Board may retain a candidate's examination scores.

(2) This section is subject to Section 12275 of the Government Code.

**CALIFORNIA ARCHITECTS BOARD**  
**LANDSCAPE ARCHITECTS TECHICAL 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 2616 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2616. Application for Licensure Following Examination.**

(a) A candidate, having passed all sections of the Landscape Architect Registration Examination and the California Supplemental Examination necessary for licensure, shall apply for a landscape architects license within five years after the date ~~of mailing of~~ on which the candidate is provided examination results indicating passage of the final examination necessary for licensure.

(b) A candidate who fails to apply for a license in accordance with subsection (a), or whose most recent application as of the last day of the period specified in that subsection is abandoned, withdrawn, or denied, shall not be issued a license unless the candidate reapplies for a license and meets the following requirements:

(1) No fact, circumstance, or condition exists which would justify denial under Business and Professions Code Section 480,

(2) The candidate pays all of the fees which would be required of the candidate if the candidate were then applying for the license for the first time, and

(3) The candidate takes and passes the examination which would be required of all candidates applying for the first time, or is subject to waiver of the examination pursuant to Business and Professions Code Section 5651(b).

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Sections 5650, 5651 and 5652, Business and Professions Code.

## **AGENDA ITEM O.3: REVIEW AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY LANGUAGE FOR CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTIONS 2655 SUBSTANTIAL RELATIONSHIP CRITERIA AND 2656 CRITERIA FOR REHABILITATION**

### **Summary**

As previously reported at the LATC's February 8, 2019 meeting, Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) amended several sections of the Business and Professions Code (BPC) related to how regulatory licensing boards respond to applicants with criminal convictions. This bill generally removed the California Architects Board's (Board) authority to deny an application based on formal discipline by a licensing board in or outside of California or criminal convictions and underlying acts occurring over seven years ago. The bill also required each board to develop criminal conviction substantially related and rehabilitation criteria by July 1, 2020.

As AB 2138 applies to all boards within the Department of Consumer Affairs (DCA), DCA consulted the Attorney General's Office (AG) and the Office of Administrative Law (OAL) to develop regulatory template language for use by all DCA boards. The LATC recommended its language to the Board on February 8, 2019. The Board approved the LATC regulatory language on February 27, 2019. On March 12, 2019, the LATC submitted its rulemaking file for review by DCA, the Business, Consumer Services, and Housing Agency (Agency), and the Department of Finance. On October 11, 2019, the Board's proposal was published by OAL, and the 45-day public comment period was completed on November 25, 2019.

In November 2019, OAL reviewed another DCA board's rulemaking file to implement AB 2138 and raised several minor, technical corrections to be made to the regulatory text and several substantive concerns. The LATC's proposed regulatory text is substantially similar to that board's text; as such, OAL would have similar substantive concerns with LATC's text.

DCA worked with OAL to resolve the substantive concerns with the regulatory proposal. The Board has until October 11, 2020, to complete the rulemaking review with OAL; however, the rulemaking must be submitted prior to that date to meet the July 1, 2020 deadline in AB 2138. At their meeting on February 5, 2020, the LATC approved the attached modified regulatory proposal for recommendation to the Board.

### **Modifications to the Regulatory Proposal**

Based upon the resolution of the other board's regulatory proposal, the LATC's text should be modified as follows:

1. CCR, title 16, section 2655:



- a. Subsection (a):
    - i. Add reference to BPC section 5675.5, which authorizes the Board to deny, revoke, or suspend a license for disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties as a landscape architect.
  - b. Subsection (b): Insert “all of” before “the following criteria” to reflect the statutory requirement in BPC section 481, subdivision (b).
  - c. Subsection (b)(1) through (3): Make technical punctuation corrections.
  - d. Subsection (c): Make technical revisions to conform the use of singular nouns throughout the section.
  - e. Authority and Reference: Make minor revisions to delete inapplicable authority sections and add statutes relevant to substantial relationship criteria.
2. CCR, title 16, section 2656:
- a. Subsection (a): Add a new heading “Denial of a license” to clarify this subsection refers to criteria for rehabilitation applicable to license applicants.
  - b. Paragraph (a)(1): Revise subsection numbering, make technical revisions, and strike “and is presently eligible for a license” to resolve OAL’s concerns that this phrase may be misinterpreted. According to OAL, the phrase “is presently eligible for a license” appears to mean that rehabilitation will only be evaluated if the initial eligibility threshold is met; if that is what the Board intends, the language should be clarified.
  - c. Subparagraphs (a)(1)(A) through (E): Make technical revisions to reflect the new subsection numbering and lettering scheme.
  - d. Paragraph (a)(2): Revise subsection numbering and remove and restate the subsection to clarify the circumstances under which the Board will apply rehabilitation criteria to applicants who have not completed a criminal sentence without a violation, the applicant with a criminal conviction did not make a showing of rehabilitation under paragraph (a)(1), the denial is based on professional misconduct (as that term is used under new BPC section 480), or the denial is based on one or more grounds as specified in BPC section 5653, which authorizes the Board to deny or refuse to issue a license upon proof of the commission by the applicant of any act or omission which would constitute grounds for disciplinary action under the Landscape Architects Practice Act if committed by a licensee. These clarifications are necessary to inform the public, applicants, and Board staff that rehabilitation criteria will be considered for all application denials, regardless of whether the grounds for denial stem from BPC section 480. The clarifications promote equity and fairness to all applicants in keeping with the legislative intent of AB 2138.

- a. Subparagraphs (a)(2)(A) through (C): Add “professional misconduct” to include the conduct described under BPC section 480 as grounds for denial. The proposal requires consideration of “act(s)” but “professional misconduct” is not included in the criteria for rehabilitation; OAL requested the Board consider changing “act(s)” to “professional misconduct.”
- e. Subparagraphs (a)(2)(A) through (F): Make technical revisions to reflect the new subsection numbering and lettering scheme.
- f. Subparagraph (a)(2)(B): Strike “under Section 480 of the” and “Code” as new paragraph (a)(2) is applicable to all statutory grounds for denial, as specified, not just grounds under BPC section 480.
- g. Subsection (b): Add a new heading “Suspension or revocation of a license” to clarify this subsection refers to criteria for rehabilitation applicable to issued licenses.
- h. Paragraph (b)(1): Clarify the conditions for applying rehabilitation criteria for suspension or revocation of a license for criminal convictions pursuant to BPC section 490 and strike “and is presently eligible for a license” to resolve OAL’s concerns that this phrase may be misinterpreted. According to OAL, the phrase “is presently eligible for a license” appears to mean that rehabilitation will only be evaluated if the initial eligibility threshold is met; if that is what the Board intends, the language should be clarified.
- i. Subparagraphs (b)(1)(A) through (E): Make technical revisions to reflect the new subsection numbering and lettering scheme.
- j. Paragraph (b)(2): Remove and restate subsection (d) as paragraph (b)(2) and clarify the circumstances under which the Board will apply rehabilitation criteria to licensees who have not completed a criminal sentence without a violation, the licensee with a criminal conviction did not make a showing of rehabilitation under paragraph (b)(1), the suspension or revocation is based on a disciplinary action as described in BPC section 141, or the suspension or revocation is based on one or more grounds specified In Article 5 of Chapter 3.5 of Division 3 of the BPC, which enumerates in various statutes the grounds for discipline that may be imposed by the Board. These clarifications are necessary to inform the public, licensees, and Board staff that rehabilitation criteria will be considered for all license suspensions and revocations, regardless of whether the grounds for discipline stem from BPC sections 141 or 490. The clarifications promote equity and fairness to all licensees in keeping with the legislative intent of AB 2138.
- k. Subparagraphs (b)(2)(A) and (C): Add “disciplinary action(s)” to include the conduct described under BPC section 141 as grounds for suspension or revocation.
- l. Subparagraphs (b)(2)(A) through (G): Make technical revisions to reflect the new subsection numbering and lettering scheme.
- m. Subsection (c): Make technical corrections to conform this subsection to the lettering changes in the other subsections.

- n. Authority and Reference: Minor technical revisions to delete inapplicable authority sections and add statutes relevant to rehabilitation criteria.

### **Action Requested**

The Board is asked to review and approve the attached modified regulatory proposals.

### **Attachment**

Modified Proposed Regulatory Language to Amend CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation)

**California Code of Regulations**  
**Title 16. Professional and Vocational Regulations**  
**Division 26. Landscape Architects Technical Committee**  
**of the California Architects Board**

MODIFIED PROPOSED REGULATORY LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Amend Section 2655 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2655. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension, or revocation of the license of a landscape architect pursuant to Section 141, or Division 1.5 (commencing with Section 475), or Section 5675.5 of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, or duties of a landscape architect if to a substantial degree it evidences present or potential unfitness of a landscape architect to perform the functions authorized by ~~his or her~~ the license in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include but not be limited to those involving the following:~~

(b) In making the substantial relationship determination required under subsection (a) for a crime, the Board shall consider all of the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; ~~and~~
- (3) The nature and duties of a landscape architect.

(c) For purposes of subsection (a), a substantially related crimes, professional misconduct, or acts shall include, but ~~are~~ is not limited to, the following:

(a1) Any violation of the provisions of Chapter 3.5 of Division 3 of the ~~Business and Professions Code~~ or other state or federal laws governing the practice of landscape architecture.

Note: Authority cited: Sections ~~481, 493,~~ 5630, Business and Professions Code.  
Reference: Division 1.5, Sections 141, 475, 480, 481, 490, 493, et seq and 5630 and 5675.5, Business and Professions Code.

Amend Section 2656 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2656. Criteria for Rehabilitation.

(a) Denial of a license.

(1) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, on the ground that the applicant ~~was~~ has been convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation ~~and is presently eligible for a license~~, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:

(4A) The nature and gravity of the crime(s).

(2B) The length(s) of the applicable parole or probation period(s).

(3C) The extent to which the applicable parole or probation period was shortened or lengthened and the reason(s) the period was modified.

(4D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a)(1), the denial is based on professional misconduct, or the denial is based on one or more of the grounds specified in Sections 5653 of the Code, the Board shall apply the following criteria in evaluating an applicant's rehabilitation: ~~If subsection (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), the Board shall apply the following criteria in evaluating an applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:~~

(4A) The nature and ~~severity~~ gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

~~(2B)~~ Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~

~~(3C)~~ The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subsection-subparagraph (4A) or ~~(2B)~~.

~~(4D)~~ ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

~~(5E)~~ The criteria in subsection (a)(1)(A)-(E5), as applicable.

~~(6F)~~ Evidence, if any, of rehabilitation submitted by the applicant.

~~(b)~~ Suspension or revocation of a license.

~~(1)~~ When considering the suspension or revocation of the license of a landscape architect under Section 490 of the code on the grounds that the person licensed has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall, in evaluating the rehabilitation of such person and his or her present eligibility for licensure will consider the following criteria:

~~(4A)~~ The nature and gravity of the crime(s).

~~(2B)~~ The length(s) of the applicable parole or probation period(s).

~~(3C)~~ The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

~~(4D)~~ The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

~~(5E)~~ The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

~~(2)~~ If the licensee has not completed the criminal sentence at issue without a violation of parole or probation, the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (b)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the Code, or the suspension or revocation is based on one or more of the grounds specified in Article 5 of Chapter 3.5 of Division 3 of the Code, the Board shall apply the following criteria in evaluating the licensee's rehabilitation: ~~if subsection (c) is inapplicable, or the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (c), the Board shall apply the following criteria in evaluating the licensee's rehabilitation. The Board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the licensee is rehabilitated:~~

~~(4A)~~ The Nature and severity-gravity of the act(s), disciplinary action(s), or offensecrime(s).

~~(2B)~~ The Total criminal record.

~~(3C)~~ The time that has elapsed since commission of the act(s), disciplinary action(s), or offensecrime(s).

~~(4D)~~ Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

~~(5E)~~ The criteria in subsection (e)(1)(A)-(E), as applicable.

~~(6F)~~ If applicable, evidence of expungement-dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

~~(7G)~~ Evidence, if any, of rehabilitation submitted by the licensee.

~~(c)~~ When considering the petition for reinstatement of the license of a landscape architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b)(c) or (d)(b), as applicable.

Note: Authority cited: Sections ~~482 and~~ 5630, Business and Professions Code.

Reference: ~~Division 1.5, Sections 141, 475, 480, 481, 482, 488, 493, et seq and~~ 5630, 5653, 5660, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5 and 5678, Business and Professions Code.

## **AGENDA ITEM O.4: REVIEW AND POSSIBLE ACTION ON LEGISLATIVE PROPOSAL TO AMEND BUSINESS AND PROFESSIONS CODE SECTION 5659 REGARDING LOCAL JURISDICTION ACCEPTANCE OF LANDSCAPE ARCHITECTURE DOCUMENTS**

### **Summary**

The LATC has a Strategic Plan objective to “Educate the different jurisdictional agencies (state and local) about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations.” Staff reviewed the Landscape Architects Practice Act and Business and Professions Code (BPC) section 460 (Local Government Entities – Powers), which prevents local government entities from prohibiting a licensed professional from engaging in the practice for which they are licensed while also allowing those entities to adopt or enforce local ordinances. Staff worked with the Department of Consumer Affairs legal counsel and recommends adding language to BPC section 5659 (Inclusion of License Number – Requirement) to coincide with BPC section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the grounds that they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

At LATC’s February 5, 2020 meeting the proposed language was discussed and the Committee is recommending to the Board to adopt the language, which would state, “Such plans, specifications, and other instruments of service shall not be rejected from filing with a local jurisdiction solely on the grounds of the presence of a stamp of a licensed landscape architect, as specified under this section.”

### **Action Requested**

Review and take possible action on proposed amendments to BPC section 5659.

### **Attachment(s)**

1. BPC section 460
2. BPC section 5659 Proposed Language



**BPC Section 460 – Local Governmental Entities - Powers**

(a) No city, county, or city and county shall prohibit a person or group of persons, authorized by one of the agencies in the Department of Consumer Affairs or an entity established pursuant to this code by a license, certificate, or other means to engage in a particular business, from engaging in that business, occupation, or profession or any portion of that business, occupation, or profession.

(b) (1) No city, county, or city and county shall prohibit a healing arts professional licensed with the state under Division 2 (commencing with Section 500) or licensed or certified by an entity established pursuant to this code from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

(2) This subdivision shall not be construed to prohibit the enforcement of a local ordinance in effect prior to January 1, 2010, related to any act or procedure that falls within the professionally recognized scope of practice of a healing arts professional licensed under Division 2 (commencing with Section 500).

(c) This section shall not be construed to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a healing arts professional licensed under Division 2 (commencing with Section 500) or licensed or certified by an entity established under this code or a person or group of persons described in subdivision (a).

(d) Nothing in this section shall prohibit any city, county, or city and county from levying a business license tax solely for revenue purposes, nor any city or county from levying a license tax solely for the purpose of covering the cost of regulation.

*(Amended by Stats. 2014, Ch. 406, Sec. 1. (AB 1147) Effective January 1, 2015.)*

**BPC Section 5659 – Inclusion of License Number – Requirement**

Each person licensed under this chapter shall sign, date, and seal or stamp using a seal or stamp described in this section, all plans, specifications, and other instruments of service therefor, prepared for others as evidence of the person's responsibility for those documents. Failure to comply with this section constitutes a ground for disciplinary action. Each person licensed under this chapter shall use a seal or stamp of the design authorized by the board, bearing his or her name, license number, the legend "licensed landscape architect," the legend "State of California" and a means of providing a signature, the renewal date of the license, and date of signing and sealing or stamping.

[Such plans, specifications, and other instruments of service shall not be rejected from filing with a local jurisdiction solely on the grounds of the presence of a stamp of a licensed landscape architect, as specified under this section.](#)

*(Amended by Stats. 2004, Ch. 865, Sec. 3. Effective January 1, 2005.)*

## **AGENDA ITEM P.1: REVIEW OF THE 2020 NCARB REGIONAL SUMMIT AGENDA**

### **Summary**

The 2020 NCARB Regional Summit is a joint meeting with regions 1-6 on March 6-7, 2020. Attached is the Agenda for the meeting.

### **Action Requested**

The Board is asked to review and discuss the relevant issues for the meeting.

### **Attachment(s)**

2020 NCARB Regional Summit Agenda



NCARB

# REGIONAL SUMMIT

## AGENDA

### Thursday, March 5

- |                  |  |
|------------------|--|
| 4 – 6 p.m.       | Registration Open  |
| 6 pm             | Buses Begin Loading for the Networking Reception   |
| 6:30 – 9:30 p.m. | Networking Reception<br><a href="#">Harvard Art Museums</a>   32 Quincy Street, Cambridge, MA<br><i>Transportation provided. Buses begin returning to the hotel at 7:45 p.m.</i> |

### Friday, March 6

- |                   |  |
|-------------------|--|
| 7 a.m.            | Registration Open  |
| 7:30 – 8:30 a.m.  | New Attendee Breakfast   |
| 7:30 – 8:30 a.m.  | General Breakfast for Attendees and Guests   |
| 8:30 – 8:45 a.m.  | Break  |
| 8:45 – 11:45 a.m. | Regional Meetings<br><i>Each region will caucus to discuss regional affairs.</i>         |
| Noon – 1 p.m.     | Joint Lunch and Presentation of Resolutions  |
| 1 – 2 p.m.        | General Session  |
| 2 – 2:30 p.m.     | Break  |
| 2:30 – 5 p.m.     | Regional Meetings<br><i>Each region will caucus to discuss the proposed resolutions.</i> |
| 6:30 p.m.         | Regional Dinners   |

Region 1:  
New England

Region 2:  
Mid Atlantic

Region 3:  
Southern

Region 4:  
Mid Central

Region 5:  
Central States

Region 6:  
Western



NCARB

# REGIONAL SUMMIT

Saturday, March 7

7:30 – 8:30 a.m.

Regional Breakfasts

8:30 – 10:30 a.m.

Educational Seminar for Region 6

8:30 – 10:30 a.m.

**Continuing Education Seminar for Regions 1-5: *Operation Vandelay Industries – An Investigation & Prosecution – What Now?*** This presentation will take a deep dive into a recent case of illegal practice of architecture, including what went wrong and how future acts can be prevented.

10:30 – 10:45 a.m.

Break

10:45 – Noon

Breakout Discussions

Delegates will discuss a range of topics, including:

- *Partnering with code officials – Discuss tangible tools to build mutually beneficial working relationships with code officials and learn best practices from boards who were particularly effective in educating code officials about the role of the architect.*
- *Ethical Board Service – Discuss practical information for service on a licensing board, including the distinction between service to the profession versus service to the public, and difference between advocating and lobbying.*
- *Managing sunset/annual reviews – Discuss how to utilize sunset and annual reviews as an opportunity to highlight the role of licensing boards and their service to the public.*

12:15 – 1:45 p.m.

Lunch

1:45 – 2:45 p.m.

Regional Meetings

3 – 5 p.m.

Architectural History Tours

Region 1:  
New England

Region 2:  
Mid Atlantic

Region 3:  
Southern

Region 4:  
Mid Central

Region 5:  
Central States

Region 6:  
Western

## **AGENDA ITEM P.2: CONSIDER AND TAKE ACTION ON CANDIDATES FOR 2020 NCARB REGION VI OFFICERS AND DIRECTORS**

### **Summary**

The 2020 elections of officers and directors of the NCARB and Region VI will be held at the NCARB Regional Summit and Annual Business Meeting.

### **Action Requested**

Discuss and consider the candidates for the 2020 elections. The Region VI Executive Committee has seven positions, with three open positions that will be voted upon at the regional Summit, as well as the Region VI Regional Director. Executive Committee members are elected for a term of two years, three members to be elected in even numbered years and two members in odd-numbered years. There are two nonvoting ex officio members. Following is a list of the candidates:

Regional Director:

Edward Marley (AZ)

Committee Member:

Tian Feng (CA) – Member Board Member and President of the California Architects Board

Catherine Fritz (AK) – Member Board Member Alaska State Licensing Board for Architects, Engineers & Land Surveyors

Douglas Sams (OR) – Member Board Member Oregon State Board of Architect Examiners

Corey Solum (UT) – Member Board Member and Chair of Utah Architects Licensing Board

### **Attachment(s)**

NCARB Region VI Election Packet

## **REGION 6 WCARB EXECUTIVE COMMITTEE GOVERNANCE STRUCTURE & ELECTION PROCESS:**

The Executive Committee of the Western Region shall be composed of five voting members – a Chairperson, a Vice Chairperson, a Secretary/Treasurer and two members. The five voting Executive Committee members shall be elected by majority vote of Members present at an Annual Meeting of WCARB. The Regional Director and the WCARB Executive Director shall serve as ex officio nonvoting members of the Executive Committee.

Executive Committee members shall be elected for a term of two years, three members to be elected in even numbered years and two members in odd-numbered years, to assure management continuity. A nominee for the Executive Committee must be a current active member of the nominee's respective Board. New Executive Committee Members shall assume office immediately following the adjournment of the next Annual Meeting of NCARB. A member of the Executive Committee who is no longer a member of their State Board may complete their elected term of service on the Executive Committee.

The Chair, Vice Chair, and Secretary/Treasurer shall be elected, by majority vote of Members present at the Annual Meeting of WCARB, from among the membership of the Executive Committee who will be in office immediately following the adjournment of the next Annual Meeting of NCARB. Their term of office will commence immediately following the next Annual Meeting of NCARB.

Any candidate running for the Executive Committee shall have the opportunity to address the membership. In the event of a tie in an election for a position on the Executive Committee, the candidate shall have the opportunity to readdress the membership, followed by another caucus of the membership. This process shall repeat until a winner is declared.

### **2019-2020 Current WCARB Region 6 Executive Committee:**

Edward Marley (AZ) – Regional Director, Region 6  
Scott Harm (WA) – Chair of Region 6 Executive Committee  
Sylvia Kwan (CA) – Vice Chair of Region 6 Executive Committee  
Tara Rothwell (NM) – Secretary/Treasurer of Region 6 Executive Committee  
Corey Solum (UT) – Member of Region 6 Executive Committee  
James Mickey (NV) – Member of Region 6 Executive Committee  
Gina Spaulding (NV) – Executive Director, Ex Officio Member of Executive Committee

February 1, 2020



To: All NCARB Region 6 Member Board Members

From Edward T. Marley, NCARB, AIA, LEEDap

Greetings Fellow WCARB members:

I would like to take this opportunity to officially announce my candidacy for re-election as the Region 6 **Regional Director** on the NCARB Board of Directors and would appreciate your support. Over the last 8 months I have passionately pursued the duties of Regional Director. I have provided input into the forthcoming 2020 NAAB Conditions and Procedures for Accreditation through a detailed review and commentary of both draft documents and participation in the Accreditation Review Forum in July of 2019. I have also served on the 2019 Audit Committee. Conducting Pre-Board of Directors Meeting Calls to the region as well as attending the WCARB Executive Committee Meeting have allowed me to stay in touch with issues of importance to our region and subsequently communicating those issues back to the national Board. Over the past seven years I have been involved at the Arizona Board, WCARB and NCARB in the following capacities:

- 2019-2020 Regional Director Region 6
- 2019-2020 NCARB Audit Committee
- 2018-2019 WCARB Chair.
- 2018-2019 NCARB Regional Leadership Committee
- 2018-2019 NCARB Policy Advisory Committee
- 2016-2018 WCARB Vice Chair. Working with the Executive Committee and the Strategic Planning Committee to enhance the value of WCARB to its members.
- 2015-2016 WCARB Secretary/Treasurer.
- 2015: WCARB Executive Committee: produced video/slide show featuring the Architecture of Region 6 which premiered at the 2015 Regional Summit.
- 2015: NCARB Annual meeting Credentials Committee Chair.
- 2014-2017: NCARB Broadly Experienced Architect (BEA) Committee.
- 2017- 2019: NCARB Certification Alternative Review Team inaugural member.
- 2018-Present: NCARB Tri-National Dossier Review Team. One of three NCARB representatives to the Tri-National program with the US, Mexico and Canada. Chaired Interview team for two interviews.
- 2013-2015: Two terms as Chairman of the Arizona Board of Technical Registration.
- 2016: Vice Chair, Arizona Board of Technical Registration.
- 2013-Present: Chair Arizona Board of Technical Registration Legislative and Rules Committee.



Other Professional Service:

- 2003: AIA Southern Arizona Chapter President
- 2003: Chair: Mount Lemmon Restoration Committee Chair. Lead the effort to facilitate rebuilding of mountaintop community devastated by 80,000 acre wildfire.
- 2000-2001: AIA Arizona President.
- 1995-1998: AIA Arizona Government Affairs Chair.
- 1985-1999: Arizona IDP State Coordinator.
- 1985-1987: AIA Southern Arizona Secretary
- 1983-1985: AIA Southern Arizona Associate Director
- 2008-Present: President Cornerstone Building Foundation Charities.
- 2006-2014: Board Member Metropolitan Pima Alliance.
- 2012-2013: President, Metropolitan Pima Alliance.
- 2014-Present: Member DM50, Civic Group supporting the mission of our local Air Force Base.

Recognition:

- 2004: Arizona Architects Medal: The highest honor bestowed on Arizona Architects that have served the profession and society at an exemplary level.

Professional:

- 1983-Present: Swaim Associates, Ltd.
- 1995-Present: Principal: Swaim Associates, Ltd, Tucson, AZ, 21-person firm. If our firm used fancy titles, I would be the CFO.
- Registered Architect: Arizona, 1986  
Also registered in OR, NM, KS, MN, VA, HI and SC.
- NCARB Certificate Holder

Education:

- 1982: Bachelor of Architecture, University of Arizona.
- 1981: Ecoles d'Arte Americaines, Fontainbleau, France, Summer program.

Personal:

- Married to Janice for 34 years.
- Two grown children, including a son who produces fantastic WCARB videos and daughter who plays the ukulele.

I am excited to continue to represent our region, its member boards, registrants, those aspiring to be registrants and the public as we all work with NCARB to further the profession of architecture.

On this basis, I ask you to support my candidacy for re-election as Region 6 Director so that I may continue to promote the interests of WCARB, NCARB and the Profession of Architecture.

Respectfully,



Edward T. Marley, NCARB, AIA, LEEDap  
Principal, Swaim Associates, Ltd.



- + Architecture
- + Landscape Architecture
- + Land Planning
- + Construction Management
- + Interior Design

January 29, 2020

Gina Spaulding, Executive Director  
Western Council of Architectural Registration Boards, Region 6  
2657 Windmill Parkway #601  
Henderson, NV 89074

Dear Gina and Esteemed Members of Region 6:

I appreciate the opportunity to request your support in my candidacy for the position of WCARB Executive Committee for a second term. It has been an exciting last two years working on your behalf, and I very much would like to continue with the work and accept new responsibilities on your behalf. Over the past four years, I've had the pleasure to get to know many of you and could not be more excited to serve while I can. I am now just starting my second and final appointed term with the State of Utah and currently serve as the Chair of the Utah Licensing Board.

With NCARB and WCARB for 2019, I most recently completed chairing a case study committee, as well as working on the new NCARB diversity committee, the WCARB executive committee, and the WCARB strategic planning committee.

I'm passionate about what I do, and the industry that I represent. I feel that my drive and passion will directly benefit members of WCARB through my ability to effectively communicate issues related to architecture, and work collaboratively to further the mission of the organization.

In addition to serving the Utah Architects Licensing Board, and the NCARB and WCARB task forces, I have also been involved in several other board positions with AIA Utah, Utah Center for Architecture, and the newly formed ACE Utah. During this time, I've had the opportunity to be an influencer for positive change within the architectural community directly and indirectly.

In addition to my experience serving on the Boards mentioned above and, on my resume, I'm licensed in multiple states, understand NCARB reciprocity, and will be an advocate for WCARB goals.

I have a diverse set of skills that would be of value to WCARB and the concerns that affect our industry. This coupled experience will allow me to bring new ideas open perspective, and seasoned experience to the Region 6 stakeholders.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink that reads 'Corey R. Solum'.

Corey R. Solum, AIA  
Think Architecture  
801.269.0055 (o)  
801.706.7478 (c)  
[csolum@thinkaec.com](mailto:csolum@thinkaec.com)

5151 South 900 East  
Suite 200  
Salt Lake City, Utah 84117  
801-269-0055  
[www.thinkaec.com](http://www.thinkaec.com)

# COREY R. SOLUM, AIA, NCARB

## COREY R. SOLUM / PRINCIPAL, CEO

Corey is a principal and chief executive officer at Think Architecture. Corey is passionate about architecture and has more than 25 years of design experience. He has successfully designed and managed many high profile private and public projects across the western United States.

### EDUCATION

Master of Architecture (1995)  
University of Utah

B.S. Architectural Studies (1993)  
University of Utah

### ACHIEVEMENTS / AFFILIATIONS

Licensed Architect

Home State: Utah

Additional Registrations: Arizona, Georgia, Idaho, Kentucky, Missouri, Nevada, North Dakota, Oklahoma, Texas, Washington, and Wyoming

NCARB Certified

Utah Architects Licensing Board (Appointed position, in second 4-year term)

Chairperson (Current)

Member (8/2015-Current)

NCARB & WCARB Committees:

WCARB Board of Directors (2018-Current)

WCARB Strategic Plan Committee (2017-Current)

NCARB Diversity Committee (2019-Current)

Case Study PM Group Chair (2019)

Case Study Sub Committee (2018)

Case Study Task Force (2017,2019)

Cut Score Task Force (2016)

Member of American Institute of Architects

AIA Government Affairs, Chairperson (2018-Current)

AIA Government Affairs Member (2015-2018)

AIA Utah Board Member

President (2014)

President-Elect (2013)

Treasurer (2011-2012)

Director (2009-2011)



### PROFESSIONAL BACKGROUND

Think Architecture, Inc.

Salt Lake City, Utah (2012-Present)

JSA Architects, LLC.

Salt Lake City, Utah (2000-2012)

John C. Shirley & Associates

Salt Lake City, Utah (1997-2000)

GSBS/Gillies-Stransky-Brems-Smith Architects

Salt Lake City, Utah (1995-1997)

Dixon & Associates

Salt Lake City, Utah (1993-1995)

# Catherine Fritz, Architect



Architectural Registration: Alaska A 7977  
DBE Certification 9900726

Education:

- Master of Science, Architectural Research, Washington State University, 2003.
- Bachelor of Architecture, cum laude, Washington State University, 1982.
- Bachelor Science Architectural Studies, cum laude, Washington State University, 1982.

Professional Service:

- Alaska State Licensing Board for Architects, Engineers, & Land Surveyors, since 2016.
- American Institute of Architects (AIA), member since 1981.
- Association for Learning Environments (A4LE), member since 1989.
- University of Alaska Southeast Adjunct Faculty, Construction Technology, 2012-2017.

My professional expertise is rooted in public service with the City & Borough of Juneau, Alaska. My 35+ year career in public sector architecture spans across capital project planning, in-house design services, building code enforcement, and project management of work by consultants and contractors. I've led a wide array of public building projects - airport, hospital, schools, public safety, recreational, and infrastructure facilities, and even had the unique experience of managing the 2004 Alaska Capitol Design Competition that attracted world renowned architects. I've developed important public policy to support effective project delivery such as Qualifications Based Selection for design professionals and Dispute Resolution Boards for construction contracts. I'm a skilled collaborative problem solver whose work is highly regarded by elected officials, boards and commissions, contractors, consultants, and project committees. I currently serve as the Juneau International Airport (JNU) Architect, overseeing the capital planning, design, and construction program for the airport's building projects.

I was appointed to Alaska's Board of Registration for Architects, Engineers, Land Surveyors, and Landscape Architects in 2016, and was recently reappointed to a second four year term. My expertise in legislative processes and understanding of public policy development allowed me to quickly become an effective member of Alaska's multi-discipline board. It has always been my nature to become actively involved in volunteer efforts I undertake. I feel that if I'm going to give my precious time to participate, then I'm going to really participate – not just watch from the sidelines!

At my first WCARB meeting, I volunteered to help develop a Strategic Plan for Region 6; this year, I have served as the Chair of the Strategic Planning Task Force. This committee work has allowed me to get to know many of the people and interests of the region. It is inspiring to meet so many capable and dedicated professionals who want to keep architectural registration robust and relevant.

If elected to Region 6's Executive Committee, I would like to see the Strategic Plan adopted, then be used to guide the annual budgeting process. I'm also interested in making sure that our time together is highly valuable and responsive to expectations. I'd like to help make more educational sessions available to members, especially Health-Safety-Welfare topics, and I believe we can increase the engagement of new members by developing "first timer" materials to support new board members as they are introduced to WCARB and NCARB. I have the interest, expertise, and available time to serve on the Executive Committee to represent you, and I would be honored to have your support.

Thank you for your thoughtful consideration,

**Catherine Fritz**

(907) 957-2068

fritzces@gci.net



February 2, 2020

To: WCARB Member Board Members

From: Douglas W. Sams, Oregon Member Board Member



To All,

During the past six years I have had the privilege to attend the WCARB regional meeting as a member of the Oregon State Board of Architect Examiners. I am continually impressed and inspired by the dedication and passion exhibited by my peers in the West. The ability to discuss issues openly with respect for all perspectives has led to many thoughtful questions, discussions and solutions to the issues of the day. We are fortunate to have dedicated leaders in our midst such as Greg Erny, Bob Calvani, Jon Baker, Jim Oschwald, and Ed Marley bringing our voice to the NCARB board and to have the skillful guidance of Gina Spaulding, WCARB Executive, as well as the Member Board Executives to counsel us along the way. The combination of these elements has given Region 6 a strong voice at the Annual Business Meeting where the future of the profession and its regulation are continually determined. Despite the “big shoes” that have preceded me, I would like to announce my candidacy for the WCARB Executive Committee.

During my time at WCARB I have been involved in the development and advocacy for the Region 6 resolution, the first resolution to have been presented to the greater NCARB membership by a region. While the resolution, which focused on membership approving significant changes to the IDP program, was ultimately defeated, it did lead to a positive outcome with NCARB’s Board announcing greater review periods for proposal feedback and greater transparency of the development process. For the last two years, I have also participated in the development of the WCARB Strategic Plan that will be discussed at this year’s meeting.

These two efforts, along with the many discussions inside and outside of the room, have given me the desire and experience to continue the work of Region 6 and maintain its leadership at the national level as we move towards a more rapidly changing profession and the challenges of regulation. I look forward to seeing you all in Cambridge, and I hope to gain your support for my candidacy for the WCARB Executive Committee.

Sincerely,

Doug Sams, AIA, CDT, LEED BD&C  
Principal, ZGF Architects LLP

## **DOUGLAS W. SAMS AIA, CDT, LEED AP BD+C**

Principal/ZGF Architects LLP

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### **Summary of Experience**

In my more than 35 years of professional experience, I have worked on a broad variety of building types including commercial, healthcare, institutional, educational and transportation facilities. I have been responsible for the design and coordination of large, complex projects working closely with clients, consultants, and contractors in all aspects of design. Many of these projects focus on high performance strategies including daylighting, water conservation, and energy efficiencies and I continue to explore new technologies to further a more sustainable built environment. As a Project Manager on large complex projects I have gained the skills and experience to work collaboratively with large, multidisciplinary, and diverse teams to achieve successful outcomes for all involved.

### **Recent Projects**

Stanford in Redwood City, an administrative campus of over 1M SF of office and amenity space  
Central Energy Facility for new technology campus serving over 5M SF of new office, carbon free  
Port of Portland Headquarters & Long-Term Parking Garage, Portland, OR, LEED Platinum  
Legacy Salmon Creek Hospital, Vancouver, WA named one of USA's Top 10 Greenest Hospitals

### **Oregon State Board of Architect Examiners**

2013-2020 Member Board Member  
2019-Present Compliance Committee  
2016-2018 Rules Committee  
2015 Chair, Oregon State Board  
2014 Executive Director Search Committee  
2014 Vice Chair, Oregon State Board

### **WCARB**

2018-2020 Strategic Planning Committee

### **NCARB**

2016-2020 Model Law Task Force

### **Speaking Engagements**

Co-Presenter, *Reinventing Water Re-use: Ecological Wastewater Treatment Provides the Centerpiece for New Commercial Designs in Portland*, 2010 USGBC Greenbuild Conference, Chicago, IL  
Co-Presenter, *Early Stage Simulation Tools – Views From All Sides*, 2005 USGBC Greenbuild Conference, Atlanta, GA  
Panel Member, *Natural Wastewater Treatment Systems* Workshop, City of Portland Department of Environmental Services, HQP2-Case Study, Portland, OR

### **Education**

Bachelor of Architecture, University of Tennessee  
Master of the Built Environment in Sustainable Development, University of New South Wales, Sydney, Australia

### **Professional Registrations:**

Registered Architect/Oregon/1991-Present  
LEED AP Building Design + Construction  
Construction Documents Technologist

### **Affiliations:**

Member, American Institute of Architects  
COTE Green Mentor





**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
 300 Lakeside Drive, P.O. Box 12688  
 Oakland, CA 94604-2688  
 (510) 464-6000

**2020**

Lateefah Simon  
 PRESIDENT

Mark Foley  
 VICE PRESIDENT

Robert Powers  
 GENERAL MANAGER

**DIRECTORS**

Debora Allen  
 1ST DISTRICT

Mark Foley  
 2ND DISTRICT

Rebecca Saltzman  
 3RD DISTRICT

Robert Raburn, Ph.D.  
 4TH DISTRICT

John McPartland  
 5TH DISTRICT

Elizabeth Ames  
 6TH DISTRICT

Lateefah Simon  
 7TH DISTRICT

Janice Li  
 8TH DISTRICT

Bevan Dufty  
 9TH DISTRICT



**Tian A Feng, FAIA, FCSI**

February 3, 2020

RE: WCARB Executive Committee & Regional Director Elections

Dear WCARB Members,

I am pleased to submit my candidacy for the Executive Committee, and I hope to earn your endorsement.

As highlighted below in my abbreviated bio, I have enjoyed my work at California Architects Board and at NCARB since 2014. I believe my experience gained from these services will benefit Region 6. My committee experiences with NCARB have involved extensive teamwork on many subjects and in a variety of settings. I have effectively worked with team members to achieve common goals and to provide good service to our customers and constituents. If elected, I will work closely and constructively with fellow Executive Committee members to enhance WCARB's value to each and every member board of the Region 6.

I want to thank you for your consideration and your potential support for my candidacy. I look forward to seeing you at the upcoming Regional Summit in Cambridge next month.

Sincerely,

*Tian A Feng*

Tian A Feng, FAIA, FCSI  
 District Architect, San Francisco Bay Area Rapid Transit District  
 President, California Architects Board



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688  
Oakland, CA 94604-2688  
(510) 464-6000

**2020**

**Tian A Feng, FAIA, FCSI**

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4TH DISTRICT

John McPartland  
5TH DISTRICT

Elizabeth Ames  
6TH DISTRICT

Lateefah Simon  
7TH DISTRICT

Janice Li  
8TH DISTRICT

Bevan Dufty  
9TH DISTRICT

**Education**

Master of Building Science, School of Architecture, University of Southern California (USC), 1988  
Certificate in Programming & Data Processing, School of Engineering, USC, 1988  
Bachelor of Architectural Engineering, Tongji University, Shanghai, 1983

**Professional Experience**

Licensed Architect, State of California, 1994 – present  
District Architect, San Francisco Bay Area Rapid Transit District, 2001 - present  
Expert Witness and Forensic Architect, JKA Construction Consultants, 1997-2000  
Transportation and Infrastructure Design Architect, Sverdrup/Jacobs, 1994-1997  
Interior and Urban Designer, FCA & SA Architecture & Planning Firms, 1988-1994  
Teaching and Research, Tongji University and USC School of Architecture, 1983-1988

**California Architects Board, 2014 - Present**

President – January 2020 to present  
Vice President, 2018-2019  
Chair, Executive Committee Member, present  
Secretary – 2015 and 2017  
Vice Chair, Executive Committee – 2018 and 2019  
Chair, Professional Qualifications Committee, 2016-2018  
Vice Chair, Professional Qualifications Committee – 2015, 2019, and 2020.  
Liaison to Landscape Architecture Technical Committee, 2015-present

**National Council of Architectural Registration Boards**

National Architectural Accreditation Board (NAAB) Visit Team, 2016-present  
Initial Accreditation for a B.Arch Program, 2019  
Continue Accreditation for a M.Arch and New Accreditation for a B.Arch Program, 2018  
Continue Accreditation for a M.Arch Program, 2017  
Certification Alternative Review Team, 2018-present  
AXP Portfolio Audit Team, 2019-Present  
NCARB ARE 5.0 Cut Score Committee Member, 2017  
Broadly Experienced Architect & Broadly Experienced Foreign Architects Committee, 2015-2017

**Professional Affiliations**

American Institute of Architects (AIA), Fellows Induction, 2008  
Construction Specifications Institute (CSI), Fellows Induction, 2005  
CSI East Bay/Oakland Chapter, President, 2004-2006  
CSI East Bay/Oakland Chapter, Vice President, Program Chair, Secretary, 1997-2003

**Community Services**

Advisory Board Member, Architecture Department, Diablo Valley College, 2019-Present  
Research Advisor, Resilient By Design Bay Area Challenges, 2018-Present  
Advisory Board Member, Metropolitan Transportation Commission, 2005-2007  
Architect of the Record (Volunteer) for two affordable housing Projects built by Habitat For Humanity, 1998-1999



**AGENDA ITEM P.3: DISCUSS AND POSSIBLE ACTION ON NCARB RESOLUTIONS:**

- a. **2020-A NCARB Certification Guidelines Amendment – Qualifications for Education Alternative**
- b. **2020-B Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)**
- c. **2020-C Amendment and Restatement of the NCARB Legislative Guidelines and Model Law/Model Regulations**

**Summary**

At the National Council of Architectural Registration Boards (NCARB) Board of Directors January meeting, the Board decided to move forward three draft resolutions for the Member Boards' consideration and discussion. The resolutions will remain a draft until the NCARB Board decides in April if they will need any revisions and/or be added to the Agenda of the NCARB Annual Business Meeting in June 2020. Attached are draft Resolutions 2020-A and 2020-B. Resolution 2020-C is expected to be released in February and will be provided when it becomes available.

**Action Requested**

Review and discuss the draft resolutions for consideration at the NCARB Annual Business Meeting.

**Attachment(s)**

Draft Resolutions to be Acted Upon at the 2020 Annual Business Meeting (February 2020)

**MEMORIANDUM**

**TO:** Member Board Members, Member Board Executives, and Regional Officers

**FROM:** Jon Alan Baker, FAIA, NCARB, LEED AP, NCARB Secretary

**DATE:** February 3, 2020

**SUBJECT:** 2020 Draft Resolutions for Consideration

At the NCARB Board of Directors January Meeting, the Board decided to move forward three draft resolutions for your consideration and discussion. The resolutions will remain a draft until the Board decides in April if they will need any revisions and/or be added to the agenda of the Annual Business Meeting in June 2020.

Two of those three resolutions are enclosed in this packet. Resolution 2020-A clarifies the *NCARB Certification Guidelines* education alternative qualifications, and Resolution 2020-B sunsets a previous resolution passed by the membership related to interior design licensing. Regarding the latter resolution, the Board indicated that it expects that the issue of credentialing interior designers will be the focus of a continuing discussion via the Interiors Task Force and other volunteer engagements in the coming year.

The third resolution, Resolution 2020-C, is related to the revision of *NCARB Model Law and Model Regulations*. The Model Law Task Force will meet in early February to incorporate feedback it has received to date on the previously released drafts of *Model Law* and *Model Regulations*. Updated drafts of both will be included with the resolution when it is released in mid-February.

We hope that you will take the time to review and discuss these resolutions with your fellow board members. We look forward to receiving your feedback and answering questions during the upcoming Regional Summit in Cambridge, Massachusetts.

In the interim, please feel free to contact Vice President of Council Relations Josh Batkin at [jbatking@ncarb.org](mailto:jbatking@ncarb.org) if you have any questions or would like to discuss further.



NCARB

**Draft Resolutions**  
to be Acted Upon at the  
**2020 Annual Business Meeting**

FEBRUARY 2020

National Council of Architectural Registration Boards  
1401 H Street NW, Suite 500  
Washington, DC 20005  
202/783-6500  
[www.ncarb.org](http://www.ncarb.org)

# Draft Resolutions to be Acted Upon at the 2020 NCARB Annual Business Meeting

## Table of Contents

RESOLUTION 2020-A .....	2
RESOLUTION 2020-B .....	5
RESOLUTION 2020-C .....	7

DRAFT

**RESOLUTION 2020-A**

**TITLE:** *NCARB Certification Guidelines* Amendment – Qualifications for Education Alternative

**SUBMITTED BY:** Council Board of Directors

**WHEREAS**, the Board of Directors has proposed clarifying the qualifications for eligibility for the Education Alternative to NCARB Certification; and

**WHEREAS**, the Education Committee has determined that the *NCARB Certification Guidelines* be updated to ensure that architects participating in the alternative are actively licensed in the United States and to clarify that an architect's educational background will be evaluated by NCARB; and

**WHEREAS**, the *NCARB Certification Guidelines* may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution.

**NOW, THEREFORE, IT IS HEREBY:**

**RESOLVED**, that Section 2.2 (Alternatives to the Education Requirement) of the *NCARB Certification Guidelines* be amended as follows:

"If you do not hold a professional degree in architecture as identified in Section 1.2, NCARB will accept either of the following:

- A. ~~Three (3) years of c~~Continuous licensure as an architect for the last three (3) consecutive years in any U.S. jurisdiction with no disciplinary action from any jurisdiction; and Documentation of experience gained pre-licensure and/or post-licensure. The experience must be verified either by a supervisor as allowed by the NCARB Architectural Experience Program or by an architect familiar with the work of the applicant:
1. Architects who hold a four-year bachelor's degree that includes significant coursework in architecture (as determined by NCARB)~~bachelor degree in an architecture-related program~~ awarded by a U.S. regionally accredited institution or the Canadian equivalent must document two times (2x) the experience requirement of the NCARB Architectural Experience Program.  
\* Bachelor's Degree that includes significant coursework in architecture~~in an Architecture-related Program~~: The term refers to any baccalaureate degree in an ~~architecture-related program~~ from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits or the quarter-hour equivalent: resulting from significant architecture coursework, in an amount determined to be acceptable by NCARB. For instance these degrees have titles such as ~~as Bachelor of Science in Architecture, Bachelor of Science in Architectural Studies,~~

Bachelor of Arts in Architecture, Bachelor of Environmental Design, Bachelor of Architectural Studies, etc. This list is neither all inclusive nor exhaustive. The amount of architecturally defined content in these programs architecture coursework that is required may vary from institution to institution.”

**FURTHER RESOLVED**, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2020.

**FINANCIAL IMPACT:**

- No financial impact.

**SPONSORS’ STATEMENT OF SUPPORT:**

The proposed edits to the *NCARB Certification Guidelines* represent an effort to clarify the alternative education requirements for NCARB certification. The alternative paths provide architects, licensed by a jurisdiction without a degree from a NAAB-accredited program, with the opportunity for NCARB certification.

The proposed revision in paragraph A clarifies that the architect seeking certification must have held an architect license for the last three (3) consecutive years.

The proposed changes in subparagraph A.1. clarify education requirements for individuals pursuing the alternative through the Two Times the Architectural Experience Program® (AXP®) path. The existing language may lead applicants to believe that they may identify whether or not their degree qualifies as “architecture-related.” The proposed language specifies that NCARB will make the determination as to whether the coursework meets the requirements for certification.

Amending the language in the *NCARB Certification Guidelines* as proposed above ensures that applicants for certification who do not hold a degree from a NAAB-accredited program meet the same rigorous qualifications as applicants for NCARB certification through the traditional pathway and adds helpful clarification for the sake of architects pursuing this path.

**ADVOCATES:**

- Education Committee
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  - 
  -

- JC Rearden, AIA, CSI, NCARB, Missouri Member Board Member
- 
- Kevin Jaipaul Singh, AIA, LEED AP BD+C, NCARB, Louisiana Member Board Member
- 
- 

DRAFT

**RESOLUTION 2020-B**

**TITLE:** Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)

**SUBMITTED BY:** Council Board of Directors

**WHEREAS,** the Board of Directors has charged the Interiors Task Force with reviewing “Resolution 2000-1: Opposition to Interior Designer Licensing,” which was passed by the membership at NCARB’s 2000 Annual Business Meeting; and

**WHEREAS,** the Interiors Task Force of the Council has determined upon careful consideration that it is advisable and in the best interest of the Council to sunset Resolution 2000-1 that states the Council’s opposition to the interior designer licensing laws; and

**WHEREAS,** resolutions of substantive matters that NCARB’s membership have passed by resolution may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution.

**NOW, THEREFORE, IT IS HEREBY:**

**RESOLVED,** that the National Council of Architectural Registration Boards sunset Resolution 2000-1: Opposition of Interior Design Licensing:

~~“RESOLVED, inasmuch as the licensing of interior designers may not protect the health, safety, and welfare of the public in the built environment, the National Council of Architectural Registration Boards opposes the enactment of additional interior designer licensing laws and directs the Board of Directors (i) to monitor the licensing efforts of the interior designers, (ii) to take appropriate actions to oppose such efforts, and (iii) to continue to support Member Boards of the Council with accurate information with which the Member Boards may effectively oppose such efforts.”~~

**FURTHERED RESOLVED,** that upon the approval of the sunset by a majority of the Council Member Boards, such change will become effective July 1, 2020.

**SPONSORS’ STATEMENT OF SUPPORT:**

The Interiors Task Force unanimously supports and recommends the sunset of NCARB “Resolution 2000-1, Opposition of Interior Design Licensing.” The 19-year-old resolution does not reflect the current state of interior design licensing and is not in alignment with NCARB’s



efforts to support multi-disciplinary Member Boards that regulate architecture and interior design.

To-date, 14 of NCARB's 55 Member Boards serve as multi-disciplinary boards, supporting architect and interior design regulation. Given the current status, and future efforts to regulate interior design, NCARB endeavors to defer to its Member Boards and Member Board Executives regarding regulation of interior designers within their jurisdiction. NCARB will continue to support Member Boards with accurate data and information to facilitate each board's mission to protect the public's health, safety, and welfare through reasonable regulation of architecture in their jurisdiction. As such, NCARB continues to monitor interior design activities, collaborate with allied organizations, present facts based on research and data, and offer subject-matter expertise.

The Interiors Task Force recognizes that architects and interior designers have similarities in their respective roles in protecting the public's health, safety, and welfare. If a jurisdiction's legislature determine it is in their citizens best interest to regulate interior design through title or licensure, NCARB should remain neutral. Therefore, Resolution 2000-1 "*Opposition of Interior Design Licensure*" should be sunset.

**ADVOCATES:**

- Interiors Task Force
  - Anne Smith, FAIA, NCARB, Chair, Georgia Member Board Member
  - Darryl Hamm, NCARB Public Director, Pennsylvania Member Board Member
  - Melarie Gonzales, New Mexico Member Board Executive
  - Michael Daly, AIA, NCARB, NCIDQ
  - M. Brad Gaskins, AIA, NCARB, Chair, Oklahoma Member Board Member
  - Gregory Erny, FAIA, NCARB, Nevada State Board of Architecture, Interior Design and Residential Design
  - Philip Cerrone, AIA, NCARB, Connecticut Member Board Member
  - Justin Brinson, AIA, NCARB, Louisiana Member Board Member
  - Richard McNeel, AIA, NCARB, IIDA, Mississippi Member Board Member
  - Marzette Fisher, AIA, NCARB, NCIDQ
  - John Cays, AIA, NCARB, Associate Dean, New Jersey Institute Technology

**RESOLUTION 2020-C**

**TITLE:** Amendment and Restatement of the *NCARB Legislative Guidelines and Model Law/Model Regulations*

**SUBMITTED BY:** Council Board of Directors

**This resolution and corresponding exhibit will be available in mid-February for membership review.** The Model Law Task Force will meet in early February to incorporate feedback it has received to date on the previously released drafts of *Model Law* and *Model Regulations*. Updated drafts of both will be included with the resolution when it is released.

DRAFT



# MEMORANDUM

<b>DATE</b>	January 31, 2020
<b>TO</b>	Board and Landscape Architects Technical Committee (LATC) Members
<b>FROM</b>	Laura Zuniga, Executive Officer
<b>SUBJECT</b>	<b>Executive Officer Report</b>

The following information is provided as an overview of Board activities and projects as of January 31, 2020.

## **Administrative/Management**

Board The Board met on December 11, 2019, at East Los Angeles College in Monterey Park. The next Board meeting is set for February 28, 2020 in Sacramento. The Landscape Architects Technical Committee (LATC) met on February 5, 2020 at Southwestern College in Chula Vista.

### Committee Meetings:

Professional Qualifications Committee (PQC) The PQC met on January 23, 2020 in Sacramento and via teleconference. At the meeting, the PQC was provided with an update on its assigned Strategic Plan objectives and discussed the latest draft of the National Council of Architectural Registration Boards' (NCARB) revised Model Law. Members also discussed the Board's concerns related to candidate performance on the NCARB Architect Registration Examination (ARE) and the California Supplemental Examination (CSE). Staff are researching dates in October 2020 for the next meeting.

Regulatory and Enforcement Committee (REC) The next REC meeting has not yet been scheduled.

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

Budget In July 2017, the Department of Consumer Affairs (DCA) implemented FI\$Cal, the statewide system for budgets, accounting, and procurement that the State of California has implemented for all state departments. The final financial reports for FY 2017-18 were provided to staff on January 28, 2020. Staff continuously monitor the Board's budget with the DCA Budget Office staff. A budget update will be provided to the Board at its February meeting.

Business Modernization In December 2017, the Board, in collaboration with the DCA, finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Stage 1 Business Analysis report was signed by California Business, Consumer Services, and Housing Agency (Agency) Secretary, Alexis Podesta on October 17, 2019, and was forwarded to the California Department of Technology for approval. Stage 2 activities commenced in August 2019 and included software demonstrations by 10 vendors. Five cohort DCA programs met on November 18, 2019 to discuss the vendors including market research questionnaire results, consolidated business requirements, and cost. Both the Board and LATC worked closely with DCA Budget Office and have confirmed their participation with the boards and bureaus in Cohort 2. Once all programs have confirmed their participation, an executive steering committee will be formed, and an initial meeting is planned sometime in March.

The first major software release is scheduled for November 1, 2021 and the project is estimated to be completed on November 1, 2022.

The Board and LATC pursued a stop gap measure to accept online credit card payments for license renewal applications, our highest volume transaction. The acceptance of online credit card payments for license renewal launched on February 5, 2019, for the Board and April 23, 2019, for LATC. The Board had 6,064 licensees renew online in 2019 and the LATC has successfully issued 609 license renewals using the online payment portal.

Newsletter The *California Architects* newsletter is expected to be published in March 2020.

Publications The *Building Official Information Guide*, which focuses on enforcement issues important to California Building Officials, will be posted on the website in February. The printed *Guide* is available upon request. The *Guide* was promoted via the Board's social media sites and will be available at the California Building Official's Annual Meeting to be held April 5-9, 2020 in Indian Wells, California.

Additionally, staff created an informational bulletin describing the requirements attached to the use of the word architect in business names and description of services. A second bulletin was prepared which describes the design limitations imposed under different categories of architect, contractor, and engineering licenses, and those types of designs that can be prepared by unlicensed persons. The bulletins were shared with email subscribers and posted on the Board's website.

Staff worked with DCA to revise the Board's outreach posters that are distributed to community colleges and County Veteran Service office locations in California. For distribution purposes, the posters are also available in a reduced size (8-1/2" x 11").

Regulatory Proposals *CCR Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation)* The Board approved proposed regulatory language to amend CCR sections 110 and 110.1 at its February 27, 2019, 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 110 and 110.1:

February 27, 2019	Proposed regulatory language approved by the Board
March 5, 2019	Proposed regulation submitted to DCA Legal for prereview
March 7, 2019	DCA Legal concluded prereview
March 8, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 13, 2019	Proposed regulation submitted to Agency
December 27, 2019	Notice of Proposed changes in the Regulations published by Office of Administrative Law (OAL)
February 28, 2020	Proposed modified language to be considered by the Board

*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 the American Institute of Architects California to address a proposed modification to the "Obey All Laws" condition of probation. 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 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.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of Assembly Bill (AB) 2138 as well as proposed changes to CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) including two options. The Board adopted the proposed recommended changes for CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. Staff is proceeding with the regulatory proposal process and submitted it to DCA Legal for pre-review on September 19, 2019.

*CCR section 144 (Fees)* The Board discussed the fee associated with retiring an architectural license at its February, June and September 2019 meetings. The Board approved proposed regulatory language to amend CCR section 144 to set the fee at \$40 at its December 11, 2019 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. Staff is

working with DCA Legal to develop the regulatory package including the Initial Statement of Reasons, Notice of Proposed Changes and Fiscal Impact report.

Personnel Examination Technician Kianna Munoz accepted a promotional opportunity at the Department of Public Health. Her last day at the Board was December 31, 2019. On January 8, 2020, Administration Analyst Mel Knox separated from state service. Additionally, Examination/Licensing Analyst Timothy Rodda accepted a promotional opportunity at the Veterinary Medical Board and his last day at the Board was January 24, 2020. Recruitment efforts are underway to fill their positions.

### Social Media

Platform	Q3* Posts	Q4* Posts	Difference	Followers 10/31/19	Followers 01/31/20	Difference
Twitter (launched in 2014)	56	27	-52%	1,276	1,301	+2%
Instagram (launched in 2016)	15	16	+6.7%	653	720	+10%
Facebook (launched in 2017)	41	12	-71%	154	166	+8%
LinkedIn (launched July 2019)	1	1	0	144	177	+23%

Q3 August – October 2019, Q4 November 2019-January 2020

Website The website was updated to provide licensees with information regarding the proposed retired architect license fee subject to regulatory approval and new requirements for architectural contracts under Business and Professions Code (BPC) section 5536.22. The Board transferred responsibility for website maintenance and update to the Office of Information Services (OIS) on January 21, 2020.

## **Examination and Licensing Programs**

Architect Registration Examination (ARE) Performance data for ARE 5.0 administrations of California candidates and comparisons to national performance (which includes California data) are shown in the following tables:

**Candidate Performance ARE 5.0  
(FY 2019/20 as of January 31, 2020)**

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	493	310	63%	183	37%
Practice Management	949	427	45%	522	55%
Programming & Analysis	653	281	43%	372	57%
Project Development & Documentation	756	337	45%	419	55%
Project Management	686	372	54%	314	46%
Project Planning & Design	929	325	35%	604	65%

**Multi-Year California to National ARE 5.0 Performance Comparison  
(FY 2017/18 and 2018/19)**

DIVISION	FY 2017/18 ARE 5.0			FY 2018/19 ARE 5.0		
	CA Pass	National Pass	▲%	CA Pass	National Pass	▲%
Construction & Evaluation	62%	69%	-7%	64%	71%	-7%
Practice Management	48%	52%	-4%	45%	49%	-4%
Programming & Analysis	45%	54%	-9%	45%	53%	-8%
Project Development & Documentation	50%	55%	-5%	43%	50%	-7%
Project Management	61%	62%	-1%	57%	62%	-5%
Project Planning & Design	43%	49%	-6%	35%	43%	-8%

▲% is the difference in the California and national (NCARB) pass rates.

California Supplemental Examination (CSE) The current Intra-Agency Contract Agreement with the Office of Professional Examination Services (OPES) for examination development for FY 2019/20 will expire on June 30, 2020.

Performance data for the CSE during the current and prior FYs is displayed in the following tables:

**CSE Performance by Candidate Type  
(FY 2019/20 as of January 31, 2020)**

<b>Candidate Type</b>	<b>Pass</b>		<b>Fail</b>		<b>TOTAL</b>
	<b>Total</b>	<b>Rate</b>	<b>Total</b>	<b>Rate</b>	
Instate First-time	222	74%	79	26%	301
Instate Repeat	132	60%	88	40%	220
Reciprocity First-time	65	50%	64	50%	129
Reciprocity Repeat	32	58%	23	42%	55
Relicensure First-time	3	60%	2	40%	5
Relicensure Repeat	0	0%	2	100%	2
<b>TOTAL</b>	<b>454</b>	<b>64%</b>	<b>258</b>	<b>36%</b>	<b>712</b>

**CSE Performance by Candidate Type  
(FY 2018/19)**

<b>Candidate Type</b>	<b>Pass</b>		<b>Fail</b>		<b>TOTAL</b>
	<b>Total</b>	<b>Rate</b>	<b>Total</b>	<b>Rate</b>	
Instate First-time	432	64%	240	36%	672
Instate Repeat	191	57%	144	43%	335
Reciprocity First-time	141	57%	106	43%	247
Reciprocity Repeat	40	57%	30	43%	70
Relicensure First-time	3	30%	7	70%	10
Relicensure Repeat	1	33%	2	67%	3
<b>TOTAL</b>	<b>808</b>	<b>60%</b>	<b>529</b>	<b>40%</b>	<b>1337</b>



## **Enforcement Program**

Enforcement Subject Matter Expert (SME) Program Since November 2019, the Board has been using 14 qualified SMEs to provide case review, technical evaluation, and courtroom testimony as needed. In January 2020, two additional experts were added to the program, one to assist with outreach and act as a Building Official liaison, and one to provide in-house assistance and advice to enforcement staff.

### Enforcement Actions

Glush Dada (Cupertino) The Board issued a one-count citation that included a \$1,000 administrative fine to Glush Dada, an unlicensed individual, for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that while Dada was unlicensed, she maintained Houzz, Facebook, Pinterest, BuildZoom, and Yelp profiles, wherein she used the business name “Glush Design Architects,” described herself as providing “Architectural Design,” “Architectural Drawings,” and “Architectural Services,” and categorized herself under “Architects” and “Architects and Building Designers.” Dada’s business website contained testimonials referring to her as an “architect” and mentioned her “architectural skills.” Dada paid the fine, satisfying the citation. The citation became final on November 25, 2019.

John P. Grounds (Washington, DC) The Board issued a one-count citation that included a \$500 administrative fine to John P. Grounds, architect license number C-25848, 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 Grounds certified false or misleading information on his 2019 License Renewal Application. The citation became final on November 8, 2019.

Siddhartha Majumdar (Los Angeles) The Board issued a one-count citation that included a \$500 administrative fine to Siddhartha Majumdar, architect license number C 36763, 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 Majumdar certified false or misleading information on his 2019 License Renewal Application. Majumdar paid the fine, satisfying the citation. The citation became final on November 17, 2019.

Francis Ong (Irvine) The Board issued a one-count citation that included a \$500 administrative fine to Francis Ong, architect license number C-18585, 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 Ong certified false or misleading information on his 2019 License Renewal Application. Ong paid the fine, satisfying the citation. The citation became final on November 15, 2019.

Luis Antonio Robles (Pacifica) The Board issued a four-count citation that included an \$8,003 administrative fine to Luis Antonio Robles, architect license number C-21700, for alleged violations of CCR, title 16, section 160(b)(2) (Willful Misconduct; Failure to Respond to the Board’s Investigation) and BPC section 5558 (Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing

Requirements). The first three causes alleged that Robles failed to respond to the Board's requests for information within 30 days regarding three separate investigations. The fourth cause alleged that Robles failed to file with the Board the proper and current name and address of the entity through which he provides architectural services. Robles paid the fine, satisfying the citation. The citation became final on October 21, 2019.

Douglas Duane Andresen (Fontana) The Board issued a one-count citation that included a \$2,500 administrative fine to Douglas Duane Andresen, architect license number C-14504, for alleged violations of BPC section 5584 (Willful Misconduct) and CCR, title 16, section 160(a)(2) (Rules of Professional Conduct). The action alleged that Andresen failed to verify the property line prior to commencing the design of an addition to the client's residence, which resulted in construction into the setback of a neighboring property. Andresen paid the fine, satisfying the citation. The citation became final on November 7, 2019.

Narendra C. Patel (Rancho Mirage) The Board issued a one-count citation that included a \$1,000 administrative fine to Narendra C. Patel, architect license number C-22563, for alleged violations of BPC section 5536.22(a) (Written Contract). The action alleged that Patel failed to execute a written contract with his clients prior to commencing professional services for a residential interior non-structural remodeling project. Patel paid the fine, satisfying the citation. The citation became final on December 10, 2019.

Eliad Dorfman (Los Angeles) The Board issued a three-count citation that included a \$4,500 administrative fine to Eliad Dorfman, dba Eliad Dorfman Design, an unlicensed individual, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Preparation of Plans for Non-Exempt Buildings). The action alleged that Dorfman offered his design and construction administration services and prepared drawings for a six-unit apartment building, a three-story, eight-unit apartment building, and a four-story residence, which are not buildings exempt from the requirements of the Architects Practice Act pursuant to BPC sections 5537(a) and 5538, constituting the practice of architecture as defined in BPC section 5500.1. The citation became final on January 18, 2020.

Patricia N. Esposito (Loomis) The Board issued a one-count citation that included a \$500 administrative fine to Patricia N. Esposito, architect license number C-25246, 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 Esposito certified false or misleading information on her 2019 License Renewal Application. Esposito paid the fine, satisfying the citation. The citation became final on January 23, 2020.

Ralph Harmer Goodell, III (Cathedral City) The Board issued a three-count citation that included a \$2,250 administrative fine to Ralph Harmer Goodell III, architect license number C-10132, for alleged violations of BPC section 5558 (Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements), BPC section 5536.22(a)(5) (Written Contract), and CCR, title 16, section 160(b)(2) (Rules of Professional Conduct; Willful Misconduct). The action alleged that Goodell failed to file a Business Entity Report Form, used contracts that did not include a description of the procedure to be used by either party to terminate the contract,

and failed to respond to the Board's requests for information regarding an investigation within 30 days. Goodell paid the fine, satisfying the citation. The citation became final on January 20, 2020.

Mojtaba Janatpour (Walnut Creek) The Board issued a one-count citation that included a \$2,500 administrative fine to Mojtaba Janatpour, dba Next Level Architecture, LLC, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect). The action alleged that Janatpour used the business name Next Level Architecture, LLC, and advertised on his website nextlevelarch.com, that he had a "team of skilled architects," without a licensed architect in management control of the professional services offered, and either an owner, part-owner, an officer or an employee of the business entity. The citation became final on January 18, 2020.

John P. Jensen (Solana Beach) The Board issued a one-count citation that included a \$500 administrative fine to John P. Jensen, architect license number C-19680, 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 Jensen certified false or misleading information on his 2019 License Renewal Application. The citation became final on January 17, 2020.

### Disciplinary Actions

Christine J. Bodouva (Sands Point, NY) Effective December 30, 2019, Christine J. Bodouva's architect license number C-32846 was revoked; however, the revocation was stayed, her license was suspended for 90 days, and she was placed on probation for five years with specific terms and conditions, including reimbursing the Board \$5,327.50 for its enforcement costs, completing a course in Law and Ethics, payment of a \$5,000 fine, and notifying her clients of her probation status. The action came after a Stipulated Settlement was adopted by the Board.

An Accusation was filed against Bodouva for alleged violations of BPC sections 490 (Conviction of Crime) and 5577 (Conviction of a Crime Substantially Related to the Qualifications, Duties, and Functions of an Architect). Specifically, on or about November 10, 2016, in the criminal proceeding titled United States of America v. Christine J. Bodouva, United States District Court, Southern District of New York, Case No. 1:16-CR-00214-(01)(VEC), Bodouva was convicted by a jury of being guilty of violating one count of United States Code, title 18, section 664 (embezzling funds from an employee pension benefit plan), a felony. Bodouva was sentenced to one year and one day in federal prison, supervised release for two years, 500 hours of community service, a monetary penalty of \$5,100, and forfeiture in the amount of \$127,854.22.

**Enforcement Statistics****FY19/20**  
**(as of 1/31/20)****FY18/19****FY17/18****Complaints**

Received/Opened (Reopened):	313 (1)	310 (2)	380 (2)
Closed:	288	314	334
Average Days to Close:	144 days	188 days	97 days
Pending:	179	150*	161
Average Age of Pending:	154 days	230 days*	161 days

**Citations**

Issued:	50	48	65
Pending:	18	32*	0
Pending AG: †	3	3*	0
Final:	35	55	58

**Disciplinary Actions**

Pending AG:	9	6*	4
Pending DA:	0	1*	1
Final:	1	1	3

**Continuing Education (§5600.05)\*\***

Received/Opened:	10	35	32
Closed:	8	24	30
Pending:	2	11*	10

**Settlement Reports (§5588)\*\***

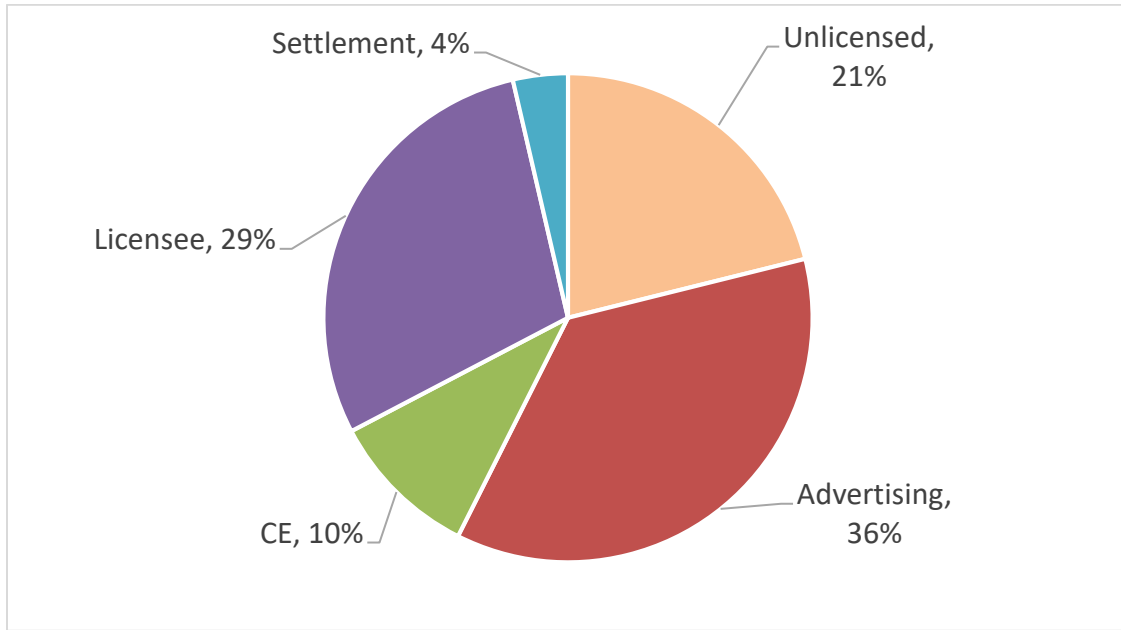
Received/Opened:	11	24	14
Closed:	14	15	14
Pending:	18	9*	0

*\*Calculated as a monthly average of pending cases.*

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

*†Also included within "Pending Citations."*

### Types of Complaints Received FY 2019/20 (as of 1/31/20)



### Closure of Complaints by FY

Type of Closure	FY 2019/20 (as of 1/31/20)	FY 2018/19	FY 2017/18
Cease/Desist Compliance	17	10	9
Citation Issued	58	43	64
Complaint Withdrawn	6	10	8
Insufficient Evidence	7	16	14
Letter of Advisement	104	120	157
No Jurisdiction	11	13	15
No Violation	68	74	40
Referred for Disciplinary Action	1	4	5
Other (i.e., Duplicate, Mediated, etc.)	16	30	25

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 2019/20 (as of 1/31/20), 35 citations with administrative fines became final with 49 violations of the Architects Practice Act and/or Board regulations. The most common violations that resulted in citation or discipline during the current and previous two fiscal years are listed below.

BPC or CCR Section	FY 2019/20 (as of 1/31/20)	FY 2018/19	FY 2017/18
BPC § 5536(a), (b), and/or CCR § 134 – Advertising and Unlicensed Practice	18%	25.4%	8.1%
BPC § 5536.1(c) – Unauthorized Use of Stamp/License number	2.0%	0%	3.2%
BPC § 5536.22(a) – Written Contract	10%	6%	1.6%
BPC § 5584 – Negligence or Willful Misconduct	8.0%	6%	1.6%
BPC § 5600.05(a)(1) and/or (b) – Failure to Complete CE and/or Misleading Information on License Renewal	39%	37.3%	77.4%†
CCR § 160(b)(2) – Failure to Respond to Board Investigation	12%	7.5%	4.8%

† The high percentage of citations for BPC section 5600.05 violations compared to other violations in 2017/2018 is primarily due to vacancies in the Enforcement Unit.

Written Contract (BPC section 5536.22) The Board previously approved a legislative proposal to amend BPC section 5536.22 which 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; 3) a description of the procedure to accommodate contract changes, 4) a statement identifying the ownership and use of instruments of service prepared by architect; and 5) 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. The proposed changes were included in Senate Bill 608 that became effective January 1, 2020.

# Strategic Plan Update

## GOAL 1: Professional Qualifications

- 1.1 Amend existing law regarding continuing education requirements for license renewal to reflect the evolving practice.

Status: Discussed by PQC at its April 18, 2019 and January 23, 2020 meetings and referred to staff for continued research.

- 1.2 Provide licensees the opportunity to submit continuing education documentation online to increase efficiency in license renewal.

Status: Discussed by PQC at its April 18, 2019 and January 23, 2020 meetings. Staff advised that OIS is continuing to make progress in the development of a stop-gap application for online submission of documentation related to continuing education.

- 1.3 Conduct an occupational analysis (OA) of the profession to reflect current practice.

Status: Staff discussed with OPES and they recommended beginning the OA no earlier than FY 2020-21 or after NCARB completes the development of its new test plan for the ARE. Staff continues to coordinate with OPES on the development of an Intra-Agency Contract Agreement (IAC) for the next OA.

- 1.4 Review and amend CCR section 117 and related regulations to reflect current licensing requirements.

Status: Presented at the PQC meeting on April 18, 2019 and referred to staff for further development. PQC members were advised at the January 23, 2020 meeting staff is collaborating with DCA regulatory counsel on preparing proposed language for an omnibus package planned for submission later this year.

## GOAL 2: Regulation and Enforcement

- 2.1 Educate architects regarding their responsibilities under BPC section 5535 "responsible control" and CCR section 151 "aiding and abetting," to protect consumers from unlicensed practice.

Status: Discussed by REC at its August 1, 2019 meeting and REC approved an Informational Bulletin to be distributed to interested parties, which was distributed in November 2019.

- 2.2 Research and evaluate categories of criminal convictions as they relate to the practice of architecture and amend disciplinary guidelines and rehabilitation criteria to comply with the requirements of AB 2138 (Chiu, Chapter 995, Statutes of 2018).

Status: Discussed by REC at its August 1, 2019 meeting. Staff currently working on the regulatory package.

- 2.3 Collaborate with websites to restrict advertisements from unlicensed entities.

Status: Discussed by REC at its August 1, 2019 meeting. Staff conducted additional research on requiring license numbers in advertisements and drafted regulatory language for CCR section 135 for the Board's consideration at its February 2020 meeting.

### **GOAL 3: Communications**

- 3.1 Educate licensees and the public on the penalties for violations of the Architects Practice Act.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. Committee members were provided an overview of the Board's enforcement programs and how enforcement actions were processed. Specifically, enforcement actions are posted monthly to the Board's website, announced on social media, and published quarterly in the newsletter. In addition, Committee members were informed that the *Disciplinary Guidelines* were updated, and two informational bulletins were being created.

- 3.2 Increase the use of social media outlets to better communicate with new licensees and consumers.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. Committee suggested creating a LinkedIn profile, which was established on July 9, 2019.

- 3.3 Collaborate with the DCA Communications Office to improve communications with all stakeholders.

Status: Communications Committee heard presentation from DCA's Office of Public Affairs on a Communications Plan. Staff continue to work with DCA on this item.

- 3.4 Develop an information exchange with related professionals of DCA to better educate the professionals of the duties, needs, and pitfalls of each discipline.

Status: Discussed by the Communications Committee at its May 14, 2019 and November 19, 2019 meetings.

- 3.5 Expand outreach to community colleges and schools of architecture, including Board meetings on campuses to increase public and professional awareness.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. All 2019 Board meetings have been held at schools.

- 3.6 Issue an annual practice brief update on licensee misconduct to increase public and professional awareness.

Status: Discussed by the Communications Committee at its May 14, 2019 and November 19, 2019 meetings. Staff presented a draft for the Committee's review and consideration.



## **GOAL 4: Organizational Relationships**

- 4.1 Collaborate with NCARB, the American Institute of Architects (AIA) and the National Architectural Accrediting Board to help students fulfill Integrated Path to Architectural Licensure (IPAL) program experience requirements.

Status: Not yet begun.

- 4.2 Collaborate with high schools to promote the architect profession and promote entry into the profession.

Status: Staff met with AIA Central Valley to discuss working together on this issue. Efforts will continue in 2020.

- 4.3 Attend collateral organization meetings (such as Monterey Design Conference and AIACC) with an information booth to increase public and professional awareness.

Status: Staff will pursue attending Monterey Design Conference in 2021, which will require approval by control agencies.

- 4.4 Partner with related professional organizations to promote the Board's website and increase the presence and awareness to consumers and the public.

Status: Not yet begun. Maybe address through Communications objectives.

- 4.5 Meet with California Council for Interior Design Certification (CCIDC) and California Building Officials (CALBO) (regarding design limitations for professionals) to clarify the areas of practice.

Status: Staff held November 1st at the Board's office with stakeholders.

## **GOAL 5: Organizational Effectiveness and Customer Service**

- 5.1 Promote Board staff development and team building to increase efficiency.

Status: Ongoing

- 5.2 Collaborate with DCA to conduct an employee engagement survey to improve employee morale, address employee concerns, and promote a positive work environment.

Status: DCA conducted an Employee Engagement Survey for staff (excluding management) and provided results to EO. Management has implemented some of the recommendations and will revisit the survey next year to determine improvements.

- 5.3 Undertake business modernization activities to achieve a smooth transition to an integrated online IT platform.

Status: Ongoing

5.4 Prepare for Sunset Review hearing and responses to background paper.

Status: Completed

## **Landscape Architects Technical Committee**

### **LATC ADMINISTRATIVE/MANAGEMENT**

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

Committee The LATC met on February 5, 2020 in Chula Vista at Southwestern College. The next meeting is scheduled for May 29, 2020 at the University of California, Davis.

Andrew Bowden was reappointed by the Governor on February 4, 2020. His term ends on June 1, 2023.

Personnel LATC Special Projects Analyst Deborah Dulay separated from State service on January 30, 2020. Recruitment efforts to fill her position are underway.

Social Media The LATC maintains a Twitter account that currently has 182 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website In June, LATC staff worked with SOLID to develop a strategy to create an online tutorial to assist candidates navigate through the process of becoming a licensed landscape architect. A content outline was created, from which staff and the DCA Public Information Office (PIO) will produce a web-based candidate tutorial for the LATC homepage, schools, and other outreach efforts. Staff provided additional detail to the content outline to PIO in August and a set of preliminary videos were presented to the LATC at their meeting on February 5, 2020. Staff are currently coordinating with PIO to incorporate Committee member feedback and finalize the videos for an upcoming LATC meeting.

Regulatory Proposals *CCR sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination)* The LATC's retention schedule was updated and approved in January 2020. While updating the retention schedule it was discovered that the abandonment of an application required definition within CCR 2611. Staff worked with DCA legal counsel and prepared proposed changes. Additionally, it was advised by legal counsel to add a CCR section 2611.5 to provide LATC authority for the retention and purging of candidate files. Lastly, it was advised to provide additional language to CCR section 2616 providing for the abandonment of a candidate's application for licensure. The proposed language will be presented to the Committee at its meeting on February 5, 2020.

## LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) The current Intra-Departmental Contract Agreement with OPES for examination development for FY 2019/20 will expire on June 30, 2020. The LATC approved an Intra-Departmental Contract Agreement with OPES to conduct an OA at their meeting on November 8, 2019 and the contract was executed on December 5, 2019.

The pass rates for CSE administrations from July 1, 2019 to January 31, 2020 and the prior FY are displayed in the following tables:

### CSE Performance by Candidate Type (July 1, 2019 to January 31, 2020)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	48	75%	16	25%	64
Repeat	10	77%	3	23%	13
TOTAL	58	75%	19	25%	77

### CSE Performance by Candidate Type (FY 2018/19)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	122	79%	32	21%	154
Repeat	51	82%	11	18%	62
TOTAL	173	80%	43	20%	216

Landscape Architect Registration Examination (LARE) A LARE administration was held December 2-14, 2019. 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 next LARE administration will be held March 23-April 4, 2020, and the application deadline is February 7, 2020.

The pass rates for LARE sections taken by California candidates during the December 2-14, 2019 administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	58	37	64%	21	36%
Inventory and Analysis	81	46	57%	35	43%
Design	69	45	65%	24	35%
Grading, Drainage and Construction	62	42	68%	20	32%

National pass rates for LARE sections taken during the December 2-14, 2019 administration are shown below:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	58	64%	377	66%	-2%
Inventory and Analysis	81	57%	413	70%	-13%
Design	69	65%	394	64%	-1%
Grading, Drainage and Construction	62	68%	363	68%	0%

▲ % is the difference in the California and national (CLARB) pass rates.

National pass rates for LARE sections taken in 2019 are shown in the following table:

SECTION	CALIFORNIA		NATIONAL		▲ %
	Total	Passed	Total	Passed	
Project and Construction Management	176	66%	1,019	68%	-2%
Inventory and Analysis	208	54%	1,154	70%	-16%
Design	182	60%	1,149	65%	-5%
Grading, Drainage and Construction	156	60%	1,123	65%	-5%

▲ % is the difference in the California and national (CLARB) pass rates.

Outreach On November 12, 2019 LATC staff provided presentations to students enrolled in two senior level professional practice and construction documentation courses at University of California, Davis. The presentations included an overview of the LATC's mandate, the Landscape Architects Practice Act, the importance of licensure, the examination process, and updates to the various education and training pathways to licensure.

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 the Board approved the regulatory changes at its meeting on December 10, 2015.

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 efficient to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government (Gov.) Code 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 LATC 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.

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. The Board approved the LATC’s proposed regulatory language at its meeting on September 12, 2018.

Following is a chronology, to date, of the processing of LATC’s regulatory proposal for CCR sections 2615 and 2620:

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

November 2, 2017	respective education/ experience credit allocations) as amendments to section 2620 for the LATC's consideration LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend sections 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 sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA Legal review
February 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 21, 2019	DCA Legal concluded first round of prereview and returned regulation to staff
April 16, 2019	Proposed regulation returned to DCA Legal for additional prereview
June 5, 2019	DCA Legal concluded prereview
June 6, 2019	Proposed regulation submitted to DCA Legal for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office review

*CCR section 2620.5 (Requirements for an Approved Extension Certificate Program)* At the December 6, 2018 LATC meeting, the LATC discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC's consideration. At the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee's recommendations and directed staff to prepare a regulatory proposal to amend CCR section 2620.5 for the LATC's consideration at its next meeting. At its May 29, 2019 meeting, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5. The Board approved the proposal at its meeting on June 12, 2019 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 LATC's regulatory proposal for CCR section 2620.5:

December 6, 2018	LATC directed the formation of a two-person subcommittee to recommend regulatory changes for LATC's consideration
January 17, 2019	LATC staff held a conference call with the subcommittee where together they developed recommended changes for LATC's consideration at its February 8, 2019 meeting
February 8, 2019	LATC directed staff to prepare a regulatory proposal to amend section 2620.5 for the LATC's consideration at its May 23, 2019 meeting
May 29, 2019	Proposed regulatory language approved by LATC
June 12, 2019	Proposed regulatory language approved by Board
July 31, 2019	Proposed regulation submitted to DCA Legal for preruleview
October 22, 2019	Proposed regulation submitted to DCA Legal for additional preruleview
November 25, 2019	Proposed regulation submitted to DCA Legal for initial analysis
February 5, 2020	Proposed regulation submitted for Budget Office review

*CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation)* At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, 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 LATC's regulatory proposal for CCR sections 2655 and 2656:

February 8, 2019	Proposed regulatory language approved by LATC
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2019	Proposed regulation submitted to DCA Legal for preruleview
March 8, 2019	DCA Legal concluded preruleview
March 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 24, 2019	Proposed regulatory language approved by Agency
October 11, 2019	Notice of Proposed Regulatory Action published by OAL
November 25, 2019	End of 45-day public comment period, no comments received
February 5, 2020	Modified proposed regulatory language presented to LATC
February 28, 2020	Proposed language to be presented to the Board for approval

### **LATC ENFORCEMENT PROGRAM**

Regulatory Proposal *CCR section 2680 (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*. Staff worked closely with Board staff to update their respective guidelines to mirror each other wherever appropriate.



At its June 13, 2018 meeting, the Board reviewed and approved the proposed 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.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) including two options. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. The Board approved the Committee's recommendation at its February 27, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal completed the prereview of the regulatory change package. On October 15, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

February 10, 2015	Proposed regulatory language to LATC's <i>Disciplinary Guidelines</i> approved by LATC
August 6, 2015	Amended proposed regulatory language to LATC's <i>Disciplinary Guidelines</i> approved by LATC
September 10, 2015	Proposed regulatory language to LATC's <i>Disciplinary Guidelines</i> approved by Board
October 21, 2015	Board staff provided suggested edits to the Board's <i>Disciplinary Guidelines</i> to DCA Legal Counsel for review
November 12, 2015	DCA Legal Counsel notified Board staff that the edits to their <i>Disciplinary Guidelines</i> were sufficient and substantive, and would require re-approval by the Board
December 10, 2015	Amended proposed regulatory language to Board's <i>Disciplinary Guidelines</i> approved by Board
March 15, 2016	Board staff prepared their regulatory package for DCA Legal Counsel's review and approval
April 8, 2016	DCA Legal Counsel advised Board staff that further substantive changes to their <i>Disciplinary Guidelines</i> were necessary prior to submission to OAL
December 15, 2016	Amended proposed regulatory language of the Board's <i>Disciplinary Guidelines</i> approved by Board
July 13, 2017	Amended proposed regulatory language to LATC's <i>Disciplinary Guidelines</i> based on the Board's <i>Disciplinary Guidelines</i> approved by LATC
September 5, 2017	DCA Legal Counsel informed staff that additional substantive changes were necessary for both LATC's and Board's <i>Disciplinary Guidelines</i>
September 7, 2017	Amended proposed regulatory language of LATC's <i>Disciplinary Guidelines</i> , with additional substantive changes approved by Board

December 7, 2017	Amended proposed regulatory language for the Board's Disciplinary Guidelines approved by Board; however, the Board requested additional research on its statutory authority to impose fines
May 4, 2018	Proposed regulatory language to LATC's Disciplinary Guidelines, including language on statutory authority to impose fines, approved by LATC
June 13, 2018	Proposed regulatory language to LATC's Disciplinary Guidelines approved by Board
February 8, 2019	Revised proposed regulatory language to LATC's Disciplinary Guidelines, due to the passing of AB 2138, approved by LATC
February 27, 2019	Revised proposed regulatory language to both LATC's and Board's Disciplinary Guidelines approved by Board
July 30, 2019	Proposed regulation of LATC's Disciplinary Guidelines submitted to DCA Legal for prereview
October 8, 2019	DCA Legal concluded prereview of LATC's Disciplinary Guideline's regulatory package
October 15, 2019	Proposed regulation for LATC's Disciplinary Guidelines submitted to DCA Legal for initial analysis

Regulatory Proposal CCR section 2671 (Public Presentments and Advertising Requirements) As part of the Strategic Plan established by LATC at the December 2018 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments. In an effort to better inform and protect California consumers, the proposed changes of the LATC's current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to amend CCR section 2671 was presented to the Committee and on May 29, 2019, where the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee's recommendation at its June 12, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal completed the prereview of the regulatory change package. On August 12, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

May 29, 2019	Proposed regulatory language approved by LATC
June 12, 2019	Amended proposed regulatory language approved by LATC
June 27, 2019	Proposed regulation submitted to DCA Legal for prereview
August 6, 2019	DCA Legal concluded prereview
August 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 3, 2019	Proposed regulation submitted for Budget Office review

Enforcement Actions

None

<u>Enforcement Statistics</u>	<u>Current Quarter</u> Oct-Dec 2019	<u>Prior Quarter</u> Jul-Sep 2019	<u>FYTD</u> 2019/20	<u>5-FY Avg</u> 2014/15- 2018/19
<b>Complaints</b>				
Received/Opened (Reopened):	4 (0)	9 (0)	13 (0)	30 (0)
Closed:	6	11	17	33
Average Days to Close:	53 days	67 days	61 d4ys	208 days
Pending:	2*	5*	4*	13
Average Age (Pending):	134 days*	124 days*	129 days	161 days
<b>Citations</b>				
Issued:	0	1	0*	3
Pending:	0*	0*	0*	1
Pending AG: †	0*	0*	0*	0
Final:	0	1	1	3
<b>Disciplinary Actions</b>				
Pending AG:	0*	0*	0*	1
Pending DA:	0*	0*	0*	0
Final:	0	0	0	1
<b>Settlement Reports (§5678)**</b>				
Received/Opened:	0	0	0	3
Closed:	0	0	0	2
Pending:	0*	0*	0*	2

\* Calculated as a monthly average of pending cases.

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

† Also included within "Pending Citations."

## **AGENDA ITEM R: REVIEW OF FUTURE BOARD MEETING DATES**

### **Summary**

A schedule of planned meetings and events for 2020 are provided to the Board.

<u>Date</u>	<u>Event</u>	<u>Location</u>
March 5-6	National Council of Architectural Registration Boards (NCARB) Regional Meeting	Cambridge, MA
May 29	Landscape Architects Technical Committee (LATC) Meeting	Davis
June 5	Board Meeting	Los Angeles
June 18-20	NCARB Annual Business Meeting	Austin, TX
September 10-12	Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting	New York, NY
September 18	Board Meeting	Bay Area
December 2	LATC Meeting	Sacramento
December 11	Board Meeting	Southern California