



**DRAFT  
MEETING MINUTES  
CALIFORNIA ARCHITECTS BOARD**

June 8, 2022  
In Person -Teleconference Meeting  
Sacramento-West Hollywood

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

On June 8, 2022, Board President Tian Feng called the meeting to order at 10:10 a.m. and Secretary Brett Gladstone called roll.

**Board Members Present**

Tian Feng, President  
Charles "Sonny" Ward, Vice President  
Malcolm "Brett" Gladstone, Secretary  
Mitra Kanaani  
Robert Pearman  
Ron Jones  
Sylvia Kwan (Joined at 10:45am)

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

**Guests Present**

Eric Driever, Division of the State Architect  
Janice Kent, AIA  
Laura Knoss-Docous, AIA/Lionakis

**Board Staff Present**

Laura Zuniga, Executive Officer  
Kimberly McDaniel, Regulations Manager  
Drew Liston, Board Liaison  
Michael Sganga, Lead Enforcement Analyst  
Kourtney Nation, LATC

**DCA Staff Present**

Karen Halbo, Regulatory Counsel  
Michael Kanotz, Board Counsel  
Brianna Miller, DCA Board and Bureau Relations  
Bryce Penny, DCA Office of Public Affairs

**B. PRESIDENT’S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS**

President Feng welcomed Jon Wreshinsky, Landscape Architects Technical Committee (LATC) Chair.

**Public Comment:**

Mark Christian, American Institute of Architects California (AIACA), mentioned there are several items that AIA hopes to have a thorough conversation about, particularly items J, L and N. There are licensees in both locations to help the Board understand these issues.

Jon Wreschinsky thanked everyone for allowing him to participate in the meeting.

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

Brianna Miller from DCA’s Board and Bureau Relations (BBR) provided the following update:

- Assembly Bill 1733 which would permanently allow boards and bureaus to meet remotely or in-person was not heard and may not move forward this year.
- COVID-19 guidelines were distributed in April. The California Department of Public Health strongly recommends masking in indoor settings.
- DCA’s Open Meeting Survey will be collected until further notice capturing the costs and attendance since April 1, 2022. The survey needs to be completed 30 days after meetings.
- DCA’s Enlightened Licensing Report was distributed on May 13, 2022. The collaborative project will streamline and enhance licensing costs using SMEs, among other recommendations.
- The Board has one public position open and BBR can assist. Board Manager Orientation Training is June 15 and recently appointed or reappointed Board members must register in the Learning Management System portal on DCA’s website to register.
- Carrie Holmes has left BBR. Continuity of services will continue during the transition period.

Mr. Gladstone asked about the status of AB 1733 and whether the Board was sending a letter. Ms. Miller said it is unlikely the bill will move forward, but the Board will be kept apprised.

There were no comments from the public.

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

There were no comments from the public.

#### **E. REVIEW AND POSSIBLE ACTION ON BOARD MEETING MINUTES**

##### **February 18, 2022 Board Meeting Minutes**

Mr. Wreschinsky recommended that Item K2.i. the second paragraph, second line, the word “uniformed” should be changed to “uniform.”

**Brett Gladstone moved to approve the February 18, 2022 minutes as amended.**

**Ron Jones seconded the motion.**

**There were no comments from the public.**

**Members Feng, Gladstone, Kanaani, Jones, Pearman and Ward voted in favor of the motion. Motion passed 6-0.**

#### **F. UPDATE AND POSSIBLE ACTION ON LEGISLATION**

Ms. Zuniga provided the update on the following bills:

AB 225 (Assemblymember Gray). Existing law allows spouses of active military to obtain a temporary license, and this bill extends the date. It has passed the Assembly and is awaiting hearing in the Senate.

AB 646 (Assemblymember Low). This requires boards to remove the revocation of a licensee due to a criminal conviction that was subsequently expunged if the licensee sends a copy of the expungement order to the board. It has passed the Assembly and is awaiting hearing in the Senate.

AB 1662 (Assemblymember Gipson). Under existing law, if someone applies for licensure, they submit a background check. The Board can deny a license based on convictions. This bill requires the Board to establish a process by which prospective applicants can request a pre-application determination as to whether their criminal history could be cause for denial of licensure. The Board can deny licensure based on a substantially related conviction. Ms. Zuniga is unsure how this could work because the denial is partially based on time passed since the conviction.

Mr. Gladstone asked if the purpose of the bill was early testing of the waters. Ms. Zuniga said that it's possible because people receive training oftentimes after a

conviction and can't qualify for licensure. She added that the Board does not receive many candidates with this issue.

AB 1733 (Assemblymember Quirk). This was previously mentioned by Ms. Miller, and still hasn't moved.

SB 1237 (Senator Newman). Under existing law, active-duty licensees can request a fee waiver. This makes a change in the definition of active duty and doesn't have a significant impact.

SB 1443 (Senator Roth) extends our sunset date for an additional year, until January 1, 2025.

SB 1214 (Senator Jones) requires a local planning agency to ensure that architectural drawings are made available to the public.

Mr. Gladstone mentioned it also states that architects can provide a summary or a short version of their plans and make that available to the public without going through the process of getting approval from the original owner of the plans. He mentioned that in San Francisco, the building department won't look at microfiche and it could take months to get copies. Additionally, the architect of record may not be alive anymore and the process is arduous. He shared that he is pleased to hear this allows people to put together a shortened version of the plans and make them immediately available.

#### **Public Comment:**

Mark Christian addressed Mr. Gladstone's comment on SB 1214 and stated that AIA's bill doesn't affect the Health & Safety Code—it affects the Government Code and planning departments. Mr. Christian offered to speak with Mr. Gladstone about the subject in the future.

### **G. Update and Discuss National Council of Architectural Registration Boards (NCARB)**

Ms. Zuniga shared that NCARB had its annual meeting last week, and new committees were appointed by the NCARB president. Ms. Zuniga asked Board members to let her know if they are on a committee. She mentioned that she is a member of the Examination Committee, Nilza Serrano is on the Diversity Committee, and Tian Feng is on the Diversity and Certification Alternative Review Committees.

**There were no comments from the public.**

### **H. Update on Committees**

1. The Professional Qualifications Committee (PQC) met on March 30. Sonny Ward, PQC Chair, said the focus was to discuss AB 1010 and to deliver a recommendation to the Board on its definition for Zero Net Carbon Design

(ZNCD) and the mission to implement the requirements. Mr. Ward said that staff proposed a recommendation, but there were some concerns. According to DCA's Legal Affairs Division, it seemed to be broad enough to cover the issues dealing with climate change.

Mr. Feng added there was discussion regarding further efforts in reviewing the current educational equivalency of degrees for licensing. Mr. Ward stated the Committee reviewed the list of credits toward licensure and will continue at the next PQC meeting. Mr. Ward highlighted that students with community college two-year degrees who continued to a five-year professional accredited degree were being credited with half a credit less than students with the five-year degree.

There were no comments from the public.

2. Landscape Architects Technical Committee (LATC). Kourtney Nation, LATC Special Projects Analyst, reported that a two-day meeting was held in Sacramento on April 7 and 8. The Uniform Standards for Licensure proposed by the Council of Landscape Architectural Registration Boards (CLARB) was discussed. Committee members Jon Wreschinsky and Pamela Brief prepared recommendations on the proposed Resolutions for a vote during CLARB's Mid-Year Update meeting on April 20. LATC submitted three letters to CLARB prior to the meeting to voice concerns and address discrepancies between California's licensure requirements and CLARB's proposed Uniform Standards.

LATC voted to reject Resolutions 1 and 2, Adoption of the CLARB Uniform Licensure Standard for Landscape Architecture and Revisions to the CLARB Model Law and Regulations, to align with the Draft Uniform Licensure Standard for Landscape Architecture. LATC submitted amendments to Resolution 3, Revisions to the CLARB Model Law and Regulations to Promote Diversity, Equity, and Inclusion (DEI) in Licensure Standards, and to align with CLARB's DEI Principles.

Resolution 1 – If adopted, the Uniform Standard would result in a more restrictive licensure process because the standards do not allow for alternative pathways currently outlined in California law, and would also require an additional two years of experience.

Resolution 2 - The update to the CLARB Model Law and Model Regulations directly relates to the proposed Uniform Standards outlined in Resolution 1.

Resolution 3- LATC chose not to support as proposed because the removal of language referencing "good moral character" did not alleviate concerns of bias when applying for licensure nor meet the needs of a DEI process.

Resolutions 1, 2, and 3, as proposed by CLARB were adopted on April 20 by CLARB membership. LATC discussed the consequences to California if the resolutions were adopted. The Model Law and Regulations do not serve California's best interests and are not enforceable by CLARB. California will continue to accept its current licensure requirements as outlined in its statutes and regulations.

In response to one of the letters sent to CLARB, an LATC representative was invited to participate in a 2023 work group to evaluate the outcomes of the upcoming Job Task Analysis. Mr. Wreschinsky participated in the CLARB work group.

The Strategic Planning session on April 8 developed objectives for 2022 through 2024. The draft Strategic Plan will be reviewed by LATC and presented to the Board for approval at the next Board meeting.

Mr. Jones, Board liaison to the LATC, commended Mr. Wreschinsky and the Committee as a whole.

**i. Discuss and Possible Action on Second Modified Proposed Regulatory Text for California Code of Regulations (CCR) Title 16, Division 26, Article 1, Section 2620.5 (Requirements for an Approved Extension Certificate Program)**

Ms. Zuniga stated the motion for the Board: **The Board moves to approve and adopt the second modified proposed regulatory text for California Code of Regulations Title 16, Division 26, Article 1, Section 2620.5, Requirements for an Approved Extension Certificate Program, which was sent out for a 15-day public comment period from April 1 through April 18, 2022, and if no comments are received, direct staff to prepare and submit the final rulemaking documents to the Director of DCA, the Business, Consumer and Housing Agency, and authorize the Executive Officer to make any non-substantiative changes that may be required in the rulemaking file.**

**Mr. Gladstone moved to approve the motion.**

**Mr. Jones seconded the motion.**

**Public Comment:**

Cheryl DeMarco addressed the Board and asked them to consider that documents for any permit require a professional signature. She stated that she has seen several projects reviewed by the Coastal Commission that are not completed by professionals and are accepted. She stated it's a tremendous disturbance to consumers because they are dragged through the process and

find out afterward that they need to hire a licensed professional. Mr. Feng asked Ms. DeMarco if her comment was directed toward LATC's proposal, and she affirmed that it was. Mr. Wreschinsky mentioned that he doesn't think the comments are related to the regulation.

**Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.**

### 3. Discuss and Possible Action on Draft Board Committee Policy

Mr. Feng explained that this is an opportunity to formalize the Board's Committee practice. Ms. Zuniga added this is part of the Board's Administrative Procedures manual. One of the changes is that committees are now comprised of five members which will help the flow of information and make the meetings more manageable. Currently, committee members are required to complete the same paperwork and training as Board members, which is significant. Mr. Feng added that the policy also formalizes the number of meetings that should take place each year, and directs committees to support the strategic agendas and provide the Board with action items. The committees' charge is clearly laid out. He thanked staff for the good work.

Mr. Pearman clarified that the public member refers to a general member, and not a public member on the Board. Mr. Gladstone asked if there is a problem finding committee members. Mr. Feng replied that we haven't had problems, but as Laura said, the process is now more rigorous for committee members. Mr. Feng thanked them for serving.

**There were no comments from the public.**

**Mr. Feng made a motion to adopt the Committee Policy.**

**Mr. Gladstone seconded the motion.**

**Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.**

## I. EXECUTIVE OFFICER'S REPORT

Ms. Zuniga summarized the report and highlighted the following:

The Board continues to monitor the budget and the budget analyst will attend September's Board meeting to provide a fund condition update.

Business Modernization has commenced. A meeting of the Executive Steering Committee was held yesterday. Ms. Zuniga thanked Trish Rodriguez and Blake Clark from LATC and added that Mr. Clark is our business modernization product

owner. The first release of the system should be early this fall and will be online in November 2023.

Ms. Zuniga also mentioned personnel updates, and outreach and social media statistics. She highlighted California candidate statistics for the Architectural Registration Exam, and the comparison data between California and the national pass rates.

Ms. Zuniga mentioned the updates on regulatory proposals and thanked Regulations Manager, Kimberly McDaniel, and Karen Halbo, Regulations Counsel, for their dedication.

Ms. Zuniga shared that she and Ms. Kanaani attended a roundtable with large firm representatives in San Diego. Additionally, she participated in an AIA San Diego sponsored webinar with a student group to talk about workplace environment and unpaid internships. NCARB doesn't take unpaid internship experience, except through a certain community service project.

Mr. Jones stated that AIA and CAB needs to communicate that NCARB doesn't accept unpaid internships to practitioners. Students are grasping at any opportunity, and we owe it to them to communicate that NCARB requires paid internships. Ms. Zuniga responded that staff is working on information to be placed on our website, and additional outreach can also be done. This is a labor and employment issue, but we can do a better job educating students. We don't get many complaints in this area.

Mr. Ward reminded the group that there's a law regarding unpaid internships in California, and believes internships have to be tied to the student's education and degree. Ms. Zuniga stated that California law doesn't prohibit unpaid internships, but the internship has to benefit the student and not the employer.

Ms. Zuniga continued with her update and mentioned LATC's public presentments and advertising regulation went into effect in January 2022.

**There were no comments from the public.**

The meeting adjourned at 11:27 a.m. and reconvened at 12:07 p.m.

**J. DISCUSS AND POSSIBLE ACTION ON NEW PROPOSED REGULATORY TEXT FOR CCR, TITLE 16, DIVISION 2, ARTICLE 10, SECTION 166 (ZERO NET CARBON DESIGN CONTINUING EDUCATION)**

Karen Halbo, Regulations Counsel, said the Zero Net Carbon Design (ZNCD) regulation is being promulgated because the legislature passed a law for new continuing education (CE). Feedback has been received on the regulatory language. The revised language provided in Handout #1 under Section 166 (a)(2) is to add the



word “equitably” prior to procuring. Also, replacing the word “annually” with “over the building project’s lifecycle.”

On the second page, subdivision (c), there is a broadening of acceptable course topics and subject matters that would be accepted to meet this CE requirement. The changes are highlighted on Handout #1, and are as follows with strikeouts:

All CE course topics, subject matter, and course materials shall be pertinent to the practice of architecture as defined in Section 5500.1 of the code and the provision of an architect’s professional services relating to ~~meet zero emissions performance standards, which includes training on any aspect of a building zero net carbon design project’s life cycle where defined as the sum of all greenhouse gas emission sources should total zero (“zero net carbon”). Totaling zero or less, over the building project’s life cycle.~~ Examples of zero net carbon CE coursework topics or subjects may include any one or combination of the following: ~~highly insulated~~ energy efficient building systems ~~envelope design~~, deep energy efficient retrofits of existing ~~structures~~ buildings, natural ventilation and daylighting, ~~passive solar harvesting design~~, advanced energy efficiency strategies, renewable energy strategies, embodies carbon analysis, ~~California Green Building Standards Code (“CALGreen” – Title 24, Part 11, of the California Code of Regulations)~~, renewable energy systems, environmental ~~resilience~~ sustainability, resilient design and climate justice, ~~electric lighting and daylight design~~, ~~energy targets for new and renovated buildings and current energy standards in California.~~

Ms. Halbo stated she understands there is additional proposed language in Handout #3, that the Board is being asked to vote on. She asked if the person who crafted Handout #3 would like to talk about it or if the Board would like to take a vote, the Board needs to instruct staff to move forward and start the rulemaking process. Ms. Zuniga added the PQC talked about this, but this is the first time the whole Board is seeing it.

Mr. Ward provided more background from the PQC meeting. Handout #1 – Section 166 (a)(2) definitions (yellow marks) are staff’s response to our committee meeting. Mr. Ward reminded the Board about its interest in expanding CE in ZNCD and reiterated that Category 2 of our CE requirements suggests sustainability. One portion of our conversation revolved around our interest in expanding the breadth and variety and amount of CE units that revolve around sustainability (Category 2 in our CE requirements). The question was, can the courses also fulfill the requirements of CE with this definition? After the meeting, at Mr. Ward’s suggestion, staff made some changes, e.g., the addition of the word “equitably” prior to “procured.” Also, responding to the public, AIA, and PQC, the word “annually” wasn’t responding to the architectural life process design from beginning to end, and it was replaced with “over the building’s project lifecycle,” which means from construction until the building doesn’t exist. Those were the subtle and simple changes that were made.

Subsequently, choices were made to not include that in today's discussion, which is Handout #3, stemming from a discussion Mr. Feng had with AIACA. They came up with a completely different definition, which Mr. Feng can address. Mr. Feng thanked Mr. Ward and referenced Handout #2. He commended staff's work on the regulatory proposal. In collaboration with AIA CA, he expanded the idea of what architects should learn through ZNCD. There's no definition of ZNCD in the legislation and staff and AIA are trying to define it--what staff has proposed is a milestone. The principle that we want is the lifecycle aspect of the built environment--not just the building costs. He said that a tremendous amount of carbon can't be invested into the environment without a negative impact, and it is in this context that this has been developed and modified. He requested additional feedback from AIA, practitioners, and the Division of State Architects (DSA).

Mr. Gladstone asked if the highlighted text on Handout #3 came from AIA and, if not, asked where it came from. Mr. Feng said no, and the staff's proposal was on the screen. Kimberly McDaniel, Regulations Manager, clarified that the text in the packet is based on PQC's recommendations. She stated that additional information came in after the packet was made and fell outside of what the PQC had seen and discussed. The third handout is an expanded definition the Board President wanted to be discussed and considered. Handout #1 has highlighted changes in yellow and those are changes from the packet.

Mr. Gladstone asked if those changes came from Mr. Ward and the PQC. Mr. Ward clarified that there were two committee meetings. The document in the packet was original language created after the first meeting. The document on the screen (Handout #2) came after the second meeting. Lastly, Handout #3 also came after the last meeting. Ms. McDaniel further explained that Handout #1 differs from the packet because the changes are highlighted. Handout #2 is merely Handout #1 without the highlights—it's a clean version. Handout #3 is an additional piece of information that the Board President provided as another option, and it's highlighted, because it is a change from the packet.

Mr. Gladstone asked who added the highlighted text on Handout #3. Mr. Feng acknowledged that he added the information. Mr. Feng said that he would like to reduce the discussion of technicalities of these versions and that some of our comments are already incorporated in the packet. Some of the remarks are not incorporated but for the purposes of managing this meeting, the Board can live with this document as a base document.

Mr. Feng inquired if the document on page 65 is the proposal for the Board to take action and Ms. McDaniel said yes, it is. Mr. Feng directed attention to (a)(2) on page 65 showing the definition through collaboration with other organizations and member input, such as including resilient design for new construction. Mr. Ward indicated that "annually" was removed, but it is still here. He emphasized to Board members that if you measure ZNCD annually in an operating based scenario--this is not the goal of this Board. The architects must understand the impact is from cradle to grave that

affects carbon cumulatively, and we want to reduce carbon from early construction to operation. He suggested to approve the definition of (a)(2) but remove the word, “annually.”

Mr. Gladstone inquired if Mr. Feng wants the Board not to concentrate on Handout #3 but focus on section (a)(2) on page 65. Mr. Feng said yes, because staff proposed it, even though he doesn’t believe it’s at the level of inclusiveness that he would like, but it can live as it is. Ms. Kwan tried to clarify that (a)(2) relies on an annual assessment of the energy consumption of a building after it’s been constructed. She agreed with Mr. Feng’s comments to be more inclusive and talk about the entire construction process as well as the operation footprint afterward. She added that she believes Mr. Feng is saying we need to look at it from the minute we think about construction materials. Mr. Feng said the Board needs to look at the definition and how to enforce CE in terms of topics and providers.

Ms. Zuniga added that Handouts #1 and #2 are changes that Mr. Ward and the PQC recommended, which should be the starting point. The change on Handout #3 was substantively different, which is why it’s separate. The changes in Handouts #1 and #2 are more easily incorporated in the draft. Mr. Feng said that we can take content of Handouts #2 and #3.

Mr. Jones asked if this is a matter of wordsmithing and whether the proposed modifications compromise the intent or the integrity of the original document. He continued by saying if not, the document lives and is strong enough to carry its own weight. Mr. Ward said the text of page 65 in the packet and Handouts #1 and #2 do fulfill the intent of AB 1010. Handout #3 requires a much bigger, longer and complicated conversation. Mr. Ward told the Board that whatever they vote on today does not mean this discussion is closed. It is a very important conversation and should be ongoing, and the work of the PQC will continue.

Mr. Ward agreed that the word “annually” can be removed. He shared that the word “equitably” is important, and a deal breaker because it’s a bigger conversation for ZNCD. This idea that a building needs to procure offset renewable energy; there are a lot of problems with climate justice and climate equity where that energy is produced and the neighborhoods where that energy could potentially come from. It’s a testament to say that it was easier for the legislature to require CAB to require CE before the state has been able to pass any laws to require new construction to have ZNCD. The reason is because it’s complex and there’s many layers, and he wants to ensure disadvantaged communities are heard throughout the design process.

Mr. Gladstone agreed that “annually” should come out and “over the building’s lifespan” should be added along with “equitably.” He mentioned that he is interested in what the PQC drafted (Handout #1). Ms. Kwan mentioned that she doesn’t know what “equitably” means. Ms. Zuniga said it will require a definition because anyone reading it must understand it. Mr. Gladstone said that equitably means keeping in mind the communities from which power is procured.

Mr. Jones mentioned that offsite renewable energy is often put in low-income communities and the health hazards aren't evaluated. That's where the equitable phrase comes in.

Ms. Kanaani mentioned that in research and publication it is important to have interpretation and a glossary of the terms. She also said that the word "reconstruction" needs to be defined. Discussion continued on the definition of reconstruction. Ms. McDaniel said that there is a definition in subsection (a), and maybe definitions for equitable, resilient design and reconstruction would add value instead of adding additional subparagraphs. Mr. Gladstone suggested having subsections (i) and (ii) with definitions.

Mr. Feng directed Board members to the next subject. Mr. Feng wants to hear opinions or concerns on the content on page 66 of the packet. He stated that in subsection (c) he would like to change "environmental resilience" on the third line from the bottom to "climate resilience" and change "climate justice" on the second line from the bottom to "environmental justice."

Mr. Ward wanted to go back to Handout #1, Article 10, Section 166 (a)(4) and mentioned that "equitable" is important and the definition is *fair and just*. He said he was concerned because AIA made a comment during the PQC meeting that they didn't believe that social and climate justice was what AB 1010 was about. Mr. Ward said he suggested the word "equitable" in response. He stated the broadness of the definition of "fair" and most of the topics fit into the glove of ZNCD. He stated that the definitions are good, and if defined later, he would prefer a broader definition to open the horizon of ZNCD CE units. He expressed that he is trying to respond to staff's definition as simply as possible because this needs to be passed today and it can be modified later.

Mr. Feng directed the Board back to page 66 in the packet and reiterated his changes, saying that it's difficult to list everything and this is the starting point. In the fear of not forgetting anything, Ms. Kwan asked if the wording could say, "examples of net zero carbon coursework topics or subjects may include any one or more of the following." What if we say, "examples may include...?" Mr. Ward said this is a living document so as we move through this, and we can increase examples.

Mr. Feng said we want to address the qualifications of providers. We ask for professionals with licenses but some of these subjects can be covered by people who are not licensed such as mechanical engineers. Do we exclude them in the provisions?

Ms. Halbo said that subsection (f)(2) includes faculty members and wouldn't have to hold a license. Instructors can always bring additional teachers to address new issues and developments. Mr. Feng asked if someone works for the Energy Commission and doesn't have a license, are they qualified? Ms. Kanaani asked if

we can we say, “nonlicensed professionals and current educators”. She also asked about a minimum of three projects and how it makes them professional.

Ms. Zuniga asserted that it opens it up to anyone who is unlicensed and is professional. Ms. Kanaani said she is questioning the three projects and asked why it is a prequalification. Ms. Halbo said there has to be a number—a standard, and to let her know if there’s a better number. Ms. Kanaani would like to avoid using a number and Ms. Halbo said a number is a way to establish expertise to teach.

Mr. Feng asked Eric Driever, Division of the State Architect (DSA), to talk about his view on license requirements. Mr. Driever pointed out that regulatory agencies employ engineers that are not required to have a license nor have worked on a project, despite their expertise. He stated that this regulatory package excludes the potential for a regulatory employee to provide training and that DSA provides training and employs unlicensed engineers.

Mr. Feng said that electronic and mechanical engineers and others do not have a license, so excluding them from offering their expertise may not benefit consumers because the pool would be small. He continued to say that we should not be too restrictive. Mr. Jones asked if it is fair to say this language was due to a comment during the last Board meeting in which we challenged the thought process that the burden was on the licensee to find credible providers? Ms. Zuniga said we were talking about potentially approving providers, but we don’t so we are setting the standard. The regulations have to be clear about who is qualified so licensees know who can provide CE. We are not approving courses or providers but there has to be a standard that’s easy to understand. The Board can modify the language, but we need something defensible.

Ms. Zuniga read the regulatory language (f)(1): Hold a license or registration issued by a United States jurisdiction as an architect or a professional, civil, mechanical, or structural engineer with a minimum of five recent projects or three years of demonstrable direct experience in the designing of carbon neutral and/or high-performance buildings or groups of buildings and structures.

Mr. Gladstone said he heard not all engineers have licenses, and the engineer needs to be an engineer in construction. Ms. Zuniga said you can’t be an engineer in California if you are not licensed, just as you can’t be an architect in California without a license.

Mr. Feng said that given some of the professions, do we need the language as specific as (f)(1)? He said he knows there are professionals not holding a license who are experts. Mr. Jones stated that we are trying to establish a threshold. Under the disability accessibility CE, unlicensed architects can teach the course and we don’t have the same standards. We are setting a precedent and want to be careful. There are career professionals who have never built so I think the idea of having to work on projects, is a legitimate argument against that requirement. Suggesting not

having credentialed qualifications is a slippery slope. Some level of training, certification, credentials have to be in place.

Mr. Pearman shared that the question is whether the definition grants a pool of instructors. If the Board determines the universe of licensed people, faculty members, and other categories gives a satisfactory pool of people to teach, there is not a need to go with unlicensed people. The language regarding the requirement of a “minimum of 3 projects” in the last 10 years, but those who are licensed must have five projects within the last three years is kind of strange. A faculty member can’t work on a project. Also, what is high performance building?

Mr. Feng told Board members that when they vote, they weigh heavily on the three key elements: definition of ZNCD, the topics, and who can provide training. Mr. Gladstone stated that Mr. Pearman suggested changes and he would like to see these changes incorporated before we vote. Mr. Pearman asked if we have to say a minimum of three projects or can it be deleted and say five recent projects or three projects in the last five years into subpart one and qualified faculty appointment responsible for teaching carbon reduction without any reference to a number of years. Lastly, could the Board add into category three about the sort of certification from these ICC programs that are related to five recent projects, e.g., three years of working with carbon neutral design?

Mr. Ward asked if (f)(3) can be removed for now? What’s the evidence that anybody in this category has the education for ZNCD? Staff can allow public comment and work internally and combine the two for the final document.

Mr. Feng said the original goal was to move the agenda item forward and leave some of the non-substantive editorial work to staff, but there is uncertainty. Mr. Feng asked if it should be tabled? Ms. Zuniga said she will defer to Ms. Halbo, but her concern is this will continue at the next meeting too. She suggested the Board approve a set of language today within the packet or Handouts #1 and #2 and initiate the rulemaking process which is a very long process to meet our statutory deadline to have the regulations in place. The Board will get public comment and staff will modify the language to address the comments we receive, and staff can be working on the Board member comments.

Ms. Halbo said it is doable and there’s a statutory deadline involved which **will** move things forward. Staff has the recording of this meeting to make changes and it will come back before the Board with things struck out and underlined. The Board can vote on some specific changes or just go with this and have staff make changes and bring it to the Board. This will move the process forward.

Mr. Feng asked if the Board can vote on some highlighted changes not attached to any particular paragraphs, for example, the Board wants to strike the license requirements and wants to define definition of ZNCD and wants all the CE topics listed as examples. Is that okay?

Mr. Halbo said if the Board can get it fairly clear on the record, then we can take it, along with the public comment. She needs to be able to prove to the Office of Administrative Law attorneys who review it, that it is clearly what the Board voted on. The Board can say it wants certain changes.

It may not be possible to get definitions done at this meeting but switching or moving around the language between climate justice is a simple switch. The language suggested about the providers would be very simple to remove the language in (f) to just say: striking from the word design to the word “and meet” and then in the first subsection combine “holding a license and registration” or “holding a current unexpired certification from the ICC”. It has to be clear.

Mr. Feng related he wants to propose a motion that highlights what the Board wants and the staff will continue to work out the details. Mr. Feng said they are okay with (a)(c) but want to extend the definition of (a)(2). He asked Mr. Gladstone to craft the language.

Mr. Pearman stated on (f) let’s strike “a minimum of three projects in the last 10 years.” He asked staff what the staff intends with “recent project”? Ms. Halbo said this is one of the things we have to justify in the Statement of Reasons, and we are hoping to hear something we can use to justify it from the Board. Should it be 20 years or 10 years? How many projects are done each year?

Mr. Feng wants staff to be aware that ZNCD is not a very well-defined industry practice. There’s no vehicle to teach us step by step. By asking for more general qualifications we may be precluding a significant number of good instructors who have real life experience pertinent to ZNCD, but do not have the conventional qualifications. Ms. Halbo said the Board can cite that in the regulations—it just must be clear.

Mr. Pearman suggested how (f) would be changed: strike “a minimum of three projects within the last ten years.” So, repeat the language in (f)(1) strike “5 recent projects to say a minimum of three years....” In (f)(3), we would parrot the language in (f)(1), which says “with a minimum of three years of demonstrable direct experience in the designing, examining for inspection of carbon neutral and/or high-performance buildings or groups of buildings and structures.”

Ms. Halbo restated Mr. Pearman’s changes: subdivision (f) starting from the term carbon building design, striking the words “with a minimum of three projects within the last 10 years” and the rest of the sentence continues. In (f)(1) in the second sentence after the words “structural engineer” strike “5 recent projects with a minimum of three years of demonstrable direct experience in the designing of carbon neutral and/or high-performance buildings or groups of buildings and structure. In (f)(3), after the three types of current unexpired certifications, add “and have a minimum of three years of demonstrable direct experience in the designing,

examining and inspecting carbon neutral and or high-performance buildings or groups of buildings and structures.”

**The Board took a break at 1350 and reconvened at 1402.**

Mr. Feng asked staff or Mr. Pearman to read the language for (f).

Ms. Halbo stated the language is: Subdivision (f) leave the sentence as is until the term “zero net carbon building design and strike out “with a minimum of three projects within the last 10 years” and adding the word “and” before the sentence continues. It will read “...expertise in zero net carbon building design and in the designing of carbon neutral and or high-performance buildings or groups of buildings and goes on; so we're striking “with a minimum of three projects within the last 10 years” and adding the word “and” before the sentence continues.

Ms. Kwan stated that she likes it because there are two areas of expertise—zero net carbon and designing of carbon neutral—so that’s a very highly qualified person. Ms. Halbo asked if “and” should be replaced with “or.” The decision was made to replace “and” with “or.”

Mr. Feng said that Mr. Gladstone will provide language for (a)(2). Board members wanted to finish (f), but Mr. Feng was emphatic that they discuss (a)(2). Mr. Gladstone stated that the language he is proposing can be changed at a later time.

After some discussion, the language for (a)(2) is: cross out the word “annually” and add the phrase, “over the building project's lifecycle.” Add a sentence as follows: This also includes architectural design responsive to embodied carbon reduction and resilient performance of a facility that results in reduced embodied carbon or minimized carbon. Also, insert the word “equitably” on the third line between the words “or” and “procures,” and to create a new subsection 2(i) and 2(ii), and will read as follows:

(2)(i) For the purposes of this section, (a)(2), “resilient performance” describes the capacity of a system for example a community, society or ecosystem, to withstand physical calamities and continue to function.

Include double section ii, which reads as follows:

(2)(ii) For the purposes of this section (a)(2), the phrase “equitably procures from off-site” shall refer to consideration of environmental justice goals.

**Public Comment:**

Eric Driever stated his name and shared that he is the Principal Architect over Architectural Codes and Policies at the DSA. He mentioned that at a live



conference, attendance is required—not testing. He also proposed that language for providers be changed to allow regulatory agencies to train. Mr. Driever shared that DSA provides training. Architects and civil engineers are required to hold licenses. Mechanical engineers are not required to hold licenses. DSA employs mechanical and electrical engineers to provide training who are not licensed, and proposes that regulatory agencies be included as trainers. With regard to some of the definitions, practitioners understand that water conservation is a topic, but the language stops short of including water conservation.

Janice Kent, architect and trainer for AIA, stated that subsection (h) states that a certificate should be provided within five business days. AIA allows 10 days. Also, she would like to see that a test is only provided by AIA if it's a recorded on-demand webinar. She doesn't know any organization that provides a test if it is live or in person and would highly suggest that this be looked at and aligned with AIA.

Glenn Gall, AIA, agreed and asked if the language around (f) is specific to building design. Some of the training he has received on zero net didn't have anything to do with design. Also, training is available from utilities such as SMUD and Southern California Edison and it may not meet the requirements. It should be broadened.

Mark Christian, AIACA, said he would like to echo previous comments regarding when a test should be required. The standard is a pass rate of 70%--not 80%. AIACA would ask the Board to require a test only when the course is live and to have a pass rate of 70%. If CAB adopts language as written, it would be the only state to deter from that standard. It would make it easier for out of state architects and in state architects to take the test in other states as well.

Mr. Feng stated that his preference is 70% for a passing score and reminded architect members that when we take five hours of disability access CE in person, the enforcement of the quality is through the length of the session which is five hours. He said that submitting the certificate without testing is satisfactory to protect consumers. The passing score for the ARE given by NCARB is 60-70%. He is not specifically concerned with 70% versus 80%. The Board doesn't want to limit opportunities for training if the number doesn't impact consumer protection.

Ms. Halbo stated the wording would be changed to allow for a passing score of 70%, and a certification be sent within 10 days of completion of the course or passing of the test, if it is a recorded test.

**There were no comments from the public.**

Ms. Halbo reminded Mr. Feng that (f)(1) and (f)(3) were not finished because we jumped to (a)(2).

Ms. Zuniga read the motion. **The Board is asked to consider a motion to approve**

**the proposed regulatory text as amended today for 16 CCR section 166, direct and authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, submit the text to the director of the department of consumer affairs and the Business, Consumer Services and Housing Agency for review, notice the proposed text for a 45-day comment period and set the matter for a hearing if requested.**

**Mr. Pearman moved to approve the motion.**

**Ms. Kwan seconded the motion.**

**There were no comments from the public.**

**Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.**

**K. DISCUSS AND POSSIBLE ACTION ON PROPOSED REGULATORY TEXT AMENDMENTS FOR CCR TITLE 16, DIVISION 2, ARTICLE 2, SECTION 109 (FILING OF APPLICATIONS)**

This agenda item will be discussed at the next Board meeting.

**L. DISCUSS AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CCR TITLE 16, DIVISION 2, ARTICLE 10, SECTION 165 (DISABILITY ACCESS CONTINUING EDUCATION) AND PROPOSED RESPONSES TO PUBLIC COMMENTS**

Ms. Halbo stated the Board received public comments which are in the materials, and recommended we change the modified text to match the language we just adopted. In Section 165(d), the language should read: "a provider shall only issue a certificate of completion to a participant who takes a pre-recorded course not presented live or on Zoom upon the participants successfully passing a test of the participant's knowledge and understanding of the CE coursework. Successfully passing shall mean a minimum cumulative passing score of at least 70%."

Mr. Feng again commended staff for their work and said this will make enforcement far more effective.

Ms. Halbo said the Board would also need to amend subdivision (h) because it reads within five business days of the administration of the course. It should be revised that to match the language that was previously provided to within 10 days from the completion of the course or the passing of the test of a recorded course, a provider shall issue a certificate.

Ms. Zuniga stated the motion: **The Board is asked to consider a motion to approve the proposed modified text as amended today amending 16 CCR Section 165 for a 15-day public comment period, and if no adverse comments are received during the 15-day public comment period, delegate to the**

**executive officer the authority to adopt the proposed modified text, and also delegate to the executive officer the authority to make any technical or non-substantive changes to the proposed modified text that may be required in completing the rulemaking file and adopting the proposed regulatory changes. The second action is the Board is asked upon reviewing and considering the public comments received during the 45-day public comment period to adopt the proposed responses to the written comments.**

**Mr. Ward made a motion to accept the text as amended.**

**Mr. Feng seconded the motion**

**Public Comment:**

Eric Driever suggested that the word “Zoom” be replaced with “live webinar” because it is a proprietary term. Secondly, he would submit his proposed statement and considering the topic relates to civil rights, if the Board limits the CE opportunities for architects, this is also limiting the education on accessibility because it is a civil rights issue. Also, testing is not required for on-demand courses. Sustainability is important, but there’s a federal requirement related to accessibility.

Janice Kent mentioned that if the Board is aligning with AIA for testing, they have a system regarding the number of questions and pass rates. Mark Christian thanked Board members and Board staff and added that AIA fully supports these proposed changes to the proposed regulations.

Discussion ensued regarding live versus recorded webinar. The language will be changed to recorded webinar instead of Zoom. Mr. Kanotz asked if any Board member objects to the change. No one objected.

**Members Feng, Gladstone, Kanaani, Kwan, Jones, Pearman and Ward voted in favor of the motion. Motion passed 7-0.**

**M. DISCUSS AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CCR TITLE 16, DIVISION 2, ARTICLE 8, SECTION 152 (CITATIONS)**

Ms. Halbo presented that this regulation package was sent to the Office of Administrative Law (OAL). She shared that OAL had a concern that required the package to be withdrawn and the text be modified and resubmitted. Ms. Halbo indicated text changes include changing “and” conjunctions to “or,” and, at the end of the last sentence in Section 152(a)(1), adding the phrase “except a higher fine may be assessed when expressly authorized by statute.” Ms. Halbo explained that BCP section 5536.5 states pretending to be an architect and selling services during a state of emergency, such as a fire - the statute allows for a fine up to \$10,000 and the OAL attorney said this is limiting to only \$2,500 and to put an express sentence in to be very clear. This language was circulated for public comment and no public comments were received. The Board is asked to approve the text and instruct the Executive Officer to do the resubmission so that this becomes a rulemaking.

Ms. Zuniga stated the motion: **The Board is asked to approve the proposed modified text amending Title 16 CCR section 152, which was circulated for a 15-day public comment period from March 24, 2022, to April 8, 2022, and received no public comments, and to delegate to the Executive Officer the authority to adopt the proposed modified text and also delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file and adopting the proposed regulatory changes.**

**Mr. Ward made a motion to accept the text.**

**Sylvia Kwan seconded the motion.**

**There were no comments from the public.**

**Members Gladstone, Jones, Kanaani, Kwan, Pearman, Ward, and President Feng voted in favor of the motion. Motion passed 7-0.**

**N. DISCUSS AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY TEXT FOR CCR TITLE 16, DIVISION 2, ARTICLE 5, SECTION 135 (PUBLIC PRESENTMENTS AND ADVERTISING REQUIREMENTS) AND PROPOSED RESPONSES TO PUBLIC COMMENTS**

Ms. Halbo mentioned there was a considerable amount of public comment, which is in the materials along with prepared responses and proposed modifications to the text. The Board needs to seriously consider and discuss the issues that have been raised.

Ms. Zuniga stated the Board has been talking about this since September 2019, sent it back to REC, and the Board approved the language in December 2020 with no public comment, and approved modified language in 2021 with no comment received. Other DCA boards are moving in this direction. Ms. Halbo stated there is a strong commitment from DCA to have licensees put their license numbers on advertising for consumer protection. LATC has adopted this. If it's not right at this time, be aware the pressure will continue.

Mr. Gladstone inquired if other boards/bureaus have considered this and decided against it. Both Ms. Zuniga and Ms. Halbo said not that they are aware of any. Ms. Halbo mentioned that she is assigned to eight boards, and most of them are healing arts boards. She shared that the Medical Board doesn't have this language because doctors are required to post a notice informing patients that they are licensed by the Medical Board, which is comparable.

Mr. Feng said he was the liaison to LATC and the concern was too many competing entities in the field, and consumers could get them confused. LATC felt this would make a difference and distinguish that they are licensed. If the Board adopts this, his concern is enforcement.

## **Public Comment:**

Laura Knoss-Docous, AIA, and Principal of Lionakis, stated we understand and concur with the mission to protect consumers and don't believe this proposal does that. AIACA believes the response to the initial concerns raised during the 45-day comment period did not adequately respond to the comments and asks that this item be withdrawn. Specially, item #1 is ambiguous. There was an insufficient response to objections and recommendations. They think the reasons the Board gave did not believe the concerns existed, was speculative, or the Board does not agree, and they don't believe that's in keeping with the rulemaking objective.

Lionakis commented during the 45-day period, and some of the Board response is "the board believes," which doesn't seem to be a substantive response. The concern is the idea of putting an individual's license on a firm's presentment. Most firms are going through a reviewing agency that requires licensure and stamps and can differentiate those architects at that point. They are really concerned that the burden of finding unlicensed individuals is placed on licensees. AIACA wants its comments to be on rulemaking; however, as a practitioner, it's an issue of communication and how they apply licenses to the profession.

Mr. Gladstone stated that Ms. Knoss-Docous must be aware of the role the Board plays in public protection. He inquired if Ms. Knoss-Docous or the organization has considered any alternative that might be acceptable in lieu of going in the direction that we are going? The AIA's Central Valley letters are in the packet. Paul Menard, AIA, and building official for U.C. Davis Health Facilities, mentioned that it is easy and straightforward to get on the Board's website and look up a license. He brought up the following four alternatives:

Preparing a campaign that educates the public on the importance of using a licensed architect: part of this education campaign could be to show everybody exactly how easy it is to find somebody's license on the website and to talk about the importance of hiring a licensed architect. We believe that architects are one of the classic professions like physicians, certified public accountants, and attorneys, etc. and we should be thought about in that same category when it comes to this requirement.

Education campaign for planning and building department staff on what they should look for when a license is required.

Standardize the professional designation for licensed architects something like "RA" which could stand for registered architect or "LA" licensed architect similar to the term Dr. for doctor and ESQ for attorneys.

Address the loss of protection of the title of architect in society due to technology usurping the term and using software architects, enterprise architects, etc.

They would like the Board to look at some of these proposed alternatives, and place this on hold while other alternatives are considered.

Janice Kent stated that she finds this proposed requirement very upsetting. As a sole practitioner, it is an expensive endeavor which will be in vicinity of \$800-\$1,000. She also does not feel that this is going to protect the public by putting numbers after her name on business cards, website, or stationery. CAB's comments are that license numbers are already public knowledge and easy to look up. Why do I have to put it on everything? Another thing is that architects is a classic profession like attorneys, doctors, and CPAs. She gives a lot of seminars and a lot of webinars. Is that a form of advertising? She doesn't like putting a personal license number on something that is so public. When I am doing contracts, it makes sense. They are not the problem, it's the people who are pretending to be them.

Mark Christian, AIACA, reiterated comments mentioned to him by architects. They do not completely understand how this benefits consumers. Most clients of architects are sophisticated and are not first-time clients of architects. License numbers are on the contract and documents the architect submits to the building department or the planning department. Putting this burden on architects for the actions of non-architects does not make sense. Business & Professions Code section 5536.22 paragraph 8, already says that when a licensed architect is providing a service to a client, there must be a written contract that says the client knows the architect is licensed by the California Architects Board.

Mr. Feng asked Mark Christian whether the concern is the cost or wanting to be aligned with the doctors and lawyers who don't publish their name. Mr. Christian said the concern is that there is a new requirement that has significant cost to comply with, especially for sole practitioners, and they do not understand how it's going to benefit the consumer. It's not going to stop the illegal advertising of architectural services. Also, someone advertising on Craigslist can just use a fake number. Additionally, it's putting the burden and the exposure to disciplinary action if there is a slip up. A fine would be levied and discipline would appear on the record of the architect for potential clients to see. They believe that this is an overreach without justification, and it doesn't provide protection to the consumers.

Mr. Gladstone asked if it's part of the Architects Practice Act (APA) to have your license number on a proposal. The answer is no; however, if the proposal turns into the written contract, the written contract requires the license number. Mr. Gladstone is concerned that the license number is not on the proposal.

Mr. Gladstone said he understands what AIA has said regarding lawyers and medical professions not having to put their license numbers on advertising. However, people in professions that have the public safety in their hands such as medical personnel perhaps should, and architects do have public safety in their hands when they're designing buildings. He shared that the Contractors State License Board has done a great job over the years in educating the public that

contractors need to have licenses. the license. Most members of the public are very aware of contractors needing that. I wonder whether there should be better education--as AIA proposed--of the public that architects should be licensed. The Board doesn't have the money for a huge amount of education but does AIACA have the willingness to go out with us and educate the public? Mark Christian acknowledged that AIACA would welcome the opportunity to partner with the California Architects Board.

Mr. Feng stated that on the surface, it is a measure of consumer protection, and he cannot see from a pure consumer protection standpoint that this is negative or harmful to them. The argument becomes at what price does the Board intend to protect the public.

Mr. Jones observed that Mr. Knoss-Doucous' comments about corporate licenses has not been resolved and is a complicated issue. The principal objective is to protect consumers who are seeking residential design services. Those consumers are the most vulnerable. He doesn't believe that most consumers look up license numbers of people they hire. The fact they don't doesn't mean the Board shouldn't provide additional protection. It's trying to provide consumer protection without an overburden of practitioners. This is another area where licensees could find themselves disciplined because their license wasn't on a contract. In the absence of enforcement, it doesn't discourage the Board from doing something. He is not certain the costs associated with this is worth the additional protection.

Mr. Pearman shared that he can vote for the proposal as submitted because it's not new and issues were addressed and amended. Some of the burdens are overstated. As an attorney, he could easily do this, if required. The issue of the large firms could be a problem. The contractors have a requirement under Business & Professions Code section 7030.5 to put their number in their advertisements. Mr. Christian talked about sophisticated consumers who see the architect's or contractor's license on their contracts because it is required by law. It would be naive to think in the absence of a law like that, there would be great transparency to the consumers, and that was for sophisticated consumers. As Mr. Jones mentioned, what about the unsophisticated consumers? The Legislature is going to force the Board to do it at some point, so better to get ahead of the curve and shape the regulations. He recalls one of the reasons for this regulation is the fact that one of the social media platforms in terms of architect categories refused to police them, which led to abuses. None of AIA's suggested options directly addresses that problem. He agrees with Mr. Feng that there's nothing adverse in this proposal and other Board's job is consumer protection so he would support the regulation.

Mr. Feng asked what would happen if there aren't enough resources to enforce it? Would that lead the public to think the Board is going after people in a random manner? Ms. Zuniga said that there are sufficient APA resources. On the enforcement issue, we can discipline for any violation of the APA.

Mr. Gladstone said that he understands that enforcement consists of a gentle letter reminding the architect of the violation, and he doesn't understand why the architect profession thinks it is demeaning to put a number on their card. Mr. Gladstone proposed that the APA be amended to require that license numbers are put on proposals. If it's a huge architect firm located in many states, it should be the firm's identification.

Ms. Kwan said this discussion is so passionate, and her issue is how large firms will handle the advertising. She asked if the issue could go away. Ms. Zuniga said the Board has approved the language twice before and we are in the middle of the regulatory process. If the Board doesn't want to approve, it can be withdrawn; however, this will be addressed in our next sunset review report because it was presented as a consumer protection issue.

Ms. Halbo said that December 30, 2022 is the one-year mark. This particular modified text responding to public comment is better than prior text. At this point, the Board has worked on it for quite a while.

Mr. Feng said the Board has responded to public comment but the public did not receive it well. Also, there is a range of practitioners and Board concerns about implementing it. It's complicated. He stated that since Ms. Zuniga says there are resources, he is okay with it.

Mr. Ward apologized to staff because of their work on this regulation, and mentioned that the Board has voted on it twice. He mentioned that he is still uncomfortable with it and agrees with Mr. Jones and Mr. Pearman and said he previously reached out to Mark Christian for feedback. He shared the names of the 21 states that don't have this requirement. He said he wants to protect the consumer but doesn't believe the consumer has been harmed; therefore, he is not confident to vote yes.

**The Board took a recess from 4:08 p.m. and reconvened at 4:17 p.m.**

Mr. Feng feels this item should be tabled for another time. It can be directed back to the REC, deferred to the full Board, or let staff work on it more. Mr. Gladstone stated it is a good idea because we are missing the full Board. He continued and said he believes staff has done a fantastic job of responding to the public, contrary to what they think. Not every word can be responded to. We understand what the public has said in their comments and believes there is an alternative to what's on the table. He would like to hear directly from AIA and public members on an alternative.

Mr. Ward apologized to staff and asked for Ms. Zuniga's opinion. Ms. Zuniga stated staff will do as directed. The Board has received a lot of public comment, staff has responded and addressed it at length. It's not clear how much better it will get. It will need a vote of some kind because the vote needs to be on record. The one-year deadline is December 30, 2022. If rulemaking is not completed by that date, it is dead.



Mr. Ward said that he is open to consumer protection. If someone wants to make a motion to go back and it be about Instagram, he would be okay with it on business cards.

Ms. Zuniga said the Board may consider alternatives, but they are separate issues. Mr. Ward asked if the package can be modified. Ms. Zuniga said it can be modified, but alternatives are different. Individual Board members can make recommendations to staff and it can be placed on the September agenda knowing it may not make the year deadline. Ms. Zuniga said if the Board withdraws it, staff is not going to recommend restarting the process because we have other regulations packages to complete.

Mr. Pearman suggested to bring the matter back in September.

**Mr. Feng made a motion that the regulation be deferred to a future Board meeting for the full board to act on.**

**Mr. Pearman seconded the motion.**

**Public Comment:**

Janice Kent mentioned that in talking with other AIA chapters, they had ideas that could protect the public and are worth exploring. The idea is to protect the public--not make it harder for architects.

Mr. Gladstone said out of respect to the AIA and public, he encourages fellow members to comment on specific alternatives that AIA proposed. They should hear from Board members regarding the reasons the Board may have not liked some of their proposals.

**Members Gladstone, Kwan, Pearman, Ward, and President Feng voted in favor of the motion. Member Jones voted no. Motion passed 5-1.**

The meeting adjourned at 4:35 p.m.