

California Architects Board

Board Meeting

December 1, 2023





Board Members

Charles L. Ward, III,
President
Ronald A. Jones, Vice President
Malcolm "Brett" Gladstone,
Secretary
Tian Feng
Mitra Kanaani
Sylvia Kwan
Leonard Manoukian
Robert C. Pearman, Jr.
Nilza Serrano

NOTICE OF PUBLIC TELECONFERENCE MEETING

December 1, 2023

The California Architects Board (Board) will meet by teleconference at

10:00 a.m., on Friday, December 1, 2023

NOTE: Pursuant to Government Code section 11133, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Board will hold a public meeting via WebEx Events.

Teleconference Information to Register/Join Meeting for Members of the Public via WebEx Events. To participate in the WebEx meeting, please log on to this website the date of the meeting:

To access the WebEx event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mf83421d25de51a96efbf15e8a8728b35>

If joining using the link above

Webinar number: 2490 434 3640

Webinar password: CAB121

If joining by phone: 1-415-655-0001 US Toll

Access code: 2490 434 3640

Passcode: 3222121

Due to potential technical difficulties, please consider submitting written comments by November 26, 2023 to cab@dca.ca.gov for consideration.

(Continued)

Meetings are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. All times when stated are approximate and subject to change without prior notice at the discretion of the Bureau unless listed as “time certain.” Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. Action may be taken on any item listed on this agenda, including information-only items. The meeting may be canceled without notice.

Members of the public can address the Board during the public comment session. Public comments will also be taken on agenda items at the time the item is heard and prior to the Board taking any action on said items.

Instructions to connect to the meeting can be found at the end of this agenda.

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

FOR OBSERVATION ONLY: WEBCAST: The Board plans to webcast this meeting on the Department of Consumer Affairs’ website at <https://thedcapage.blog/webcasts> Webcast will be available at 10:00 a.m. on December 1, 2023. Using the Webcast link will allow only for observation with closed captioning. Webcast availability cannot, however, be guaranteed due to resource limitations or technical difficulties. The meeting will not be cancelled if Webcast is unavailable. If you wish to participate, please plan to participate via the WebEx option listed above.

AGENDA

10:00 a.m. to 2:00 p.m.
(or until completion of business)

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THIS AGENDA.

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. President’s Procedural Remarks and Board Member Introductory Comments
- C. Public Comment on Items Not on the Agenda

The Board may not discuss or act on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

- D. Election of 2024 Board Officers
- E. Update From the Department of Consumer Affairs (DCA)
- F. Budget Update From the DCA Budget Office – Harmony DeFilippo, Budget Manager
- G. Review and Possible Action on September 8, 2023, Board Meeting Minutes
- H. Update and Discussion on Committee Meetings of the National Council of Architectural Registration Boards (NCARB)
- I. Legislation Update
 - 1. AB 342 (Valencia) Architects and Real Estate Appraisers: Applicants and Licensees: Demographic Information
 - 2. SB 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes
 - 3. SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing
 - 4. SB 816 (Roth) Professions and Vocations
 - 5. SB 887 (Committee on Business, Professions and Economic Development) Consumer Affairs
- J. Update on Committees
 - 1. October 26, 2023, Regulatory and Enforcement Committee Meeting
 - 2. November 17, 2023, Landscape Architects Technical Committee (LATC) Meeting
- K. Executive Officer’s Report – Update on Board’s Administration / Management, Examination, Licensing, and Enforcement Programs
- L. Review, Discussion, and Possible Action to Approve the Board’s 2023 Sunset Review Report
- M. Review, Discussion, and Possible Action to Approve the LATC 2023 Sunset Review Report
- N. Regulations Update
 - 1. Discuss and Possible Action on Proposed Regulatory Text Amendments for California Code of Regulations (CCR), title 16, division 2, article 3, section 117 (Experience Evaluation)

2. Discuss and Possible Action on Proposed Regulatory Text Amendments for CCR, title 16, division 2, article 3, sections 121 (Form of Examinations; Reciprocity) and 124 (California Supplemental Examination)
 3. Update on CCR, title 16, division 2, article 10, section 166 (Zero Net Carbon Design Continuing Education)
- O. Closed Session - Pursuant to Government Code sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:
1. Perform the Annual Evaluation of its Executive Officer
 2. Approve February 24, 2023, Closed Session Minutes
- P. Review of Future Board Meeting Dates
- Q. Adjournment – Due to technological limitations, adjournment will not be webcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

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)).

A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Drew Liston

Telephone: (916) 471-0769

Email: drew.liston@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

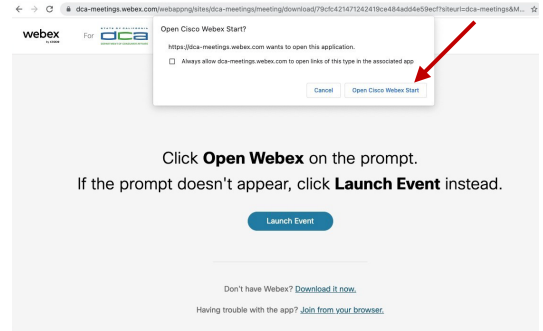
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

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

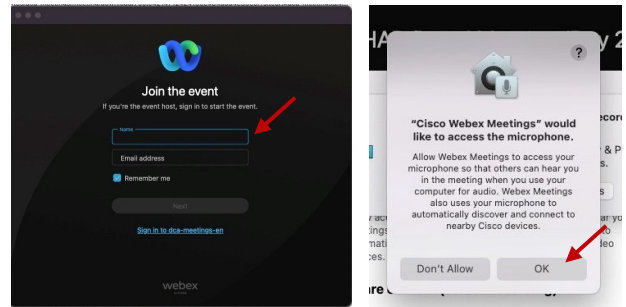
Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions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

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



- 3 Enter your name and email address*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

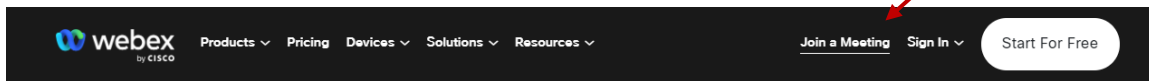


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

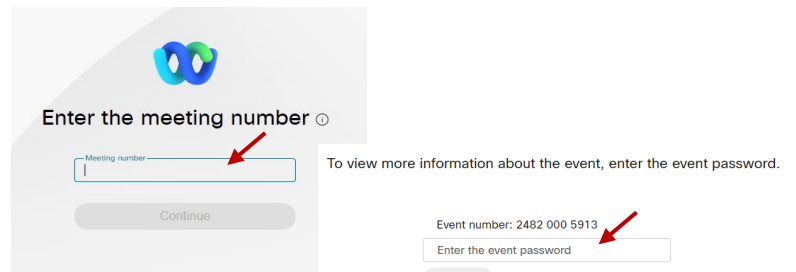
OR

If joining from Webex.com

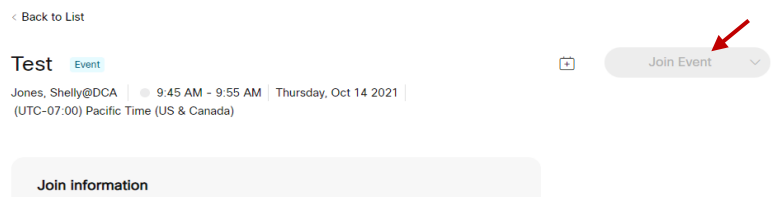
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



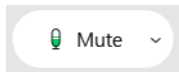
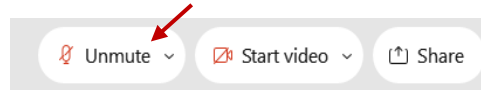
OR

Connect via telephone*:

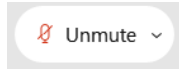
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

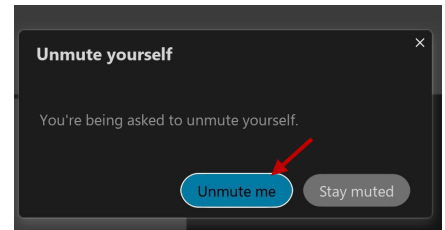


Green microphone = Unmuted: People in the meeting can hear you.



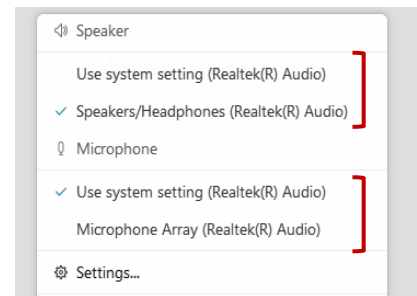
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



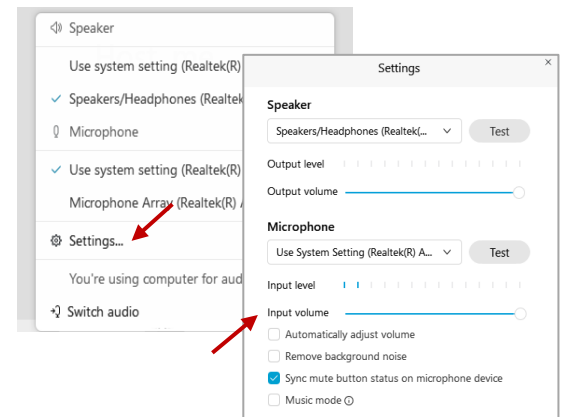
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

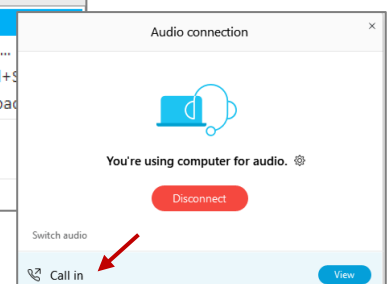
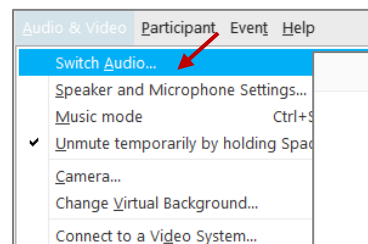
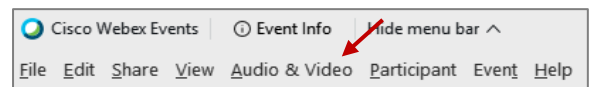
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



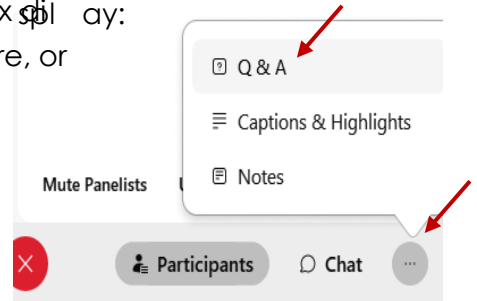
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

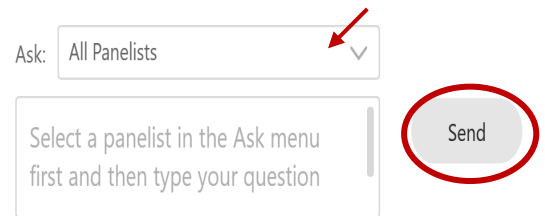
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

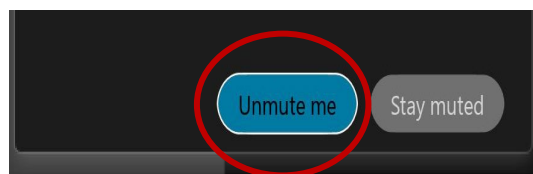
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

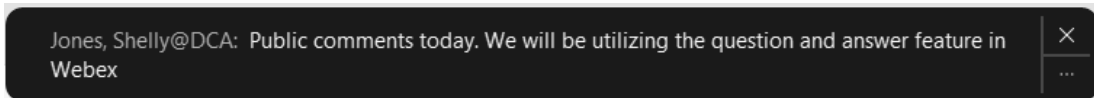


OR

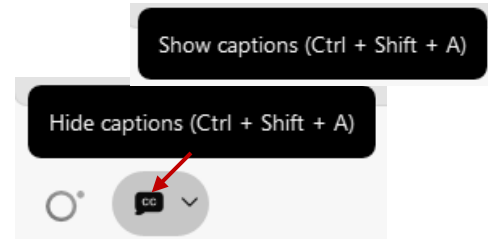
If connected via telephone:

- Press *3 to unmute your microphone.

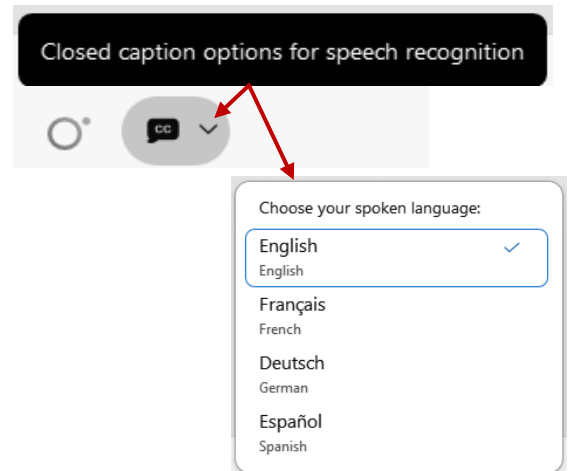
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



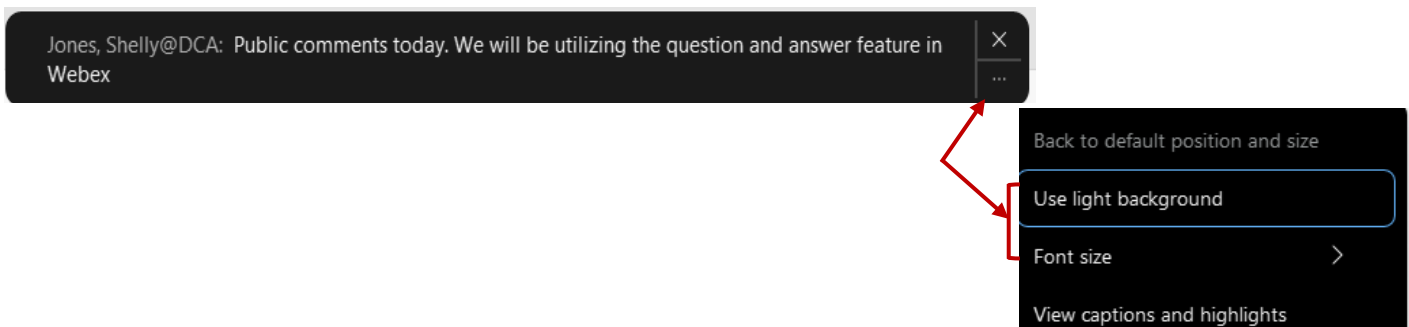
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.



AGENDA ITEM A: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Board Secretary or, in their absence, by the Board Vice President or, in their 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

Charles L. Ward, III

Ronald A. Jones

Malcolm Gladstone

Tian Feng

Mitra Kanaani

Sylvia Kwan

Leonard Manoukian

Robert C. Pearman, Jr.

Nilza Serrano

Fuad Sweiss

AGENDA ITEM D: ELECTION OF 2024 BOARD OFFICERS

Summary

Business and Professions Code section 5518 states:

The Board shall elect from its members a president, vice president, and a secretary to hold office for one year, or until their successors are duly elected and qualified.

The Board Member Administrative Manual provides the following in relation to election of the Board officers:

The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

The Manual also provides for a nomination process as follows:

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar year and shall consider appointing a public and a professional member of the Board to the Committee. The Committee's charge will be to recommend a slate of officers for the following year. The Committee's recommendation will be based on the qualifications, recommendations, and interest expressed by the Board members. A survey of Board members will be conducted to obtain interest in each officer position. A Nominations Committee member is not precluded from running for an officer position. If more than one Board member is interested in an officer position, the Nominations Committee will make a recommendation to the Board and others will be included on the ballot for a runoff, if they desire. The results of the Nominations Committee's findings and recommendations will be provided to the Board members in the meeting packet prior to the election of officers. Notwithstanding the Nominations Committee's recommendations, Board members may be nominated from the floor at the meeting.

Board President Charles L. Ward, III appointed Mitra Kanaani and Nilza Serrano to serve as members of the Nominations Committee. All Board members were surveyed as to their interest, and the Nominations Committee is submitting all nominations received and not making a recommendation for a slate of officers for 2024. The following nominations were received:

President – Sonny Ward

Vice President – Ron Jones

Secretary – Brett Gladstone and Robert Pearman

Action Requested

At this meeting, the Board is asked to consider and elect the officers for 2024.

Department of Consumer Affairs

Expenditure Projection Report

California Architects Board

Reporting Structure(s): 11110310 Support

Fiscal Month: 3

Fiscal Year: 2023 - 2024

Run Date: 11/07/2023

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$1,701,000	\$1,498,446	\$1,646,000	\$136,709	\$400,509	\$0	\$400,509	\$1,601,850	\$44,150
5100	TEMPORARY POSITIONS	\$0	\$33,952	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$10,000	\$3,100	\$10,000	\$0	\$0	\$0	\$0	\$3,500	\$6,500
5150	STAFF BENEFITS	\$1,040,000	\$923,655	\$1,006,000	\$88,811	\$256,632	\$0	\$256,632	\$1,026,409	-\$20,409
	PERSONAL SERVICES	\$2,751,000	\$2,459,153	\$2,662,000	\$225,520	\$657,141	\$0	\$657,141	\$2,631,758	\$30,242

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$22,000	\$13,053	\$22,000	\$5,873	\$6,849	\$1,002	\$7,851	\$14,206	\$7,794
5302	PRINTING	\$20,000	\$27,735	\$20,000	\$4,597	\$4,597	\$19,959	\$24,556	\$24,556	-\$4,556
5304	COMMUNICATIONS	\$9,000	\$7,300	\$9,000	\$739	\$788	\$0	\$788	\$6,621	\$2,379
5306	POSTAGE	\$70,000	\$7,406	\$70,000	\$0	\$1,172	\$0	\$1,172	\$7,500	\$62,500
5308	INSURANCE	\$0	\$36	\$0	\$0	\$0	\$0	\$0	\$36	-\$36
53202-204	IN STATE TRAVEL	\$96,000	\$7,493	\$96,000	\$0	\$0	\$0	\$0	\$10,000	\$86,000
53206-208	OUT OF STATE TRAVEL	\$0	\$1,351	\$0	\$0	\$0	\$0	\$0	\$50	-\$50
5322	TRAINING	\$21,000	\$0	\$21,000	\$1,000	\$1,000	\$0	\$1,000	\$1,000	\$20,000
5324	FACILITIES	\$300,000	\$225,173	\$300,000	\$18,654	\$54,586	\$164,174	\$218,760	\$231,527	\$68,473
53402-53403	C/P SERVICES (INTERNAL)	\$123,000	\$99,298	\$110,000	\$17,241	\$17,241	\$0	\$17,241	\$99,295	\$10,705
53404-53405	C/P SERVICES (EXTERNAL)	\$551,000	\$273,597	\$421,000	\$6,896	\$15,736	\$127,959	\$143,695	\$266,763	\$154,237
5342	DEPARTMENT PRORATA	\$1,076,000	\$907,931	\$1,114,000	\$278,500	\$557,000	\$0	\$557,000	\$1,114,000	\$0
5342	DEPARTMENTAL SERVICES	\$0	\$70,254	\$0	\$59	\$59	\$0	\$59	\$52,344	-\$52,344
5344	CONSOLIDATED DATA CENTERS	\$14,000	\$27,182	\$14,000	\$154	\$168	\$0	\$168	\$42,040	-\$28,040
5346	INFORMATION TECHNOLOGY	\$126,000	\$19,840	\$123,000	\$253	\$253	\$62,992	\$63,245	\$63,245	\$59,755
5362-5368	EQUIPMENT	\$0	\$9,935	\$15,000	\$452	\$545	\$0	\$545	\$16,965	-\$1,965
5390	OTHER ITEMS OF EXPENSE	\$0	\$0	\$0	\$250	\$250	\$0	\$250	\$250	-\$250
54	SPECIAL ITEMS OF EXPENSE	\$0	\$1,162	\$0	\$0	\$0	\$0	\$0	\$1,000	-\$1,000
57	INTERNAL COST RECOVERY	\$0	-\$26,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	OPERATING EXPENSES & EQUIPMENT	\$2,428,000	\$1,672,746	\$2,335,000	\$334,668	\$660,243	\$376,087	\$1,036,330	\$1,951,397	\$383,603

OVERALL TOTALS	\$5,179,000	\$4,131,899	\$4,997,000	\$560,188	\$1,317,384	\$376,087	\$1,693,471	\$4,583,156	\$413,844
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57 INTERNAL COST RECOVERY	-\$26,000	-\$26,000	-\$26,000					-\$26,000	
REIMBURSEMENTS	-\$5,000	-\$12,778	-\$5,000					-\$5,000	
OVERALL NET TOTALS	\$5,148,000	\$4,093,121	\$4,966,000	\$560,188	\$1,317,384	\$376,087	\$1,693,471	\$4,552,156	\$413,844

8.33%

Department of Consumer Affairs

Revenue Projection Report

Reporting Structure(s): 11110310 Support

Fiscal Month:

Fiscal Year: 2023 - 2024

Run Date: 11/07/2023

Revenue

Fiscal Code	Line Item	Budget	July	August	September	Year to Date	Projection To Year End
	Delinquent Fees	\$63,000	\$7,000	\$5,880	\$7,020	\$19,900	\$63,400
	Other Regulatory Fees	\$25,000	\$227	\$2,560	\$2,778	\$5,565	\$25,161
	Other Regulatory License and Permits	\$428,000	\$42,110	\$47,475	\$33,525	\$123,110	\$482,375
	Other Revenue	\$51,000	\$382	\$35	\$142	\$560	\$57,626
	Renewal Fees	\$5,146,000	\$799,700	\$698,100	\$901,500	\$2,399,300	\$5,197,413
	Revenue	\$5,713,000	\$849,419	\$754,050	\$944,965	\$2,548,435	\$5,825,975

Reimbursements

Fiscal Code	Line Item	Budget	July	August	September	Year to Date	Projection To Year End
	Unscheduled Reimbursements	\$0	\$3,674	\$1,643	\$3,000	\$8,316	\$10,275
	Reimbursements	\$0	\$3,674	\$1,643	\$3,000	\$8,316	\$10,275

0706 - California Architects Board Fund Analysis of Fund Condition
(Dollars in Thousands)
2023 Budget Act With FM 3 Projections

Prepared 11.9.2023

	PY 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
BEGINNING BALANCE	\$ 4,435	\$ 3,037	\$ 3,865	\$ 1,801	\$ 2,137
Prior Year Adjustment	\$ 8	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,443	\$ 3,037	\$ 3,865	\$ 1,801	\$ 2,137
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 31	\$ 63	\$ 25	\$ 63	\$ 25
4127400 - Renewal fees	\$ 2,555	\$ 5,198	\$ 2,809	\$ 5,146	\$ 2,809
4129200 - Other regulatory fees	\$ 29	\$ 25	\$ 22	\$ 25	\$ 22
4129400 - Other regulatory licenses and permits	\$ 382	\$ 482	\$ 511	\$ 428	\$ 511
4163000 - Income from surplus money investments	\$ 74	\$ 56	\$ 27	\$ 32	\$ -
4171400 - Escheat of unclaimed checks and warrants	\$ 4	\$ 1	\$ -	\$ -	\$ -
4172500 - Miscellaneous revenues	\$ -	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 3,075	\$ 5,826	\$ 3,395	\$ 5,695	\$ 3,368
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 3,075	\$ 5,826	\$ 3,395	\$ 5,695	\$ 3,368
TOTAL RESOURCES	\$ 7,518	\$ 8,863	\$ 7,260	\$ 7,496	\$ 5,505
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,119	\$ 4,573	\$ 4,636	\$ 4,775	\$ 4,918
Anticipated Ongoing Business Modernization Costs	\$ -	\$ -	\$ 398	\$ 254	\$ 257
9892 Supplemental Pension Payments (State Operations)	\$ 95	\$ 95	\$ 95	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 267	\$ 330	\$ 330	\$ 330	\$ 330
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 4,481	\$ 4,998	\$ 5,459	\$ 5,359	\$ 5,505
FUND BALANCE					
Reserve for economic uncertainties	\$ 3,037	\$ 3,865	\$ 1,801	\$ 2,137	\$ -1
Months in Reserve	7.3	8.5	4.0	4.7	0.0

NOTES:

1. Assumes workload and revenue projections are realized in BY and ongoing.
2. Expenditure growth projected at 3% beginning BY.
3. Includes anticipated ongoing costs for Business Modernization.



DRAFT

**MEETING MINUTES
CALIFORNIA ARCHITECTS BOARD**

September 8, 2023

1747 N. Market Blvd. Sacramento, CA 95834

Some of the Agenda Items were taken out of order and are reported in the order they were presented during the meeting.

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

On September 8, 2023, Board President Sonny Ward called the meeting to order at 10:10 a.m. and Secretary Brett Gladstone called the roll.

Board Members Present

Charles "Sonny" Ward, President
Ronald A. Jones, Vice President
Malcolm "Brett" Gladstone, Secretary
Tian Feng (arrived at 12:15 p.m.)
Mitra Kanaani
Leonard Manoukian
Nilza Serrano

Six members of the Board present constitutes a quorum; a quorum was established.

Board Staff Present

Laura Zuniga, Executive Officer
Jesse Laxton, Assistant Executive Officer,
Alicia Kroeger, Enforcement Manager
Kim McDaniel, LATC Program Manager
Marccus Reinhardt, Examinations & Licensing Manager
Tim Rodda, Regulations Manager
Nicholas Barnhart, LATC Examination Analyst
Natalia Diaz, Enforcement Technician
Kourtney Fontes, LATC Special Projects Analyst
Drew Liston, Board Liaison

DCA Staff Present

David Bouilly, SOLID Moderator
Karen Halbo, Regulations Counsel
Michael Kanotz, Board Counsel
Harmony DeFilippo, Budget Office
Yvonne Dorantes, Assistant Deputy Director of Board and Bureau Relations
Matt Woodcheke, Office of Public Affairs

Landscape Architects Technical Committee (LATC) Members Present

Jon S. Wreschinsky, LATC Committee Chair

Guests Present

Scott Terrell, AIA CA

Stephanie Landregan, UCLA Extension School, Director of the Landscape Architecture Program

Cheryl Buckwalter, Association of Professional Landscape Designers

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

President Ward opened the meeting by welcoming LATC Chair, Jon Wreschinsky, for attending virtually. President Ward stated that all motions and seconds will be repeated for the record and votes on motions will be taken by roll call.

PUBLIC COMMENT: There were no public comments.

C. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

There were no public comments.

D. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS – Yvonne Dorantes, Assistant Deputy Director of Board and Bureau Relations

Ms. Dorantes reviewed DCA's Diversity, Equity and Inclusion (DEI) efforts and said the steering committee will be holding its quarterly meeting on September 29 to discuss employee engagement, cultural events and services, training, etc. The steering committee is also happy to announce that an outside consultant, Dr Bernard Gibson will provide in-person DEI training to managers and supervisors in October. In addition, Dr Gibson will also be providing a virtual training to board members. Ms. Dorantes stated that the steering committee will highlight the Board of Barbering and Cosmetology's collaboration with the Los Angeles County Probation Department to launch the first youth and county level barbering program.

Ms. Dorantes mentioned that DCA will request that boards and bureaus translate press releases into Spanish.

Ms. Dorantes said Senate Bill 143 would allow for remote public meetings without noticing locations accessible to the public until December 31, 2023. This budget trailer bill will be effective immediately once signed by the governor. Senate Bill 544, which allows for some meetings to be held without noticing the locations of board members and allows for remote meetings, is going through the legislative process.

The Enlighten Enforcement Project being piloted by the California Dental Board aims to improve and standardize procedures and create a template for enforcement policies and procedures for all boards and bureaus. Additionally, the Data Governance Project is ongoing to improve reports regarding licensing and enforcement activities.

Reminders for board members: newly appointed or reappointed members must take the oath of office prior to participating in board meeting. Board members must complete the documents on HR-5 to OHR within 30 days. The appointments cannot be processed until the documents are received. Sexual Harassment Prevention and Information and Security Awareness training are mandatory this year and all employees and appointees, including board and advisory council members, must complete them. Board members must take the two-hour supervisory training every odd-numbered year which is on DCA's Learning Management System. The Board Member Orientation Training (BMOT) will be held virtually on October 10.

Ms. Dorantes stated that Wyoming and Missouri are added to the list of banned states for travel, and Nebraska will be restricted effective November 1.

PUBLIC COMMENT: There were no public comments.

I. BUDGET UPDATE FROM DCA BUDGET OFFICE, Harmony DeFilippo, DCA Acting Budget Manager

Ms. DeFilippo mentioned that over the past two years, costs have increased in personnel and operating expenses, partially due to the Board's Business Modernization efforts. The 21/22 data is actual expenditures compared to 22/23 budgeted and projected expenditures. For fiscal year 22/23, the Board had a base budget of \$5.17 million and is projected to spend a total of \$4.13 million, creating a reversion of \$1 million, which is approximately 20.39%.

Ms. DeFilippo reviewed the Board's fund condition and stated the Board began 22/23 with just over \$4.4 million. The Board collected \$3.076 million in revenue, with \$382,000 from initial licensees, just over \$2.5 million from license renewals, and \$139,000 was collected from citations, fines, delinquent fees and other revenue. The Board spent approximately \$4.5 million which includes \$362,000 for statewide pro rata and pension payments. The Board is estimated to close 22/23 with just over \$3 million in the reserve balance or 6.7 months in reserve.

For current year (23/24), the Board projects revenue of \$5.713 million with approximately \$428,000 from the initial license fee, \$5.146 million from renewal fees and \$139,000 for citations, fines, delinquent fees and other revenue. The Board will have a fund balance of just over \$3.3 million or 7.3 months in reserve. The budget office will continue to monitor the Board's revenue and expenditures and report back to the Board with monthly expenditure projections.

PUBLIC COMMENT: There were no public comments.

E. REVIEW AND POSSIBLE ACTION ON MAY 19, 2023, BOARD MEETING MINUTES.

Nilza Serrano moved to approve the May 19, 2023, minutes.

Leonard Manoukian seconded the motion.

PUBLIC COMMENT: There were no public comments.

Members Gladstone, Jones, Kanaani, Manoukian, Serrano and Ward voted in favor of the motion. Motion passed 6-0-0.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE BOARD'S 2023 SUNSET REVIEW REPORT – Laura Zuniga, Executive Officer

Ms. Zuniga reviewed the major points in the report and said a motion would be needed to approve the report.

- Change to the applicant's initial license date. Currently, renewal is based on the licensee's birth date. Renewal would now be based on two-year time periods and not based on the birth month.
- Renewal notices are currently sent by U.S. Postal Service certified mail. This report recommends that other methods such as email be used.
- Applications that are not completed within 12 months shall be considered abandoned. Also, if applicants do not respond to information requests, their applications would be considered abandoned.
- Testing Eligibility. Currently, a candidate can take the ARE exam after demonstrating five years of experience and can't sit for the California Supplemental Exam until they complete the ARE and have eight years of experience. This new procedure would allow the candidate to test when they are ready and would take away the time experience restriction.
- Email Requirement. This would require licensees to maintain an email address with the Board.
- Emergency Waivers for Testing. If testing centers are impacted by another pandemic, that waivers or exemptions may be issued based on the emergency.
- Business Entity Report Form. This item allows CAB to obtain information from the form and place it online so consumers can see where an architect is working.
- Continuing Education is now 10 hours--five for disability access and five for zero net carbon design. This could add another five hours of continuing education that licensees could choose.
- Renewals and Audits. The Board randomly audits 3% of our licensees for continuing education compliance. This would require licensees to upload their continuing education documentation upon renewal.

After a short discussion among Board members, the following motion was made:

Nilza Serrano moved to approve the Board's 2023 Sunset Review Report for submission to the Legislature, and delegate authority to the EO to make any necessary minor and technical changes to the report prior to submittal.

Ron Jones seconded the motion.

PUBLIC COMMENT: There were no public comments.

Members Gladstone, Jones, Kanaani, Manoukian, Serrano and Ward voted in favor of the motion. Motion passed 6-0-0.

N. REGULATIONS UPDATE – Tim Rodda, Regulations Manager

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

Mr. Rodda explained that the proposal to amend CCR section 109 (Filing of Applications) is required due to recent legislative changes. The proposed language removes incorporation of documents, which will expedite certain types of applications and help in using the online system, Connect. There was one point of clarification on acronyms and Mr. Rodda explained their meaning.

Brett Gladstone moved to approve the proposed regulatory text for 16 CCR section 109, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR section 109 as noticed.

Nilza Serrano seconded the motion.

PUBLIC COMMENT: There were no public comments.

Members Gladstone, Jones, Kanaani, Serrano, Manoukian, and Ward voted in favor of the motion. Motion passed 6-0.

2. DISCUSS AND POSSIBLE ACTION ON PROPOSED REGULATORY TEXT AMENDMENTS FOR CCR, TITLE 16, DIVISION 2, ARTICLE 8, SECTION 154 (DISCIPLINARY GUIDELINES),

The Board's Disciplinary Guidelines (*Guidelines*) were initially adopted into regulation under CCR, title 16, section 154 on February 4, 1997. 16 CCR section

154 requires the Board, in reaching a decision on a disciplinary action under the Administrative Procedure Act, to consider the *Guidelines*. The *Guidelines* are incorporated by reference because of the length of the document. 16 CCR section 154 and the *Guidelines* were subsequently amended in 2000.

The current *Guidelines* contain many outdated terms and conditions of probation and, in many instances, do not reflect recent updates to statutory law and other changes that have occurred in the probationary environment since the last update in 2000. The Board and Landscape Architects Technical Committee (LATC) worked jointly on updating their respective *Guidelines* until 2021, when it was decided LATC would complete their *Guidelines*, and the Board would submit revised, amended *Guidelines* after LATC's were approved. The LATC *Guidelines* were filed with the Secretary of State on May 5, 2023. Since that time, Board staff has worked with the Department of Consumer Affairs' Legal Affairs Division (LAD) to incorporate all issues raised by public comments and the Office of Administrative Law (OAL) and amend the attached *Guidelines* for the Board's review. If the proposed *Guidelines* are amended, the corresponding regulation, CCR section 154, must also be amended to incorporate by reference the revised *Guidelines*. Board staff have highlighted in yellow the new text changes since the last time the Board reviewed and approved changes to the *Guidelines*. Changes include adding and modifying language based on LAD and OAL clarifications, language addressing new laws added since the last review, making cost reimbursement part of the standard conditions of probation instead of an optional condition of probation, subsequent renumbering, and removal of the Quarterly Report of Compliance form.

Nilza Serrano moved to approve the proposed regulatory text for 16 CCR section 154, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR section 154 as noticed.

Mitra Kanaani seconded the motion.

PUBLIC COMMENT: There were no public comments.

Members Gladstone, Jones, Kanaani, Manoukian, Serrano, and Ward voted in favor of the motion. Motion passed 6-0.

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

Mr. Rodda gave the background of this item: At its June 8, 2022 meeting, the Board approved language to amend 16 CCR section 166 (Zero Net Carbon Design Continuing Education) and directed the Executive Officer to take all steps necessary to initiate the rulemaking process. Board staff worked with LAD to draft a notice, initial statement of reasons, and fiscal impact document. On June 9, 2023, Agency approved the initial rulemaking file for submittal to OAL. LAD submitted the documents to OAL on behalf of the Board and the 45-day comment period began on June 23, 2023. The comment period ended on August 8, 2023. Of the seven comments the Board received, two were non-substantive – one asked for clarification if the regulation was in addition to, or a replacement for, the current disability access continuing education (CE) requirements; and the other expressed support for the regulation and voiced a personal worry there would not be enough courses or programs available to meet the requirement for zero net carbon design CE before their own license renewal. Staff responded to both comments clarifying for the first individual that the requirement is in addition to existing disability access CE requirements and suggesting to the second individual that they conduct an internet search for zero net carbon design CE courses and/or reach out to the American Institute of Architects (AIA) for information on courses. The Board received substantive comments from: 1) the AIA with recommendations related to three concerns that were raised in the written comment; 2) the Division of the State Architect (DSA) related to qualifications of educators; 3) the California Building Standards Commission related to qualifications of educators; 4) Martin Siwy related to the qualifications for trainers; and 5) Lisa Conway related to qualifications for and recommending adding additional trainers.

In addition to the comments received, Board staff and LAD reviewed the language and identified a potential clarity issue with proposed 16 CCR 166 subsection (f) reference to “demonstrable direct experience.” The clarity issue can be resolved by adding a subdivision (4) to subparagraph (f) that defines demonstrable direct experience as “experience, established by documentary evidence such as signed plans, work contracts, or other documents that establish the individual’s direct involvement in the design process.”

Upon the Board adopting the proposed Modified Text and the proposed responses to the comments set out below, Board staff will circulate the Modified Text for a 15-day public comment period, and if no adverse comments are received, will prepare the Final Statement of Reasons (FSR) to be included in the final rulemaking package documents to be filed with OAL.

Summary of Concerns and Proposed Board Responses

In accordance with Government Code section 11346.9, subdivision (a)(3), the Board, in its final statement of reasons supporting the rulemaking, must

summarize each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change.

Comment from William Leddy, FAIA, Vice President of Climate Action, American Institute of Architects California

Mr. Leddy, on behalf of AIACA, made three different recommendations to the proposed language within his written comment. The first recommendation is to modify proposed 16 CCR section 166(c) to add the phrases “adaptive reuse” and “energy modeling” to the list of examples of acceptable CE course topics.

Proposed Response: The Board accepts this modification and will modify the language accordingly.

The second recommendation was to modify proposed 16 CCR section 166(f)(1) to include the job titles of “energy remodeler” and “high-performance building design professional” to the list of approved trainers or educators.

Proposed Response: The Board finds that there is no regulating body that issues a license to or registers energy modelers or high-performance building design professionals. The proposed language in 16 CCR section 166(f)(1) specifies that the trainer must hold a license or registration issued by a United States jurisdiction. The Board requires qualified, credentialed trainers with the specialized knowledge required to teach these required CE courses. Consequently, the Board chooses not to make any changes to the proposed language at 16 CCR section 166(f)(1).

The third recommendation is to strike proposed 16 CCR section 166(f)(3), removing the International Code Council (“ICC”) California Certification Program certificate holders with demonstrable direct experience in carbon neutral and/or high-performance buildings who are also either a CALGreen Inspector/Plans Examiner, California Commercial Building Inspector, or California Building Plans Inspector.

Proposed Response: The Board believes the specific ICC credential listed in this subsection, coupled with the requirement to have experience in carbon neutral and/or high-performance buildings, means that such an instructor will have sufficient expertise to effectively teach appropriate CE courses. Additionally, the Board is concerned that removal of this subparagraph will create a lack of qualified credentialed trainers. The requirement of this subsection is that the trainers hold an unexpired ICC certification, which the Board will be able to verify once appropriate documentation is submitted to the Board if needed for an audit as defined in Business and Professions Code section 5600.05. Consequently, the Board chooses not to remove proposed 16 CCR section 166(f)(3).

Comments from Ida Clair, AIA, LEED AP BD+C, CASp, State Architect, and Kevin Day, Acting Executive Director, California Building Standards Commission

Ms. Clair and Mr. Day both recommended including additional state regulatory entities within California as acceptable educators or trainers for the CE requirement by adding “or the qualified personnel of a regulatory authority responsible for promulgation of building standards in Title 24, Part 6, California Energy Code, or Title 24, Part 11, California Green Building Standards Code (CALGreen)” to 16 CCR section 166 subdivision (a) subparagraph (1). Ms. Clair and Mr. Day both noted their respective entities promulgate regulations and standards within Cal Green, which is mentioned as a zero net carbon CE coursework topic in the proposed text at 16 CCR section 166 subdivision (c).

Proposed Response: The Board accepts this modification but chooses to clarify the phrase “the qualified personnel” by replacing it with the phrase “an architect or engineer” and will modify the language accordingly.

Comment from Martin Siwy, President, CEU Events, and Lisa Conway, VP Global Sustainability, Interface

Mr. Siwy and Ms. Conway both expressed concerns about the high standards required for trainers and the potential for a lack of a sufficient number of individuals who qualify as trainers or educators. Ms. Conway specifically requested that the category “Worked in the Sustainability department for a building material/product manufacturer for (3) years” be added to the regulatory text as another source of acceptable trainers and educators.

Proposed Response: The Board set the requirements of qualified trainers and educators to ensure material presented is pertinent to the practice of architecture and the provision of an architect’s professional services related to zero net carbon design. The coursework is best provided by individuals who possess the required expertise and background in the area with demonstrable direct experiences in the field or direct responsibility for teaching these requirements in an educational setting. Consequently, the Board chooses to not modify the standards to include individuals who have worked for a manufacturer as trainers or educators.

Nilza Serrano moved to approve the modified regulatory text and proposed responses, and if no adverse comments are received during the 15-day comment period, direct staff to take all steps necessary to complete the rulemaking process, delegate to the Executive Officer the authority to make any technical or non-substantive changes to the modified regulations that may be required to complete the rulemaking file and adopt the proposed regulatory changes as noticed.

Brett Gladstone seconded the motion.

PUBLIC COMMENT: Mandy, from CEU Events wanted to reiterate Martin Siwy's response. The purpose of the comment was to get the Board to re-examine the type of credit, to open it up so that more experts can give presentations.

Scott Terrell from AIACA thanked the Board for the improvements to section C with the additions of adaptive reuse and with the addition of energy modelers or other high related, high performance, building design professionals and section F.1. He stated that net carbon architecture is a highly integrated process that includes architects and engineers as well as other related design professionals, such as energy modelers and they are highly qualified part of the team, so they think it's appropriate to include them while maintaining the requirements that they have a minimum of three years of demonstratable, direct experience, and the design of carbon neutral and or high-performance buildings. He stated that AIACA has concerns with the inclusion of section F.3 and the language, because unlike California accessibility codes, where a clear set of codified regulations are provided, no such codes of regulations related to zero net carbon design currently exist in the California building code. Therefore, there is not yet a code or regulatory framework for building inspectors and plan examiners to apply to submit a design.

Members Serrano, Gladstone, Jones, Kanaani, Manoukian, and Ward voted in favor of the motion. Motion passed 6-0.

4. DISCUSS AND POSSIBLE ACTION ON PROPOSED REGULATORY MODIFIED TEXT AMENDMENTS FOR CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2615 (LATC FORM OF EXAMINATIONS)

On August 25, 2022, the Council of Landscape Architectural Registration Board (CLARB) announced that the Landscape Architect Registration Examination (LARE) will transition to a new examination format in December 2023.

On February 24, 2023, the Board approved a regulatory proposal to amend 16 CCR section 2615 to align the regulation text with the new LARE format by removing references to LARE Sections 1, 2, 3, and 4, which will no longer be administered after December 2023, and allow California candidates with four years of education credit to take any section of the LARE.

After the related Notice of Proposed Regulatory Action was issued, staff found that additional amendments to subdivision (b) are necessary to clarify that candidates must continue to document a combination of six years of education and training experience as specified in 16 CCR section 2620 (Education and Training Credits) prior to taking the California Supplemental Examination.

On June 23, 2023, the Notice of Availability of Modified Text was issued, and the related 15-day public comment period ended on July 10, 2023. The Board did not receive any comments on the proposed modifications.

Nilza Serrano moved to approve the modified text to amend 16 CCR section 2615 and authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR section 2615 as noticed.

Brett Gladstone seconded the motion.

PUBLIC COMMENT: Stephanie Landregan, Director of Landscape Architecture Program at UCLA Extension, stated the concern she has is the requirement that was removed that allowed their students who have three years of Extension direct education will not be allowed to sit for the exam until after their experience; however, everyone else will be able to sit.

Members Serrano, Gladstone, Jones, Kanaani, Manoukian, and Ward voted in favor of the motion. Motion passed 6-0.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE, (LATC) 2023 SUNSET REVIEW REPORT - Laura Zuniga, Executive Officer

Ms. Zuniga started that during LATC's August meeting, several changes were made to the report, and it wasn't voted on. Ms. Zuniga would like the Board to approve it today with the ability to make technical changes and revisions if necessary to address the issue of local approval of plans. The new issues are:

- Local Approval of Plans Prepared by a Landscape Architect. Staff would like to add language that local building departments approve plans submitted by landscape architects.
- Clarifying Licensing Renewals. When a licensee has been expired more than five years, obtaining a license is no longer a renewal—it becomes a new application. Additionally, all licensees must keep an updated email on file.

Jon Wreschinsky joined the conversation and said that there were a few issues he wanted to address. The first issue is that the Council of Landscape Architecture Registration Boards (CLARB) has pushed through a uniform standard that is counter to LATC's licensing statute and regulations. The uniform standard is more restrictive regarding the amount of education and experience a candidate needs in order to sit for the exam. Mr. Wreschinsky also mentioned experience and stated it is not clear who will be responsible for examining each candidate's experience and whether it meets the current criteria. The new uniform standard allows candidates to sit for the exams directly out of school without gaining any experience. If California chooses to adopt the experience standard, it would add another two years for our candidates to gain experience.

He also mentioned that LATC had to recently increase their fees but believes that LATC is an example of smaller Boards within DCA that do not have the licensee pool to generate enough revenue to cover the operating costs without increasing

fees substantially. He suggests that smaller boards collectively bring this to the attention of the Legislature.

Mr. Wreschinsky added that with regard to candidates gaining experience, which is driven by the economy, and stressed the importance of addressing those opportunities for California candidates.

President Ward thanked Mr. Wreschinsky for his comments. Brett Gladstone inquired about the difference between a licensed landscape architect and a landscaper, and who are typical clients of landscape architects. Mr. Wreschinsky referred Mr. Gladstone to the LATC Practice Act and stated that typical clients involve public works or commercial work projects or large residential projects.

Ron Jones moved to approve the LATC's 2023 Sunset Review Report for submission to the Legislature, and delegate authority to the EO to make any necessary minor and technical changes to the report prior to submittal.

Nilza Serrano seconded the motion.

PUBLIC COMMENT: Stephanie Landregan commented the huge swings in fees is extreme and will dissuade licensing. She supported Mr. Wreschinsky's comments about financial support for smaller boards. Cheryl Buckwalter from the Association of Professional Landscape Designers California Chapter spoke to the question between licensed landscape architects versus unlicensed landscapers.

Members Gladstone, Jones, Kanaani, Manoukian, Serrano and Ward voted in favor of the motion. Motion passed 6-0-0.

H. REVIEW AND POSSIBLE ACTION TO APPROVE THE REVISED BOARD MEMBER ADMINISTRATIVE MANUAL – Laura Zuniga, Executive Officer

Ron Jones moved to approve the revised administrative manual as amended.

Leonard Manoukian seconded the motion.

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

J. UPDATE AND DISCUSSION OF NCARB – Laura Zuniga
No update or discussion.

K. LEGISLATION UPDATE – Laura Zuniga, Executive Officer

Assembly Bill (AB) 342 (Valencia)

This bill would authorize the California Architects Board and the Bureau of Real Estate Appraisers to request that a licensee identify their race, ethnicity, sexual orientation, gender, or gender identity when an initial license is issued or at the time

of license renewal. The bill would require the Board and Bureau to maintain the confidentiality of the information and would prohibit the Board and Bureau from requiring a licensee to provide the information as a condition of licensure or license renewal. The bill would authorize the Board and Bureau to publish the aggregate demographic data they collect on their websites. The bill, beginning January 1, 2025, would require the Board and the Bureau to submit the aggregate demographic data they collect to the DCA and would require posting on DCA's website. This bill is on the Assembly floor for a final vote.

Senate Bill (SB) 372 (Menjivar)

SB 372 would require a board to update a licensee's or registrant's records, including records contained within an online license verification system, to include the licensee's or registrant's updated legal name or gender if the Board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. The bill would require the Board to remove the licensee's or registrant's former name or gender from its online license verification system and treat this information as confidential. The Board would be required to establish a process to allow a person to request and obtain a licensee's or registrant's current name or enforcement action record linked to a former name, as prescribed. The bill would require the Board, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The bill would prohibit a board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information. This bill is on the Governor's desk for signature.

SB 544 (Laird)

SB 544 removes certain teleconference requirements of the Bagley-Keene Open Meeting Act, including that each teleconference location be identified in a meeting notice and agenda and that each teleconference location be accessible to the public. This bill requires state bodies to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely.

This bill deletes the requirement that an agenda provide an opportunity for members of the public to address the state body directly at each teleconference location and requires that at least one member of the state body be physically present at the location specified in the notice of the meeting. This bill requires a procedure for receiving and swiftly resolving requests from members of the public with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

This bill requires a member of a state body who attends a meeting by teleconference from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals. This bill is pending on the Senate floor.

SB 816 (Roth)

The bill makes the following changes to the Landscape Architects Technical Committee: Sets the application fee for reviewing an applicant's eligibility to take any section of the examination at \$100. Sets the fee for the California Supplemental Examination at \$350. Authorizes the California Architects Board to adopt regulations to set the fee at a higher amount, up to a maximum of \$400. Sets the fee for an original license at \$700 and authorizes the California Architects Board to adopt regulations to set the fee at a higher amount, up to a maximum of \$800. Sets the fee for a duplicate license at \$300. Sets the renewal fee at \$700 and authorizes the California Architects Board to adopt regulations to set the fee at a higher amount, up to a maximum of \$800. This bill is on the Governor's desk.

SB 877 (Committee on Business Professions and Economic Development)

SB 887, as it pertains the California Architects Board (Board), modifies the Board's existing regulation on exam score validity for divisions of the Architect Registration Examination (ARE), to reflect NCARB's recently updated exam validity policy.

Background: As of May 1 of this year, NCARB eliminated its prior rolling clock policy, which placed a five-year expiration date on passed divisions of the ARE. Under the new policy, passed divisions will expire after two versions of the exam. For example, passed ARE 4.0 divisions will remain valid throughout the delivery of ARE 5.0 and will be retired after the next version of the exam is introduced. SB 887's proposed change will allow the Board to implement the new test validity policy. This bill is on the Governor's desk to sign.

PUBLIC COMMENT: There were no public comments.

L. REVIEW, DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE LATC- Laura Zuniga

Ms. Zuniga gave a brief update on the August 11 LATC meeting.

Nilza Serrano moved to approve the LATC Member Administrative Manual as amended.

Tian Feng seconded the motion.

PUBLIC COMMENT: Jon Wreschinsky commented that during LATC's August 11 meeting the discussion regarding the potential for a joint Architect Board and Landscape Committee continued. The Committee made the decision to table the idea for the present.

Members Feng, Serrano, Gladstone, Kanaani, Ward, Jones and Manoukian voted in favor. Motion passed 7-0-0.

M. EXECUTIVE OFFICER’S REPORT

Ms. Zuniga summarized the report and highlighted the following:

- She welcomed the Board’s new Assistant EO, Jesse Laxton, and welcomed back Kim McDaniel, who was the Regulations Manager, and has returned as the LATC’s Manager. The Board also welcomed back Rey Castro to the Enforcement Unit.

- Business Modernization Plan Update: The Business Modernization Cohort 2 Project consisting of CAB/LATC, Structural Pest Control Board, Cemetery and Funeral Bureau, and the Bureau of Household Goods and Services began on May 16, 2022. The 18-month project’s first release occurred on May 23 for LATC and June 1 for CAB, and included automation of the Eligibility Application, California Supplemental Exam Application, and Initial License Application. The second release is scheduled for fall 2023 and will include automation of the Certification of Experience and Reciprocity Applications. The online license renewal will also be incorporated into Connect.

- Enforcement Update: The most common violations have stayed consistent over the past four years, and are as follows:
Misuse of the term “Architect”
Practice without a License/Device
Continuing Education Audit Incompliance
Written Contract Violations
Signature/Stamp on plans and unauthorized practice
Negligence or Willful Misconduct

There was a short conversation about raising pass rates for first time candidates taking the standard professional examinations. The consensus was that progress is being made.

PUBLIC COMMENT: There were no public comments.

O. CLOSED SESSION

No closed session

P. REVIEW OF FUTURE MEETING DATES

A schedule of planned meetings for 2023 was presented to the Board.

November 3	LATC Meeting	TBD
December 1	Board Meeting	Virtual

Q. MEETING ADJOURNMENT

The meeting adjourned at 2:36 p.m.

**AGENDA ITEM H: UPDATE AND DISCUSSION ON COMMITTEE MEETINGS OF
THE NATIONAL COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS (NCARB)**

Summary

1. Update and Discussion of Committee Meetings

AGENDA ITEM I.1: AB 342 (VALENCIA) ARCHITECTS AND REAL ESTATE APPRAISERS: APPLICANTS AND LICENSEES: DEMOGRAPHIC INFORMATION

SUMMARY

[AB 342](#) was signed by the Governor on September 22, 2023. Effective January 1, 2024, the California Architects Board and the Bureau of Real Estate Appraisers are authorized to request that a licensee identify their race, ethnicity, gender, or gender identity when an initial license is issued or at the time of license renewal. The board and the bureau are required to maintain the confidentiality of the information and prohibited from requiring a licensee to provide the information as a condition of licensure or license renewal. The board and the bureau are authorized to publish the aggregate demographic data they collect on their internet websites. Beginning January 1, 2025, the board and the bureau are required to submit the aggregate demographic data they collect to the department and the department is required to post the information on the department's internet website.

The Board is now the first non-healing arts board authorized to request demographic information from licensees.

Background

The bill was sponsored by the American Institute of Architects California (AIACA). According to the Author, it is important that those in the architectural profession, who design and build our communities, reflect the diversity of the communities being served. This bill will give the California Architects Board the authority to request demographic information from licensees, which will help promote diversity, equity, and inclusion (DEI). The disclosure of this information will not be mandatory, but the new authority will allow for better assessment, support, and promotion of diversity, equity, and inclusion in the architectural industry. Collecting demographic information is critical to understanding recruitment and attrition patterns. This will enable the industry to develop strategies to address these barriers and create a more diverse and inclusive profession. These values are shared among other industries in the State and is essential for the architectural industry's long-term success.

On September 13, 2022, Governor Gavin Newsom issued Executive Order N-16-22 directing state agencies and departments to ensure that their strategic plans include policies and practices that promote DEI. More specifically, the executive order requires to state agencies and departments to consult with historically disadvantaged and underserved communities that have been impacted by the agency or department's policies or programs and to incorporate the use of data analysis and inclusive practices to promote equity and address disparities.

Comments

The National Council of Architectural Registration Boards (NCARB) publishes extensive demographic data about ARE candidates and NCARB certificate holders. It is not clear that the Board would be able to collect significantly more or different data than is collected by NCARB. Additionally, the Board cannot meet the January 1, 2025 deadline for reporting this information, as the Board will first need to amend its regulations to include the request for this information on its applications.

Action Requested

None.

AGENDA ITEM I.2: SB 372 (MENJIVAR) DEPARTMENT OF CONSUMER AFFAIRS: LICENSEE AND REGISTRANT RECORDS: NAME AND GENDER CHANGES

SUMMARY

[SB 372](#) was signed by the Governor on September 23, 2023. Effective January 1, 2024, DCA boards are required to update a licensee's or registrant's records, including records contained within an online license verification system, to include the licensee's or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. The Board and LATC are required to remove the licensee's or registrant's former name or gender from its online license verification system and treat this information as confidential. The Board and LATC are required to establish a process to allow a person to request and obtain a licensee's or registrant's current name or enforcement action record linked to a former name, as prescribed. The Board and LATC are required, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The Board and LATC are prohibited from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

Background

According to the Author, "deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously used. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online.

When transgender or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation and behavior for transgender people. It is imperative that the state take every step to uplift and protect trans and non-binary Californians. DCA can help protect its over 3.4 million licensed professionals by ensuring that trans and non-binary licensees who have legally changed their names have their identities reflected on their online system."

Action Requested

None.

AGENDA ITEM I.3: SB 544 (LAIRD) BAGLEY-KEENE OPEN MEETING ACT: TELECONFERENCING

SUMMARY

[SB 544](#) was signed by the Governor on September 22, 2023 and, effective January 1, 2024, removes certain teleconference requirements of the Bagley-Keene Open Meeting Act including that each teleconference location be identified in a meeting notice and agenda and that each teleconference location be accessible to the public. State bodies are required to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely.

State bodies will no longer be required to provide an opportunity for members of the public to address the state body directly at each teleconference location. At least one member of the state body must be physically present at the location specified in the notice of the meeting.

State bodies are required to implement a procedure for receiving and swiftly resolving requests from members of the public with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Any member of a state body who attends a meeting by teleconference from a remote location must disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals.

Background

According to the Author, this bill codifies the Governor's Executive Order allowing state boards and commissions the opportunity to continue holding virtual meetings without being required to list the private addresses of each remote member or providing public access to private locations.

The additional flexibility and safeguards may also help attract and retain appointees, who provide invaluable perspective. This bill will promote equity and public participation by removing barriers to Californians that experience challenges attending physical meetings, such as people with disabilities, caretakers, seniors, low-income individuals, and those living in rural or different areas of the state.

Action Requested

None.

AGENDA ITEM I.4: SB 816 (ROTH) PROFESSIONS AND VOCATIONS

Summary

[SB 816](#) was signed by the Governor on October 10, 2023 and raises several types of licensing fees imposed by the Board of Psychology, Board of Pharmacy, Board of Accountancy, and the Landscape Architects Technical Committee (LATC) and makes two technical changes pertaining to the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) and Veterinary Medical Board (VMB).

Effective January 1, 2024, section 5681 of the Business and Professions Code is amended to read:

The fees prescribed by this chapter for landscape architect applicants and landscape architect licensees shall be fixed by the board as follows:

- (a) The application fee for reviewing an applicant's eligibility to take any section of the examination shall be one hundred dollars (\$100).
- (b) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam. The fee for the California Supplemental Examination shall be three hundred fifty dollars (\$350). The board may adopt regulations to set the fee at a higher amount, up to a maximum of four hundred dollars (\$400).
- (c) The fee for an original license shall be seven hundred dollars (\$700) and the board may adopt regulations to set the fee at a higher amount, up to a maximum of eight hundred dollars (\$800), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original license. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- (d) The fee for a duplicate license shall be three hundred dollars (\$300).
- (e) The renewal fee shall be seven hundred dollars (\$700). The board may adopt regulations to set the fee at a higher amount, up to a maximum of eight hundred dollars (\$800).
- (f) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed fifty dollars (\$50).
- (g) The delinquency fee shall be 50 percent of the renewal fee for the license in effect on the date of the renewal of the license, but not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- (h) The fee for filing an application for approval of a school pursuant to Section 5650 may not exceed six hundred dollars (\$600) charged and collected on an biennial basis.

Action Requested

None.

AGENDA ITEM I.5: SB 887 (COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT) CONSUMER AFFAIRS

Summary

As of May 1st of this year, the National Council of Architectural Registration Boards (NCARB) eliminated its prior rolling clock policy, which placed a five-year expiration date on passed divisions of the Architect Registration Examination (ARE). Under the new policy, passed divisions will expire after two versions of the exam. For example, passed ARE 4.0 divisions will remain valid throughout the delivery of ARE 5.0 and will be retired after the next version of the exam is introduced.

[SB 887](#) was signed by the Governor on October 8, 2023 and, as it pertains the California Architects Board (Board), modifies the Board's existing statute on exam score validity for divisions of the ARE, to reflect NCARB's recently updated Score Validity Policy.

Effective January 1, 2024, section 5550.3 of the Business and Professions Code is amended to read:

(a) Notwithstanding Section 111, the board may adopt guidelines for the delegation of its authority to grade the examinations of applicants for licensure to any vendor under contract to the board for provision of an architect's registration examination. The guidelines shall be within the board's legal authority to establish the standards for registration in this state, and shall include, but not be limited to:

- (1) Goals for the appropriate content, development, grading, and administration of an examination, against which the vendor's rules and procedures can be judged.
- (2) Procedures through which the board can reasonably assure itself that the vendor adequately meets the goals established by the board.

(b) The board shall not delegate its authority to grade the examinations of candidates for registration in this state to any vendor or any party not in compliance with Section 111 or with the guidelines established in subdivision (a).

(c) A candidate who received full credit for all divisions of the Architect Registration Examination (ARE) prior to May 1, 2023, shall be deemed to have passed the ARE.

Action Requested

None.



Committee Members

Ronald A. Jones, Chair
Robert C. Pearman Jr., Vice Chair
Robert Chase
Sylvia Kwan
Steven Winkel

NOTICE OF TELECONFERENCE MEETING

October 26, 2023

The Regulatory and Enforcement Committee (Committee) of the California Architects Board will meet by teleconference at

10:00 a.m., on Thursday, October 26, 2023

NOTE: Pursuant to Government Code section 11133, this meeting will be held by teleconference with no physical public locations.

Important Notice to the Public: The Committee will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:

To access the Webex event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m6b06dbe2d2674904307222f8581b5268>

If joining using the link above

Webinar number: 2494 972 7015
Webinar password: CAB10262023

If joining by phone 1-415-655-0001 US Toll

Access code: 249 497 27015
Passcode: 22210262

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by October 19, 2023, to cab@dca.ca.gov for consideration.

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who

(Continued)

choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

AGENDA

10 a.m. to 2:00 p.m.
(or until completion of business)

Action may be taken on any item listed below.

- 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 Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

- D. Review and Possible Action on November 18, 2022, Committee Meeting Minutes
- E. Enforcement Program Update
- F. Discuss the use of the title "Architect in Training"
- G. Update on 2022-2024 Strategic Plan Objectives:
 - 1. Provide more detail on enforcement cases in the Executive Officer report during board meetings regarding decisions on cases, to make information more accessible and inform consumers.
 - 2. Develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.
 - 3. Better educate practitioners on standards of practice during the renewal process to protect the public.
 - 4. Educate the public and practitioners regarding their roles when contracts are signed with a third party (contractor/developer).

5. Review the current threshold for fines to determine if they are appropriate to deter violations.

6. Monitor social media to proactively enforce against unlicensed advertising.

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.

The Committee plans to webcast the meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

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)).

This meeting is being held via WebEx Events. The meeting is accessible to the disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Katie Wiley
Telephone: (916) 471-0762
Email: katie.wiley@dca.ca.gov
Telecommunications Relay Service: Dial 711

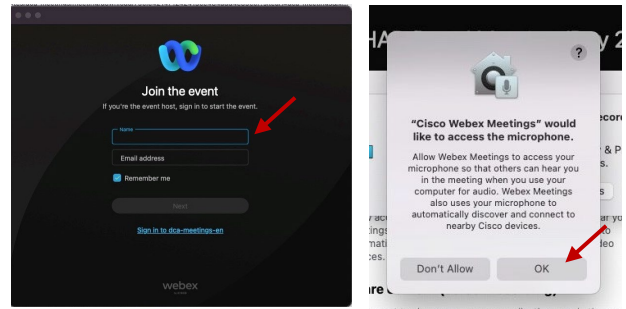
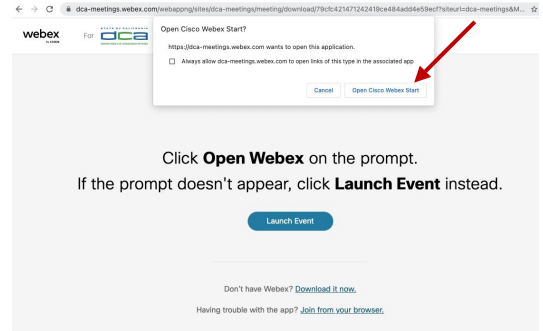
Mailing Address:
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

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 Committee 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).

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.
- 3 Enter your name and email address*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

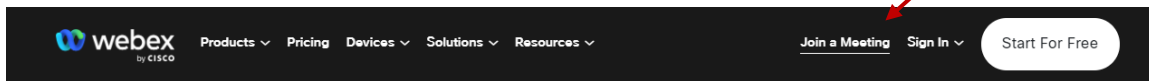


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

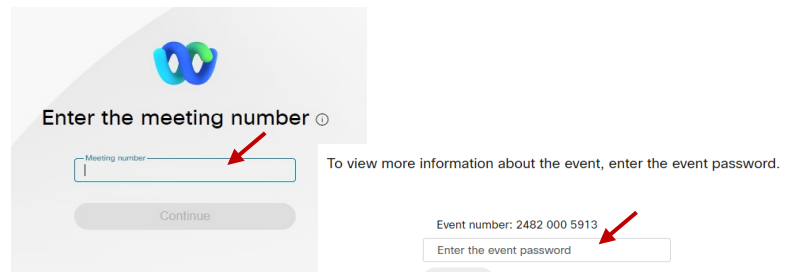
OR

If joining from Webex.com

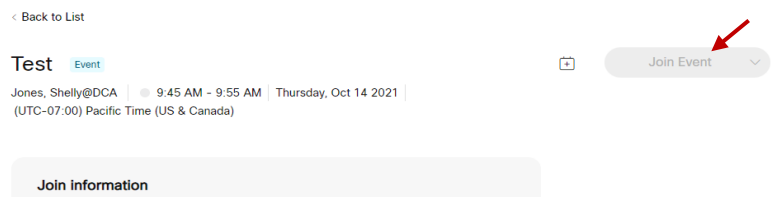
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



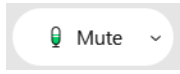
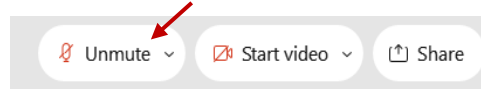
OR

Connect via telephone*:

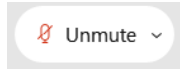
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

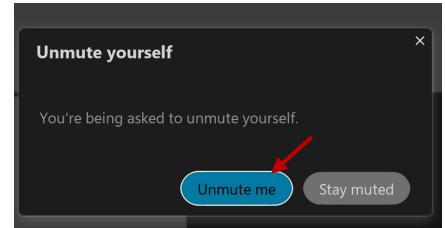


Green microphone = Unmuted: People in the meeting can hear you.



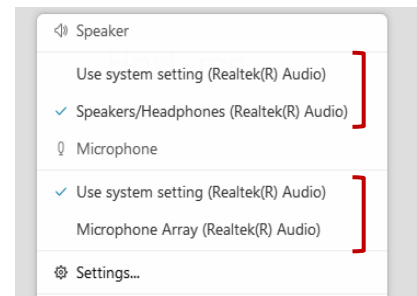
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



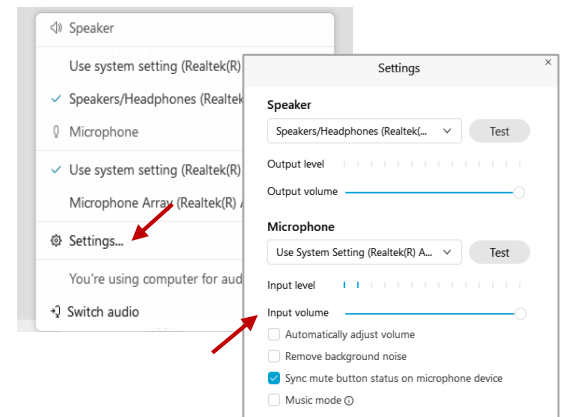
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

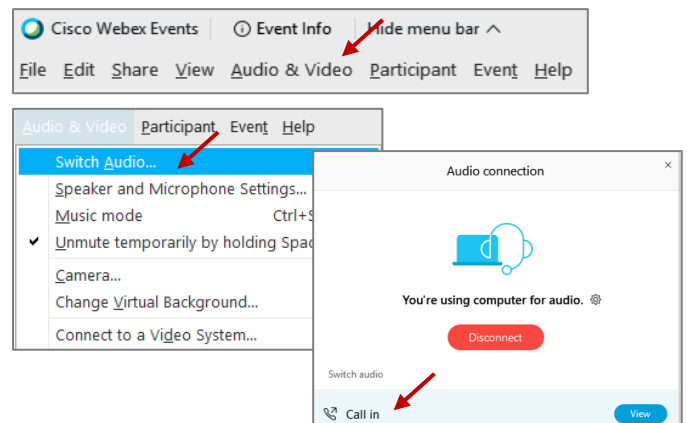
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



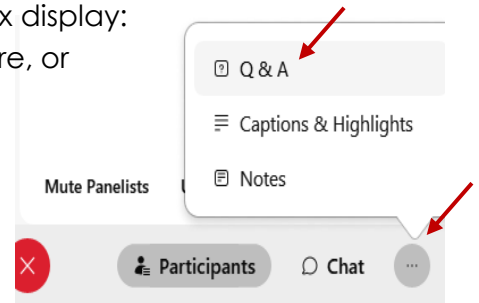
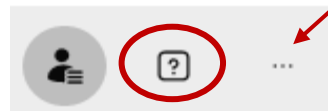
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

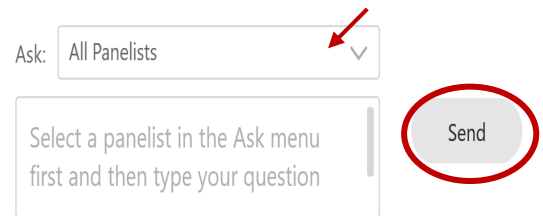
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

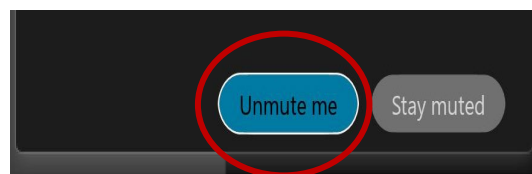
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

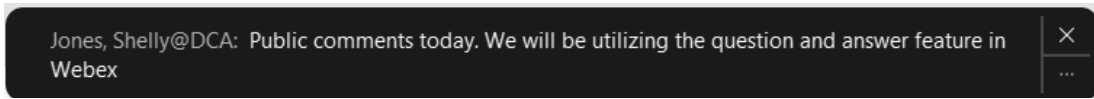


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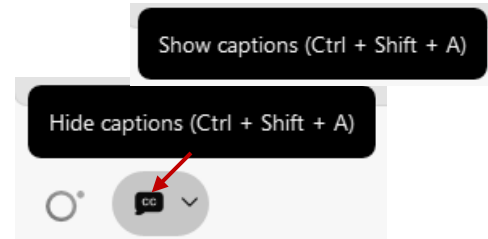
If connected via telephone:

- Press *3 to unmute your microphone.

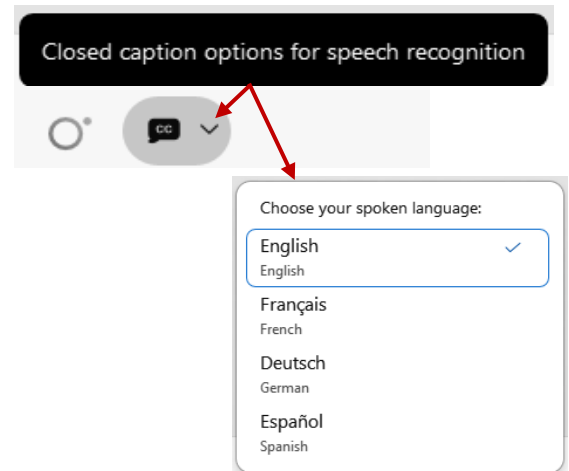
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



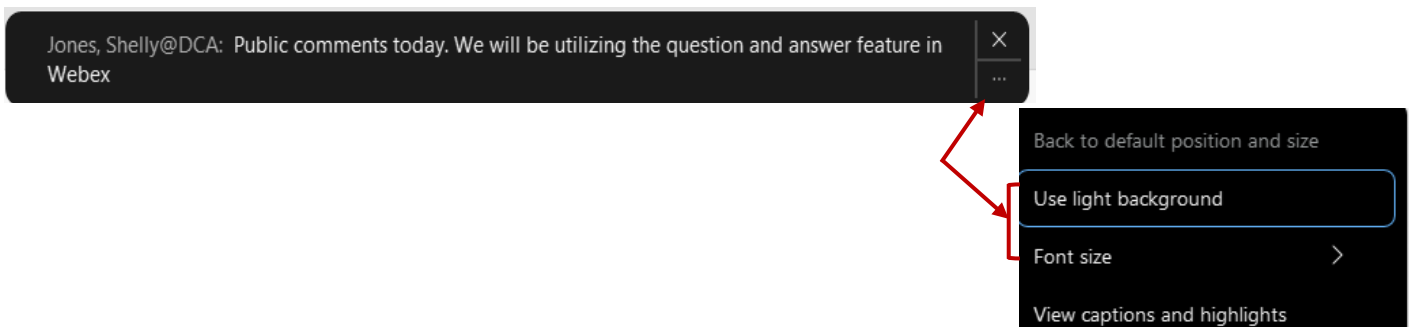
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





NOTICE OF PUBLIC TELECONFERENCE MEETING

LATC MEMBERS

Jon S. Wreschinsky, Chair
Pamela S. Brief, Vice Chair
Andrew C. N. Bowden
Susan M. Landry
Patricia M. Trauth

November 17, 2023

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

**The Landscape Architects Technical Committee (LATC or Committee) will
meet by teleconference at**

10:00 a.m., on Friday, November 17, 2023

**NOTE: Pursuant to Government Code section 11133, this meeting will be
held by teleconference with no physical public locations.**

Information to Register/Join Meeting for Members of the Public via WebEx:

To access the WebEx event, attendees will need to click the following link. Instructions to connect to the meeting can be found at the end of this agenda.

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=ma2f29d9840d405425a5b54ffce93c7fe>

If joining using the link above

Webinar number: 2495 714 8761

Webinar password: LATC1117

If joining by phone: 1-415-655-0001 US Toll

Access code: 2495 714 8761

Passcode: 52821117

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com

(Continued)

Due to potential technical difficulties, please consider submitting written comments by November 13, 2023, to latc@dca.ca.gov for consideration.

AGENDA

10:00 a.m. to 2:00 p.m.
(or until completion of business)

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THIS 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 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. Budget Update from DCA Budget Office, Harmony DeFilippo, Budget Manager
- F. Review and Possible Action on August 11, 2023, LATC Meeting Minutes
- G. Legislation Update
 - 1. AB 342 (Valencia) Architects and Real Estate Appraisers: Applicants and Licensees: Demographic Information
 - 2. SB 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes
 - 3. SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing
 - 4. SB 816 (Roth) Professions and Vocations
- H. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs

- I. Discuss and Possible Action on 2022-2024 Strategic Plan Objectives to:
 - 1. Work with the American Society of Landscape Architects (ASLA) and Other License Advocates to Address Concerns Regarding Licensed Versus Unlicensed Professionals to Educate and Protect Consumers
 - 2. Research the Economic and Consumer Protection Impact of Re-Establishing the Landscape Architects Board or Establishing a Merged Board with the California Architects Board to Provide Better Representation, Strengthen the Distinction Between the Two Entities, and Increase Efficiency
- J. Election of 2024 Committee Officers
- K. Review and Discuss LATC's Draft Sunset Review Report
- L. Review of Future Committee Meeting Dates
- M. Closing Comments
- 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.

FOR OBSERVATION ONLY: WEBCAST: The LATC plans to webcast this meeting on the Department of Consumer Affairs' website at <https://thedcapage.blog/webcasts> Using the Webcast link will allow only for observation with closed captioning. Webcast availability cannot, however, be guaranteed due to resource limitations or technical difficulties. The meeting will not be cancelled if Webcast is unavailable. If you wish to participate, please plan to participate via the WebEx option listed above.

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

Person: Kourtney Fontes

Telephone: (916) 575-7230

Email: Kourtney.Fontes@dca.ca.gov

Telecommunication Relay Service: Dial 711

Mailing Address:

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

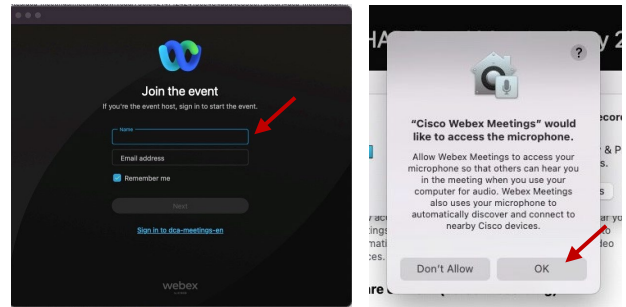
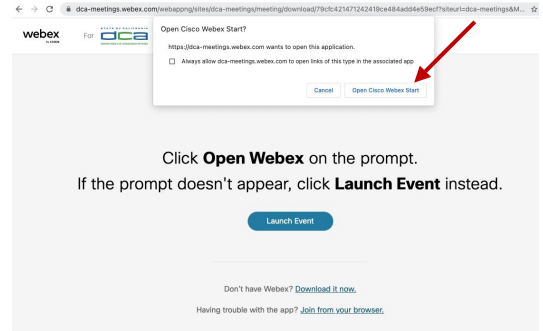
Sacramento, CA 95834

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 Committee 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).

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.
- 3 Enter your name and email address*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

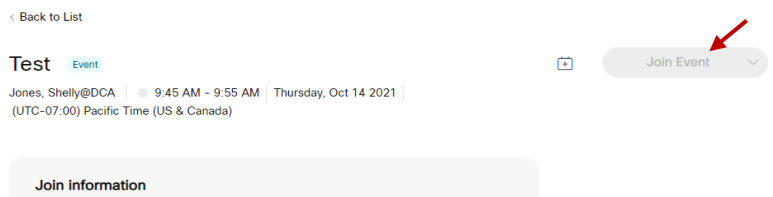
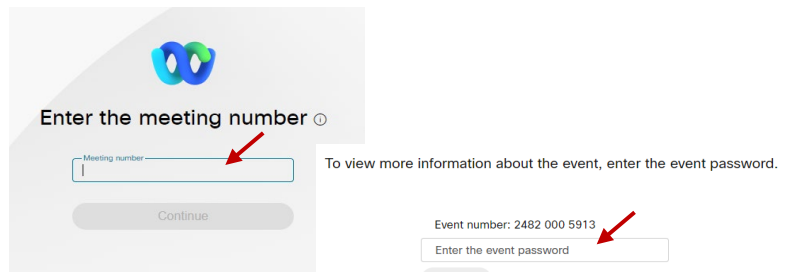
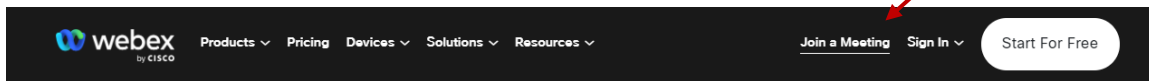


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

OR

If joining from Webex.com

- 1 Click on "Join a Meeting" at the top of the Webex window.
- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.
- 3 The meeting information will be displayed. Click "Join Event".



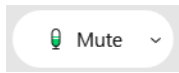
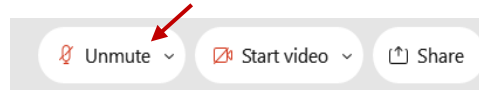
OR

Connect via telephone*:

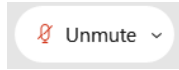
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

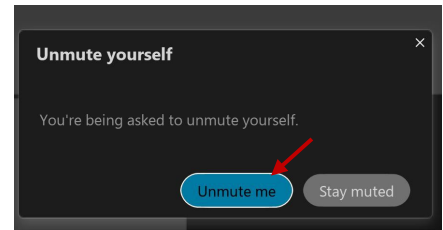


Green microphone = Unmuted: People in the meeting can hear you.



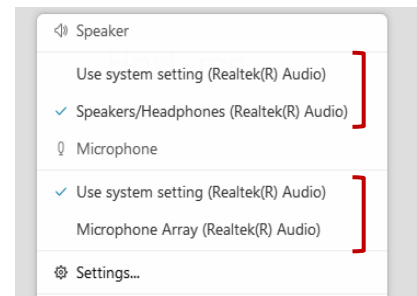
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



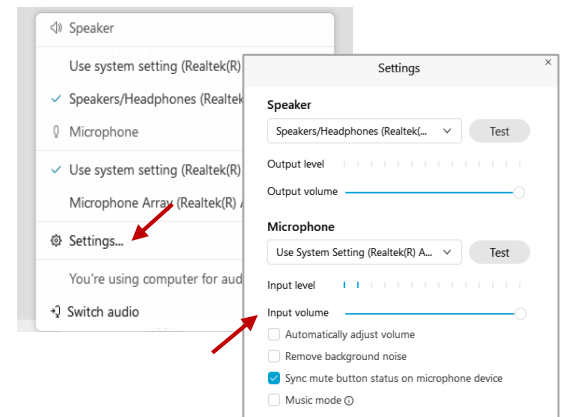
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

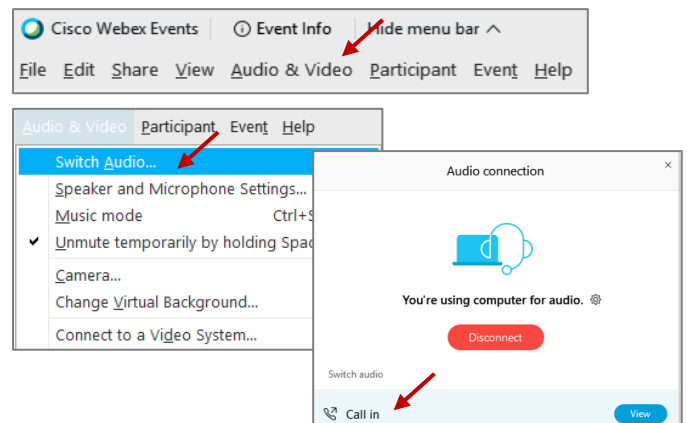
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



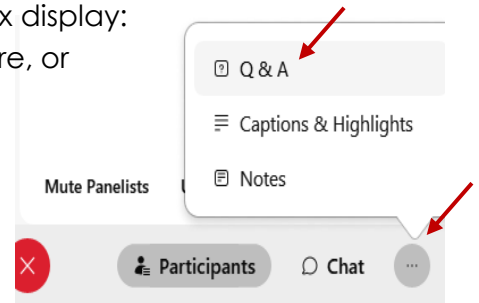
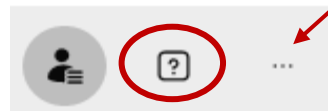
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

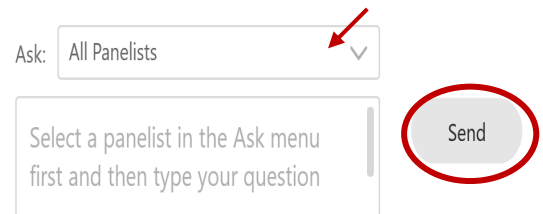
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

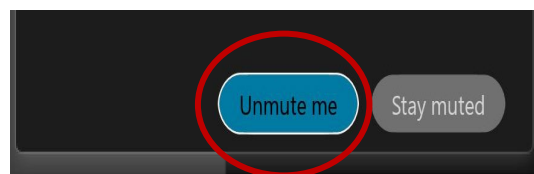
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

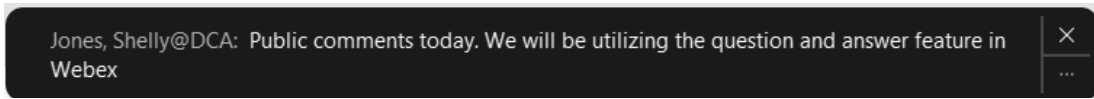


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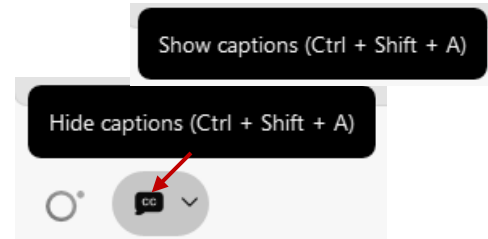
If connected via telephone:

- Press *3 to unmute your microphone.

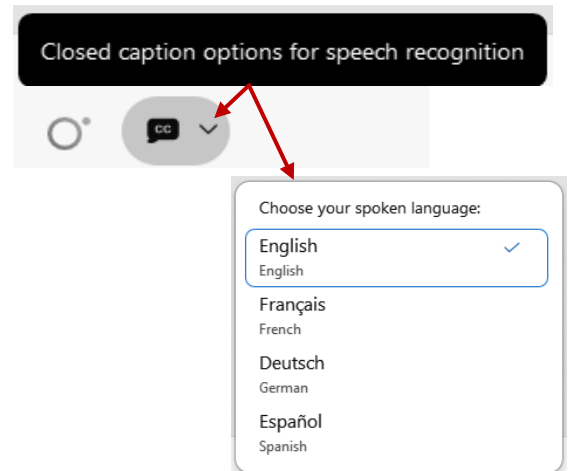
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



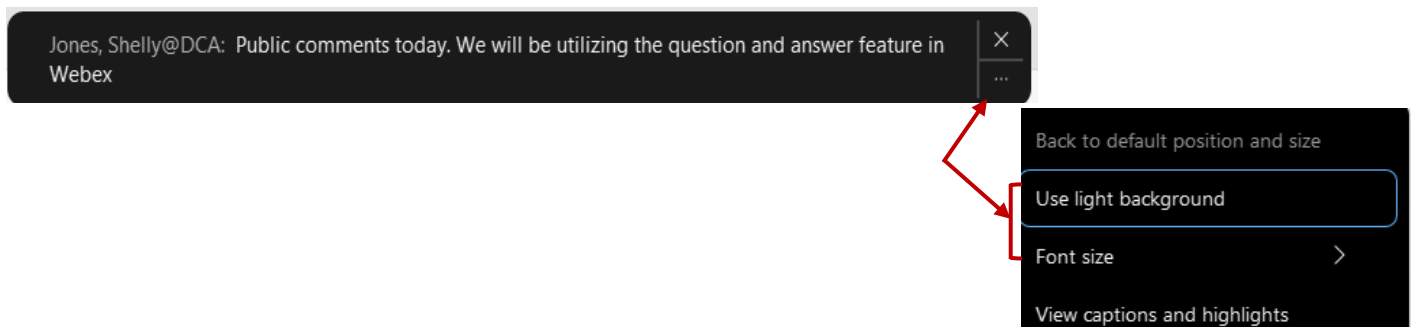
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.



Quarterly Report of the Executive Officer

Administrative/Management

Board. The Board met in Sacramento on September 8.

Meetings. The Regulatory and Enforcement Committee will meet by teleconference on October 26.

LATC met in Sacramento on August 11 and will meet by teleconference on November 17.

Newsletter

The summer issue of the California Architects newsletter was distributed in September.

Budget

The Board's fund condition was discussed at the last Board and LATC meetings. CAB increased its initial license and renewal fees in July 2023 from \$300 to \$400. LATC's fund is unsustainable; its initial and renewal fees will increase from \$400 to \$700 in January 2024.

Business Modernization

The Business Modernization Cohort 2 Project's second release is scheduled for spring 2024 and will include automation of the Certification of Experience and Reciprocity Applications, as well as online license renewal.

Personnel

Kimberly McDaniel returned to the Board in August as LATC’s Program Manager. Reynaldo Castro, Office Technician in the Enforcement Unit, returned to the Board in September.

Outreach

The Licensing Unit hosted a webinar on July 20 to answer questions from candidates and licensees, and held another on September 6 to walk candidates through applying for a license using Connect.

Social Media

CAB and LATC’s social media account information is noted in the chart below.

CAB	Posts July – Sept.	Followers 9/30/23		LATC	Posts July – Sept.	Followers 9/30/23
Twitter	41	1,409		Twitter	27	269
Instagram	43	1,319		Instagram	19	92
Facebook	40	441		LinkedIn	0	17
LinkedIn	5	521				

Regulatory Proposals

Architects

CCR Section 109 (Application Update). This regulatory proposal provides updates to the Application for Eligibility reference to address AB 496, AB 2113, AB 2138, aligns with current Board practices and the National Council of Architectural Registration Boards (NCARB) current requirements, and makes non-substantive changes to the text to increase understanding. Proposed language was approved at the May 2023 Board meeting. Further changes were made to language, which was then approved by the Board at its September meeting. Staff developed the Notice, Initial Statement of Reasons (ISR), and 399 (fiscal analysis) and submitted them to DCA for initial review.

Status: Under review by DCA who will then send to Agency. Upon Agency review, proposal will be sent to OAL for noticing.

CCR Section 120 (Re-Examination). This regulatory proposal amends 16 CCR section 120 in response to NCARB’s new score validity policy effective May 1, 2023, that states a passed exam division of the Architect Registration Examination (ARE) shall remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. Passed divisions will expire after two revisions of the exam. For example, passed ARE 4.0 divisions will remain valid throughout the delivery of ARE 5.0 and will be retired after the next version of the exam is introduced. When a new version of the ARE is developed (i.e., ARE 6.0), NCARB will provide at least 18 months’ notice prior to retiring any version of the exam.

In addition, the regulatory proposal removes outdated requirements, the five-year conditional credit, and shifts the responsibility for the rules about passing the ARE, which is the national

exam required for licensure in California, over to NCARB, the test administrator. Going forward, if NCARB changes the NCARB standards again, then with the proposed simplified language, those new rules will apply to all candidates.

At its May 19, 2023 meeting, the Board approved the language and delegated the authority to the EO to adopt the regulation, provided no adverse comments were received during the public comment period, and to make minor technical or non-substantive changes, if needed.

Status: Staff is working with the LAD and DCA Fiscal Office to develop the Notice, ISR and 399.

CCR Section 154 (Disciplinary Guidelines). Initial documents for the regulatory package were submitted to LAD on September 19, 2019. Staff incorporated LAD's feedback and the initial budget document was approved by the BO on October 19, 2020. On November 18, 2020, LAD forwarded the initial documents to the next level of review in the process and edits were required. Staff sent documents to LAD on September 8 and October 10, 2021. LAD is currently reviewing the regulatory language due to edits recommended by the Office of Administrative Law (OAL) to LATC's *Disciplinary Guidelines* rulemaking to ensure the language in the two regulatory packages is better aligned, and to expedite the review of the Board's *Disciplinary Guidelines* rulemaking when the final documents are submitted to OAL. The Board reviewed and approved the *Disciplinary Guidelines* at its September 2023 meeting and staff sent the regulatory package to DCA for review. DCA completed its review and sent the package to Agency for review on September 26, 2023.

Status: Upon Agency review, proposal will be sent to OAL for noticing.

CCR Section 166 (Zero Net Carbon Design Continuing Education). This is a regulatory proposal to establish requirements for zero net carbon design (ZNCD) continuing education (CE) through the creation of a new CCR section 166. [Assembly Bill 1010](#) (Berman, Chapter 176, Statutes of 2021) amended the Business & Professions Code (BPC) requiring architects to complete five hours of CE coursework on ZNCD for all renewals occurring on or after January 1, 2023. BPC section 5600.05 requires the Board to promulgate regulations by July 1, 2024, that would establish qualifications for ZNCD CE courses and course providers. Proposed regulatory text was presented and discussed during the March 30, 2022 Professional Qualifications Committee (PQC) meeting.

After considerable discussion on the topic of ZNCD CE, the Board approved proposed amended regulatory language during the June 8, 2022 Board meeting. The Board also delegated the authority to the EO, provided no adverse comments were received during the public comment period, to adopt the regulation and to make minor technical or non-substantive changes, if needed.

The Notice, ISR, and proposed language were submitted to OAL on behalf of the Board by LAD on June 12, 2023. The notice was posted on June 23, 2023 which began the 45-day comment period. During this time, the Board received seven comments. The Board approved modified language and responses to the comments at its September 2023 meeting.

Modified text was noticed on September 12, 2023 which began a 15-day comment period that ended on September 27, 2023. No comments were received during this second comment period. Staff is working with LAD on the final rulemaking documents.

Status: Upon completion of the final rulemaking documents, they will be submitted to DCA, then Agency and OAL for final review. Rulemaking is on schedule to meet the legislative deadline.

Landscape Architects

Legislative Proposal BPC section 5659 (Approval of Plans). LATC set an objective to educate the different jurisdictional agencies about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations. Staff worked with LAD to add language to section 5659 to coincide with section 460 specifically referencing landscape architects. The proposed additional language would prohibit local jurisdictions from rejecting plans solely based on the fact they are stamped by a licensed landscape architect; however, they could still reject plans based on defects or public protection from the licensee.

Proposed language to amend BPC section 5659 was presented to LATC on February 5, 2020 and the Board approved LATC's recommendation at its February 28, 2020 meeting. Staff proceeded with the proposal and submitted it to legislative staff in mid-March 2020; however, the bill proposal was late and not accepted. The bill was resubmitted to legislative staff in January 2021; however, proposed language in the omnibus bill would delay review for other programs, so it was removed. **Status:** LATC will include this proposal in the 2023 Sunset Review Report.

CCR Section 2614 (Examination Transition Plan). On August 25, 2022, the Council of Landscape Architectural Registration Boards (CLARB) announced changes to the content and structure of the LARE effective December 2023. At its September 16, 2022 meeting, the Board approved proposed regulatory language to establish a plan to grant examination credit, toward the new LARE sections, to candidates who passed sections of the previously administered LARE. Amendments became effective on April 1, 2023. On May 19, 2023, the Board approved a secondary regulatory proposal to extend the transition date from August 2023 to November 2023 to accommodate an additional LARE administration date announced by CLARB. This new administration was added to allow affected candidates another opportunity to pass the LARE prior to the format change in December 2023. **Status:** The final rulemaking package was submitted to OAL on October 5, 2023 and approved on October 11, 2023. The amendments became effective on October 11, 2023.

CCR Section 2615 (Form of Examinations). This regulatory proposal amends 16 CCR section 2615 to allow California candidates to take any section of the LARE if they hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board or an approved extension certificate in landscape architecture along with a four-year degree. This proposal will also align California's regulations with the new LARE format by removing references to LARE Sections 1- 4 which will no longer be administered after December 2023. The Board approved proposed regulatory language at its February 24, 2023 meeting. The Notice, ISR, and proposed language were submitted to OAL on behalf of the Board by LAD on April 21, 2023. The notice was posted on May 5, 2023 and the 45-day comment period ended on June 20, 2023. No comments were received. Text was modified to clarify that candidates must have a combination of six years of experience as specified in CCR section 2620 prior to taking the CSE. The 15-day comment period of the modified text began on June 23 and ended on July 10, 2023. The Board approved the modified text on September 8, 2023.

Status: The final rulemaking package was submitted to OAL on September 14, 2023 and approved on October 12, 2023. The amendments became effective on October 12, 2023.

Licensing and Examination Program

Architects

Performance data for the Architect California Supplemental Examination (CSE) and Architect Registration Examination (ARE) 5.0 for California candidates during the first quarter of FY 2023/24 are presented in Tables A and B.

**Table A
Architect CSE Examinee Performance: July 1 – September 30, 2023**

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
Instate First-time	93	78%	26	22%	119
Instate Repeat	26	70%	11	30%	37
Reciprocity First-time	35	83%	7	17%	42
Reciprocity Repeat	6	40%	9	60%	15
Total	160	75%	53	25%	213

**Table B
California ARE 5.0 Examinee Performance by Division: July 1 – September 30, 2023**

ARE Division	Pass	Rate	Fail	Rate	Total Exams
Construction and Evaluation	126	57%	97	43%	223
Practice Management	169	54%	142	46%	311
Programming and Analysis	142	57%	109	43%	251
Project Development and Documentation	130	48%	140	52%	270
Project Management	146	67%	72	33%	218
Project Planning and Design	131	45%	163	55%	294

Table C
California and NCARB ARE 5.0 Performance Comparison
(Q1 FY 2023/24)

ARE Division	Q1 FY 23/24		
	CA Pass	Natl. Pass	▲%
Construction and Evaluation	57%	62%	-5%
Practice Management	54%	53%	+1%
Programming & Analysis	57%	60%	-3%
Project Development & Documentation	48%	54%	-6%
Project Management	67%	66%	+1%
Project Planning & Design	45%	50%	-5%

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

Landscape Architects

Performance data for the Landscape Architect California Supplemental Examination (CSE) and Landscape Architect Registration Examination (LARE) for California candidates during the first quarter of FY 2023/24 are presented in Tables D and E.

Table D
Landscape Architect CSE Examinee Performance: July 1 – September 30, 2023

Candidate Type	Pass	Rate	Fail	Rate	Total Examinees
First-time	19	68%	9	32%	28
Repeat	4	80%	1	20%	5
Total	23	70%	10	30%	33

Table E
California LARE Examinee Performance by Section/Topic: July 1 – September 30, 2023

Topic	Pass	Rate	Fail	Rate	Total Examinees
Project and Construction Management	7	54%	6	46%	13
Inventory and Analysis	30	42%	42	58%	72
Design	37	49%	39	51%	76
Grading, Drainage and Construction Documentation	64	50%	64	50%	128

Table F
California and CLARB LARE Performance Comparison
(Q1 FY 2023/24)

LARE Section	Q1 FY 23/24		
	CA Pass	Natl. Pass	▲%
Project & Construction Management	54%	68%	-14%
Inventory & Analysis	42%	62%	-20%
Design	49%	60%	-11%
Grading, Drainage & Construction Documentation	50%	54%	-4%

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

Enforcement

Architects

The most common violations have stayed consistent over the past four years, and are as follows:

- Misuse of the term “Architect”
- Practice without a license/device
- Continuing Education Audit Incompliance
- Written contract violations
- Signature/Stamp on plans and unauthorized practice
- Negligence or Willful Misconduct

**Table G
Architects Complaints and Enforcement Actions**

Category	Current Quarter		Prior Quarter		FY 23 24
	July	Sept. 2023	April	June 2023	
Complaints					
Received	128		64		128
Opened	129		64		129
Closed	67		49		67
Average Days to Close	173		103		173
Pending	195		140		195
Citations					
Issued	7		7		7
Final	4		7		4
Discipline					
Pending Attorney General	2		2		3
Final	0		1		0

Landscape Architects

**Table H
Landscape Architects Complaints and Enforcement Actions**

Category	Current Quarter		Prior Quarter		FY 23 24
	July	Sept. 2023	April	June 2023	
Complaints					
Received		11	6		11
Opened (Reopened)		11	6		11
Closed		7	6		7
Average Days to Close		73	67		73
Pending		9	5		9
Citations					
Issued		0	0		0
Final		1	0		1
Discipline					
Pending Attorney General		0	1		0
Final		1	0		1

LATC’s most common violations mirror the Board’s with the exception of continuing education, signature/stamp on plans, unauthorized practice, and negligence or willful misconduct. LATC does not typically see egregious violations and more commonly receives complaints regarding the Rules of Professional Conduct and the standards of practice within the profession.

The most common violations within the practice of landscape architecture have stayed consistent over the past four years, and are as follows:

- Misuse of the term “landscape architect”
- Practice without a license
- Written contract violations
- Rules of Professional Conduct violations

Enforcement Actions

Architects

Citations

Maxwell Anthony Beaumont (Emeryville) - The Board issued a two-count citation, including an administrative fine in the amount of \$3,000 to Maxwell Anthony Beaumont, architect license number C-24621, dba Beaumont+Associates, for alleged violations of Business and Professions Code (BPC) sections 5584 and 5536.22(a), and California Code of Regulations, title 16, sections 150 and 160(c)(1).

Beaumont had been hired in June 2021 to prepare plans and obtain a construction permit for a new single-family residence located in Hayward, California. A contract for services was signed and executed on June 16, 2021 which included the term "Period of Performance: 12 weeks." Beaumont was paid \$10,560, but the permit had not been issued after 37 weeks.

During this extended period, there was a significant lack of communication from Beaumont to his client regarding the basis for the delays and the permitting process. Beaumont violated Business and Professions Code section 5584, willful misconduct as defined in California Code of Regulations, title 16, section 150.

Beaumont also failed to respond in a timely manner to the Board's request for information pertaining to this case. The Board sent an initial request on March 22, 2022, and a final request, via certified mail on May 3, 2022. Beaumont did not respond formally to the Board's request until September 7, 2022. Beaumont's failure to respond timely constituted a violation of California Code of Regulations, title 16, sections 160(c)(1).

Beaumont's written contract failed to include a description of the procedure to accommodate additional services, a description of the procedure to terminate the contract, a statement identifying the ownership and use of instruments of services prepared by the architect, or 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." Beaumont's failure to include all of the required elements in his written contract for professional services for the above-referenced project constituted a violation of Business and Professions Code section 5536.22(a).

In a separate project located in Fairfield, California, Beaumont agreed to prepare plans for the permitting of proposed commercial tenant improvements. Within the contract there was a term stating, "Period of Performance: 4 Weeks." Beaumont was paid \$2,260.50, but the plans were never completed.

Beaumont stopped responding to his client's phone calls and requests for updates. Because of the non-responsiveness of Beaumont, the client had to retain legal counsel to terminate the contract. Beaumont violated Business and Professions Code section 5584, willful misconduct as defined in California Code of Regulations, title 16, section 150.

Beaumont also failed to respond in a timely manner to the Board's request for information pertaining to this case. The Board sent an initial request on March 22, 2022, and a final request, via certified mail on May 3, 2022. Beaumont did not respond formally to the Board's request until September 7, 2022. Beaumont failure to respond timely constitutes a violation of California Code of Regulations, title 16, sections 160(c)(1).

Beaumont's written contract failed to include a description of the procedure to accommodate additional services, a description of the procedure to terminate the contract, a statement identifying the ownership and use of instruments of services prepared by the architect, or 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." Beaumont's failure to include all of the required elements in his written contract for professional services for the above-referenced project constituted a violation of Business and Professions Code section 5536.22(a). The citation became final on September 3, 2023.

John Braly (Llano) – The Board issued a citation including a \$2,000 administrative fine to John Braly, an unlicensed person, dba Instructures Design and Build, for alleged violations of Business and Professions Code (BPC) 5536(a).

Braly was hired to prepare plans and obtain a construction permit for a residential remodel in San Pedro, California. He was paid over \$6,000 and refused to complete the plans for over seven months.

Braly's personal LinkedIn profile offered "Architecture" services. His company Thumbtack profile was categorized under "Architects" and offered architectural services. His company Yelp profile was categorized under "Architects" and stated, "We provide custom architectural design, engineering and construction plans." These online profiles wherein Braly described himself and his services as "Architects," "Architecture," and "Architectural," are devices that might indicate to the public that he was an architect or qualified to engage in the practice of architecture in California. Such conduct constitutes a violation of Business and Professions Code section 5536(a).

Previously, on August 31, 2018, Braly had been issued a citation for similar violations of California Business and Professions Code section 5536(a) and was formally advised that an unlicensed individual or firm in California cannot use any term confusingly similar to the word architect or architectural to describe services offered or be labeled in such a category. The new citation became final on September 2, 2023.

Landscape Architects

Citations

Justin Ware (Stockton) - The Board issued a two-count citation that included a \$750 administrative fine to Justin Ware, landscape architect license number LA 5033, for alleged violations of Business and Professions Code section 5616 (Landscape Architecture Contract-Contents, Notice Requirements) and California Code of Regulations, title 16, section 2670, subsection (b) (Rules of Professional Conduct – Standard of Care).

The action alleged that Ware failed to include all requirements in the executed contract for a project and did not provide accurate and complete construction documents as agreed upon within the executed contract. Ware paid the fine, satisfying the citation. The citation became final on September 14, 2023.

Goal 1: Professional Qualifications

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

Objective 1.1:

Amend existing regulations to revise and expand the types of degrees accepted for licensure to remove barriers to licensure.

Start Date: Q1 2022

End Date: Q2 2023

Success Measure: Board initiates rule making.

Objective 1.2:

Collaborate with legal to implement AB 1010 in developing regulations and aligning committee findings to provide more consistency and make continuing education requirements more relevant to current licensing requirements.

Start Date: Q4 2021

End Date: Q3 2022

Objective 1.3:

Communicate with staff to include climate resiliency as a priority subject matter for the California Supplementary Exam to protect consumers and licensees.

Start Date: Q3 2022

End Date: Q3 2022

Success Measure: CAB informed OPES of the Board's concern.

Objective 1.4:

Communicate to the public what the professional qualifications committee has suggested to the Board to promote the work the committee has done.

Start Date: Q4 2022

End Date: Q4 2022-ongoing

Success Measure: PQC work has been communicated.

Goal 2: Regulation and Enforcement

Establish regulatory standards of practice for California architects and protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

Objective 2.1:

Provide more detail on enforcement cases in the Executive Officer report during board meetings regarding decisions on cases, to make information more accessible and inform consumers.

Start Date: Q3 2022

End Date: Q1 2023-ongoing

STATUS: Completed. This Strategic Plan Objective was presented at the Regulatory Enforcement Committee Meeting held on November 18, 2022, and at the Board Meeting on May 19, 2023 by Analyst Michael Sganga. He provided information on the Enforcement Unit's complaint process, from intake through outcome, focusing on the major decision points, common Architect Practice Act violations, and other factors considered in recommending Enforcement Actions.

Objective 2.2:

Develop narrative discussions and case studies of common violations to educate and inform consumers and architects on what violations to avoid.

Start Date: Q3 2022

End Date: Q4 2023

Success Measure: Completion of video and news article.

STATUS: Partially Completed - Board staff reached out to the Design-Build Institute of America to clarify the Architects Practice Act rules regarding the execution of contracts, specifically BPC 5536.1, which requires architects sign "all contracts therefor" for architectural services. The REC committee has asked staff to continue to work on defining this item.

Objective 2.3:

Better educate practitioners on standards of practice during the renewal process to protect the public.

Start Date: Q3 2022

End Date: Q4 2022

Success Measure: Information provided to licensees physically and electronically.

STATUS: Completed - A section was added to both the online and physical License Renewal Applications requiring all architects to check a box certifying that they have reviewed the Architects Practice Act and are familiar with its provisions.

Objective 2.4:

Educate the public and practitioners regarding their roles when contracts are signed with a third party (contractor/developer).

Start Date: Q3 2022

End Date: Q4 2023

Success Measure: Roles are defined, and publications are updated.

STATUS: Partially Completed - The Board reached out to the Design-Build Institute of America to clarify the Architects Practice Act rules and regulations regarding the execution of contracts. After discussion, the Board determined that, in the interest of consumer protection, it will continue enforcing BPC 5536.1 as written, which requires architects sign “all contracts therefor” for architectural services, and ensure contracts comply with BPC 5536.22 requirements. The Board has also published an Informational Bulletin regarding Responsible Control within Design and Design-Build Firms and published a Consumer’s Guide educating consumers on contract requirements. The REC committee has asked staff to continue to work on defining this item.

Objective 2.5:

Review the current threshold for fines to determine if they are appropriate to deter violations.

Start Date: Q3 2022

End Date: Q1 2023

Success Measure: Decision made if update to regulation 152 is needed.

STATUS: Partially Completed - The Enforcement Unit determined that the Board is currently imposing the maximum fine amounts allowed under Department of Consumer Affairs’ statutes and that the low rate of repeat offenses supports that the amounts are sufficient to deter violations. Enforcement staff are still exploring the options available for settling citation cases without public reproof and hope to present our findings to the REC members at its next meeting.

Objective 2.6:

Monitor social media to proactively enforce against unlicensed advertising.

Start Date: Q3 2022

End Date: Q3 2023

Success Measure: Increased effectiveness of unlicensed advertising complaint handling.

STATUS: Partially Completed - Enforcement staff have made efforts in improving the advertising complaint process, and preliminary results have been promising, indicating a more expedited progression through cases. We are actively researching the potential of emerging technology solutions to automate the detection process.

Goal 3: Communications

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

Objective 3.1:

Resume regular communication with the American Institute of Architects (AIA) by attending joint meetings once a year to give a consistent message to architects, candidates, and consumers in California.

Start Date: Q2 2022

End Date: Q3 2022 - ongoing

Success Measure: Regular participation with AIA is maintained.

STATUS: Implemented.

Objective 3.2:

Develop outreach plan to educate licensees and candidates on information needed to acquire and maintain a license.

Start Date: Q2 2022

End Date: Q2 2023

Success Measure: Outreach plan is completed and disseminated.

STATUS: Implemented.

Objective 3.3:

Develop communication regarding the requirements of SB 9 and its impact on the profession.

Start Date: Q2 2022

End Date: Q3 2022

Success Measure: Fact sheet is completed and posted.

STATUS: Completed (posted on website)

Objective 3.4:

Develop an outreach plan for academic and private institutions to continuously provide students and educators with relevant information.

Start Date: Q1 2023

End Date: Q3 2023 - ongoing

Success Measure: Regular contact with school representatives is established.

STATUS: ?

Objective 3.5:

Publicize architects from diverse backgrounds to promote inclusion.

Start Date: Q1 2022

End Date: Q1 2022-ongoing

Success Measure: Publication of articles and social media content

STATUS: Ongoing social media posts.

Objective 3.6:

Create social media posts educating licensees on what is considered a violation to increase compliance within the profession.

Start Date: Q4 2022

End Date: Q4 2022 - ongoing

Success Measure: Violations are posted on social media.

STATUS: Begun, but will look to provide more specific educational posts on common violations.

Objective 3.7:

Survey higher educational institutions for data on their architect student populations to understand their plans for creating space for US resident students to mitigate a possible vacuum of professionals in the future.

Start Date: Q2 2023

End Date: Q2 2024

Success Measure: Report is complete and presented to the Board.

STATUS: Not yet begun.

Objective 3.8:

Provide information in multiple languages to increase accessibility to licensees and candidates.

Start Date: Q1 2022

End Date: Q3 2023 - ongoing

Success Measure: Report is complete and presented to the Board.

STATUS: In process, staff are identifying publication to get translated into additional languages.

Goal 4: Organizational Relationships and Effectiveness

Enhance relationships with related organizations in order to further the Board's mission and goals. Increase organizational effectiveness and further develop the quality of customer service in all programs.

Objective 4.1:

Synchronize the Architects Board committees to meet in the same quarter to foster more collaboration and discuss key issues at board meetings.

Start Date: Q1 2022

End Date: Q4 2022 - ongoing

Success Measure: Master calendar of meetings is created.

STATUS: Implemented in part.

Objective 4.2:

Evaluate, and adjust if necessary, the need for certain committees, to increase the efficiency of the Board.

Start Date: Q4 2022

End Date: Q4 2022 - ongoing

Success Measure: Evaluation of committees is completed.

STATUS: In process, not yet completed.

Objective 4.3:

Streamline, and further coordinate the work of, the California Architects Board and Landscape Architects Technical Committee to function more as one organization to effectively use resources.

Start Date: Q3 2022

End Date: Q1 2023 – ongoing

Success Measure: Operational efficiencies have increased.

STATUS: Partially implemented. Staff have made changes to increase efficiencies, waiting for further recommendations from LATC.

Objective 4.4:

Work with DCA to implement the business modernization project to improve service to applicants, licensees, and consumers.

Start Date: Q1 2022

End Date: Q1 2024

Success Measure: Successful implementation of new system.

STATUS: System is online but not fully operation. Project scheduled to be completed in November 2024.

Objective 4.5:

Engage in debate regarding the relationship of interior design to the practice of architecture to increase education and consumer protection.

Start Date: Q2 2022

End Date: Q2 2022-ongoing

Success Measure: Increased communication with interior design community.

STATUS: Not yet begun.

Objective 4.6:

Digitize records and document files for improved efficiency.

Start Date: Q3 2022

End Date: Q4 2023

Success Measure: Plan developed to digitize records.

STATUS: As Business Modernization concludes, staff will continue to explore options.

Objective 4.7:

Create a calendar of association meeting and events so staff and board members can attend and maintain a Board presence.

Start Date: Q4 2022

End Date: Q1 2023 - ongoing

Success Measure: Monthly calendar is created and maintained.

STATUS: Implemented.

Objective 4.8:

Collaborate with similar allied professional boards and boards outside of California to share knowledge and align policies.

Start Date: Q3 2022

End Date: Q4 2022 - ongoing

Success Measure: Communication and collaboration has increased.

STATUS: Implemented.

Objective 4.9:

Invite affinity groups to board meetings to promote awareness of each other's activities and foster collaboration.

Start Date: Q1 2023

End Date: Q2 2023 - ongoing

Success Measure: Presentation by affinity groups at future board meetings.

STATUS: Implemented.

Objective 4.10:

Increase the Board's presence with National Council of Architectural Registration Boards (NCARB) to make sure NCARB's voice matches California's constituency.

Start Date: Q2 2023

End Date: Q2 2023 - ongoing

Success Measure: Board member presence and participation with NCARB has increased.

STATUS: Several Board members and the Executive Officer serve on NCARB Committees.

CALIFORNIA ARCHITECTS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of July 1, 2023

Section 1

Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.¹ Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

- ❖ The California Architects Board (Board) was created by the Legislature in 1901.
- ❖ The 10-member Board consists of 5 architects and 5 public members. Eight gubernatorial appointees, one Senate Rules Committee appointee, and one Speaker of the Assembly appointee are appointed for a term of four years.
- ❖ The Board is proactive and preventive, as evidenced by its work to improve the experience and components of its licensing system.
- ❖ The Board has a strong history of creative problem solving and collaboration with key constituencies, such as local building officials, educators and students, related professions, and collateral organizations.
- ❖ The Board is committed to a strong enforcement program as part of its mission to protect consumers and enforce the laws, codes and standards governing the practice of architecture.

On March 23, 1901, the Governor of California approved “An Act to Regulate the Practice of Architecture,” thus creating the State Board of Architecture. The Governor appointed 10 architect members to the Board. Initially, the Board was comprised of two districts: Northern and Southern. The district offices acted independently to some degree and made recommendations to the full Board on matters relating to applicants for certification. Each district office elected its own officers from the officers elected to the full Board.

Initially, individuals who could demonstrate to the satisfaction of the district board in which they would be practicing that they were practicing architecture in the State of California as of March 23, 1901, and who were in good standing, could apply for certification with the Board without examination. Over 250 of these initial “A” licenses were issued. Six months after the approval of the Act, it became unlawful to practice architecture or call oneself an architect in the State of California unless certified by the Board.

¹ The term “board” in this document refers to a board, bureau, commission, committee, council, department, division, program, or agency, as applicable. Please change the term “board” throughout this document to appropriately refer to the entity being reviewed.

However, the Act made a significant exemption to this rule by allowing individuals to prepare plans, drawings, specifications, instruments of service, or other data for buildings, provided they fully informed the client in writing that they were not an architect. This exemption made the Act a quasi-title act instead of a true practice act. At that time, the Board also began issuing “B” licenses to individuals who had passed either a written or oral examination. Almost 1,950 “B” licenses were issued between 1901 and 1929.

In 1929, the Board’s name was changed to the California State Board of Architectural Examiners. That same year, the Board began issuing licenses to individuals who passed both a written and an oral examination. The Board’s main office in Sacramento was established in 1956 and the district offices remained as branches. In 1963, the Act was revised making the actual practice of architecture by an unlicensed individual a misdemeanor. This revision made the Act a true practice act, restricting the practice of architecture to only licensed architects.

Through 1984, the Board also had the authority to issue a temporary certificate to practice architecture to an architect licensed in another state for a stipulated structure in California upon satisfactory evidence of architectural competence and payment of the applicable fee.

From 1964 through 1985, the Board also regulated registered building designers. The registration process began in 1964 and continued until 1968. The Board continued to regulate the practice of registered building designers through 1985, although no new registrations were granted after 1968. Effective January 1, 1986, it became a misdemeanor for individuals to represent themselves as “registered building designers.” Of the estimated 700 active building designers registered at the time, about 300 applied for and were granted licenses as architects. The Board now licenses only architects and has one office in Sacramento.

Since 1997, the Board has also overseen the duties, responsibilities, and jurisdiction of the Landscape Architects Technical Committee (LATC). The Board is charged with regulating landscape architects and managing all the affairs of the former Board of Landscape Architects. The LATC is structured as a committee of the Board. The Board views this structure as very positive and has found the relationship between the two related professions to be mutually beneficial. Opportunities for collaboration between the two regulatory programs and the efficiencies associated with combining efforts wherever possible are the main advantages. The Board and LATC maintain an ongoing practice of providing regular updates regarding key issues at each other’s respective meetings to sustain understanding of each entity’s priorities. Moreover, the Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board. Likewise, an LATC member attends Board meetings to ensure ongoing Committee representation. The Board is not aware of any consumer-related issues with respect to the structure, and the respective professions and their organizations appear to be pleased with the current structure.

In 1999, Assembly Bill (AB) 1678 (Committee on Consumer Protection, Government Efficiency and Economic Development, Chapter 982, Statutes of 1999) changed the Board’s name to the California Architects Board. This change was designed to reflect the fact that, in addition to examining candidates, the Board maintains a wide range of programs to protect consumers and regulate the practice of architecture.

Mission

The mission of the Board is to protect the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture in California. The Board has established the following six goal areas which provide the framework for its efforts to further its mission:

1. Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations;
2. Establish regulatory standards of practice for California architects;
3. Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur;
4. Increase public and professional awareness of the Board's mission, activities, and services;
5. Improve effectiveness of relationships with related organizations in order to further the Board's mission and goals; and
6. Enhance organizational effectiveness and improve the quality of customer service in all programs.

In fulfilling its mission, the Board has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor problems from becoming disasters. The worst-case scenario, a building failure, is simply not tolerable. As such, the Board works to aggressively address issues well before they exacerbate into catastrophes. In the Board's enforcement program, for example, this means cooperatively working with building departments through the Board's first-of-its-kind Building Official Contact Program. The Board also invests in communications (e.g., social media, newsletter, liaison activities), both to consumers and to architects. The Board works closely with professional groups to ensure that architects understand changes in laws, codes, and standards. The Board also reaches out to schools, related professions and organizations. To ensure the effectiveness of these endeavors, the Board works to upgrade and enhance its communications by constantly seeking feedback and analyzing the results of its communications efforts. All these initiatives underscore the Board's firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public's health, safety, and welfare.

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

The **Executive Committee** is charged with coordinating and leading the Board's organizational relationships and development. It takes the lead in: improving the effectiveness of the Board's relationships with related organizations to further its mission and goals; and enhancing the Board's organizational effectiveness and improving the quality of customer service in all of the Board's programs. The Executive Committee is composed of four members: President, Vice President, Secretary, and one additional Board member (typically the past President).

The **Professional Qualifications Committee (PQC)** is charged with: 1) ensuring the professional qualifications of architects by setting requirements for education, experience, and examination; 2) analyzing and making recommendations on educational and experience requirements relative to entry-level qualifications; 3) reviewing the practice of architecture to ensure the Architects Practice

Act accurately reflects areas of practice; (4) providing general California Supplemental Examination (CSE) oversight; 5) collaborating with the Board’s testing experts, examination vendors, and subject matter experts to provide valid, defensible, and efficient examinations; and 6) addressing broad examination policy issues. The PQC was composed of 11 current and former Board members, and experts until January 2022, when the PQC and other committees changed composition to three Board members, one former Board member, and one public member.

The **Regulatory and Enforcement Committee** (REC) is charged with making recommendations on: 1) practice standards and enforcement issues; 2) regulatory standards of practice for architects; 3) policies and procedures designed to protect consumers and enforcing standards when violations occur; and 4) informing the public and licensees of the Board’s standards and enforcement programs. The REC was composed of nine current and former Board members, and experts until January 2022, when the PQC and other committees changed composition to three Board members, one former Board member, and one public member.

The **Communications Committee** is charged with: 1) identifying strategies to effectively communicate to key audiences; and 2) providing strategic input on enhancing outreach to the Board’s stakeholders. The Communications Committee was composed of eight current and former Board members, and experts until January 2022, when all committees changed composition to three Board members, one former Board member, and one public member.

Table 1a. Board Member Attendance (July 1, 2018 – June 30, 2023). Includes current and prior members. Length of time served varies depending on remainder of term at time of appointment.

Denise Campos			
Date Appointed:	06/30/2014 [Term Expired 06/30/2018]		
Date Reappointed:	09/28/2018 [Term Expired 06/30/2019]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	Yes
Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes
Board Meeting	02/27/2019	San Diego	No
Board Meeting	06/12/2019	San Luis Obispo	Yes
Board Meeting	09/11/2019	Pleasant Hill	Yes
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes

Tian Feng			
Date Appointed:	02/06/2014 [Term Expired 06/30/2017]		
Date Reappointed:	02/27/2018 [Term Expired 06/30/2021]		
Date Reappointed	07/21/2021 [Term Expires 06/30/2025]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	Yes

Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes
Board Meeting	02/27/2019	San Diego	Yes
Board Meeting	06/12/2019	San Luis Obispo	Yes
Board Meeting	09/11/2019	Pleasant Hill	Yes
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes
Board Meeting	09/21/2021	Teleconference	Yes
Board Meeting	12/10/2021	Teleconference	Yes
Board Meeting	02/18/2022	Teleconference	Yes
Board Meeting	06/08/2022	Hybrid/Sac/ LA/Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	Yes
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Malcolm "Brett" Gladstone			
Date Appointed:	11/07/2019 [Term Expired 06/30/2020]		
Date Reappointed:	02/14/2021 [Term Expires 06/30/2024]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes
Board Meeting	09/21/2021	Teleconference	Yes
Board Meeting/Strategic Planning	10/29/2021	Sacramento	Yes
Board Meeting	12/10/2021	Teleconference	Yes
Board Meeting	02/18/2022	Teleconference	Yes
Board Meeting	06/08/2022	Hybrid/Sac/ LA/Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	Yes
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Pasqual Gutierrez			
Date Appointed:	09/02/2006 [Term Expired 06/30/2010]		
Date Reappointed:	02/21/2010 [Term Expired 06/30/2014]		
Date Reappointed	07/11/2014 [Term Expired 06/30/2020]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	Yes
Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes
Board Meeting	02/27/2019	San Diego	Yes
Board Meeting	06/12/2019	San Luis Obispo	Yes
Board Meeting	09/11/2019	Pleasant Hill	Yes
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes

Ronald Jones			
Date Appointed:	06/12/2020		
Date Reappointed:	07/01/2021 [Term Expires 06/60/2025]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes
Board Meeting	09/21/2021	Teleconference	Yes
Board Meeting/Strategic Planning	10/29/2021	Sacramento	Yes
Board Meeting	12/10/2021	Teleconference	Yes
Board Meeting	02/18/2022	Teleconference	Yes
Board Meeting	06/08/2022	Hybrid/Sac/ LA/Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	Yes
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Mitra Kanaani			
Date Appointed:	07/01/2021 [Term Expires 06/30/2024]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/10/2021	Teleconference	Yes
Board Meeting/Strategic Planning	10/29/2021	Sacramento	Yes

Board Meeting	12/10/2021	Teleconference	Yes
Board Meeting	02/18/2022	Teleconference	Yes
Board Meeting	06/08/2022	Hybrid/Sac/ LA/Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	Yes
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Sylvia Kwan			
Date Appointed:	08/16/2013 [Term Expired 06/30/2019]		
Date Reappointed:	10/07/2019 [Term Expires 06/30/2023]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	Yes
Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes
Board Meeting	02/27/2019	San Diego	Yes
Board Meeting	06/12/2019	San Luis Obispo	Yes
Board Meeting	09/11/2019	Pleasant Hill	Yes
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes
Board Meeting	09/21/2021	Teleconference	Yes
Board Meeting/Strategic Planning	10/29/2021	Sacramento	Yes
Board Meeting	12/10/2021	Teleconference	No
Board Meeting	02/18/2022	Teleconference	Yes
Board Meeting	06/08/2022	Hybrid/Sac/ LA/Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	Yes
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Ebony Lewis			
Date Appointed:	12/23/2014 [Term Expired 06/30/2019]		
Date Reappointed:	12/11/2019 [Term Expires 06/30/2023]		
	Resigned 5/22/23		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	Yes
Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes

Board Meeting	02/27/2019	San Diego	Yes
Board Meeting	06/12/2019	San Luis Obispo	Yes
Board Meeting	09/11/2019	Pleasant Hill	Yes
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes
Board Meeting	09/21/2021	Teleconference	Yes
Board Meeting/Strategic Planning	10/29/2021	Sacramento	Yes
Board Meeting	12/10/2021	Teleconference	Yes
Board Meeting	02/18/2022	Teleconference	Yes
Board Meeting	06/08/2022	Hybrid/Sac/ LA/Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	No
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Leonard Manoukian			
Date Appointed:	04/27/2023 [Term Expired 06/30/2023]		
Date Reappointed:	07/01/2023 [Term Expires 06/30/2027]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	05/19/2023	Teleconference	Yes

Matthew McGuinness			
Date Appointed:	09/15/2012 [Term Expired 06/30/2016]		
Date Reappointed:	07/19/2016 [Term Expired 06/30/2020] Resigned 1/2019		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	Yes
Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes

Robert Pearman, Jr.			
Date Appointed:	02/25/2014 [Resigned 08/14/2018]		
Date Reappointed:	08/15/2018 [Term Expired 06/30/2020]		
Date Reappointed	06/29/2022 [Term Expires 06/30/2026]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	Yes
Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes

Board Meeting	02/27/2019	San Diego	Yes
Board Meeting	06/12/2019	San Luis Obispo	Yes
Board Meeting	09/11/2019	Pleasant Hill	Yes
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes
Board Meeting	09/21/2021	Teleconference	Yes
Board Meeting/Strategic Planning	10/29/2021	Sacramento	Yes
Board Meeting	12/10/2021	Teleconference	Yes
Board Meeting	02/18/2022	Teleconference	Yes
Board Meeting	06/08/2022	Hybrid/Sac/ LA/ Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	No
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Nilza Serrano			
Date Appointed:	09/24/2013 [Term Expired 06/30/2016]		
Date Reappointed:	09/19/2016 [Term Expired 06/30/2020]		
Date Reappointed	02/14/2021 [Term Expires 06/30/2024]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	Yes
Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes
Board Meeting	02/27/2019	San Diego	Yes
Board Meeting	06/12/2019	San Luis Obispo	Yes
Board Meeting	09/11/2019	Pleasant Hill	No
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes
Board Meeting	09/21/2021	Teleconference	Yes
Board Meeting/Strategic Planning	10/29/2021	Sacramento	Yes
Board Meeting	12/10/2021	Teleconference	Yes
Board Meeting	02/18/2022	Teleconference	No

Board Meeting	06/08/2022	Hybrid/Sac/ LA/Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	Yes
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Charles “Sonny” Ward III			
Date Appointed:	11/07/2019 [Term Expired 06/30/2022]		
Date Reappointed:	02/22/2023 [Term Expires 06/30/2025]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	12/11/2019	Monterey Park	Yes
Board Meeting	02/28/2020	Sacramento	Yes
Board Meeting	06/05/2020	Teleconference	Yes
Board Meeting	09/18/2020	Teleconference	Yes
Board Meeting	12/11/2020	Teleconference	Yes
Board Meeting	02/26/2021	Teleconference	Yes
Board Meeting	06/11/2021	Teleconference	Yes
Board Meeting	09/21/2021	Teleconference	Yes
Board Meeting/Strategic Planning	10/29/2021	Sacramento	Yes
Board Meeting	12/10/2021	Teleconference	Yes
Board Meeting	02/18/2022	Teleconference	Yes
Board Meeting	06/08/2022	Hybrid/Sac/ LA/Teleconference	Yes
Board Meeting	09/16/2022	Teleconference	Yes
Board Meeting	12/09/2022	Stanford	Yes
Board Meeting	02/24/2023	Teleconference	Yes
Board Meeting	05/19/2023	Teleconference	Yes

Barry Williams			
Date Appointed:	12/18/2014 [Term Expired 03/30/2018]		
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	09/12/2018	Oakland	No
Board Meeting/Strategic Planning	12/13-14/2018	Sacramento	Yes
Board Meeting	02/27/2019	San Diego	Yes
Board Meeting	06/12/2019	San Luis Obispo	Yes

Table 1b. Board/Committee Member Roster Includes current and prior members through June 30, 2023)					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Charles Ward, III., President	11/07/2019	02/22/2023	06/30/2026	Governor	Architect

Ronald Jones, Vice President	06/12/2020	07/01/2021	06/30/2025	Governor	Architect
Malcolm Gladstone, Secretary	11/07/2019	02/14/2021	06/30/2024	Governor	Public
Tian Feng	02/06/2014	02/27/2018	06/30/2021	Governor	Architect
Denise Campos	06/30/2014	N/A	08/15/2018	Senate Rules	Public
		09/28/2018	06/30/2019	Assembly	Public
Tian Feng	02/06/2014		06/30/2017	Governor	Architect
		02/27/2018	06/30/2021	Governor	Architect
		07/01/2021	06/30/2025	Governor	Architect
Pasqual Gutierrez	09/02/2006	12/21/2010	06/30/2010	Governor	Architect
		07/11/2014	06/30/2014	Governor	Architect
		07/11/2014	06/30/2020	Governor	Architect
Ronald Jones	06/12/2020	07/21/2021	06/30/2024	Governor	Architect
Mitra Kanaani	07/21/2021	N/A	06/30/2024	Governor	Architect
Sylvia Kwan	08/16/2013	N/A	06/30/2019	Governor	Architect
		12/11/2019	06/30/2023	Governor	Architect
Ebony Lewis	12/23/2014	N/A	06/30/2019	Governor	Public
		12/11/2019	04/30/2023	Governor	Public
Leonard Manoukian	4/24/2023	6/30/23	06/30/2027	Assembly	Public
Matthew McGuinness	09/15/2012	N/A	06/30/2016	Governor	Public
	Resigned 1/1/2019	07/19/2016	06/30/2020	Governor	Public
Robert Pearman Jr.	02/25/2016	N/A	06/30/2019	Assembly	Public
	Resigned 8/14/2018	08/15/2018	06/30/2022	Senate Rules	Public
		06/29/2022	06/30/2026	Senate Rules	Public
Nilza Serrano	09/24/2013	N/A	06/30/2016	Governor	Public
		07/19/2016	06/30/2020	Governor	Public
		02/14/2021	06/30/24	Governor	Public
Barry Williams	12/18/2014	N/A	06/30/2018	Governor	Architect

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

Yes, the Board cancelled its in-person May 2022 Board meeting due to a lack of quorum. The Board rescheduled the meeting for the following month.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

Leadership

The Board appointed Laura Zuniga as its new Executive Officer (EO) in August 2018. The two prior EO's (Doug McCauley and Steve Sands) served 17 years and 14 years, respectively. The Board's Assistant EO (Vickie Mayer) retired in November 2020 after holding the position for 26 years. The Assistant EO position was kept open due to budget constraints; however, a new Assistant EO, Jesse Laxton, was hired in July 2023.

Strategic Planning

The Board adopted its three-year Strategic Plan in December 2018. The current Strategic Plan was adopted in December 2021 and encompasses a three-year period (2022-2024).

Expanded Social Media Presence

The Board has expanded its social media presence to include LinkedIn. Twitter, Instagram and Facebook were launched in 2016 and 2017. Twitter and Instagram followers have increased, while Facebook and LinkedIn followers have decreased. On average, one message is posted daily on Twitter, Instagram and Facebook, as well as retweets from DCA, architect associations and stakeholders. As of June 30, 2023, Twitter has 1,403 followers, Instagram has 1,291 followers, Facebook has 440 followers, and LinkedIn has 497.

California Supplemental Exam Waiting Period

The Board collaborated with DCA's Office of Professional Examination Services (OPES) to explore the feasibility of reducing the mandatory retake period from 180 days to 90 days. The new retake policy began in March 2019 and California Code of Regulations section 124 was amended.

- **All legislation sponsored by the board and affecting the board since the last sunset review.**

Assembly Bill (AB) 107 (Salas, Chapter 693, Statutes of 2021) [Licensure: Veterans and Military Spouses] requires boards to issue temporary licenses to a spouse of someone who is on active duty in the military and publish pertinent information on their websites. The bill also requires annual reporting to the Legislature. The Governor signed the bill in October 2021.

AB 342 (Valencia, 2023) [Architects and Real Estate Appraisers: Applicants and licensees; demographic information] would authorize the Board and the Bureau of Real Estate Appraisers to request that a licensee identify their race, ethnicity, gender, or gender identity when an initial license is issued or at the time of license renewal.

AB 476 (B. Rubio, 2019) [DCA Task Force: Foreign-Trained Professionals] requires the DCA to create a task force to study the licensing of foreign-training professionals and create a report for the Legislature. The Governor vetoed the bill.

AB 626 (Quirk-Silva, 2019) [Conflicts of Interest] provides an exemption to existing conflict of interest provisions for certain work performed by a variety of professions, including architects. This bill did not advance.

AB 646 (Low, 2021) [DCA: Boards: Expunged Convictions] requires boards to remove information from their websites about licensees that were revoked due to conviction of a crime, upon receiving an expungement order. If the individual does not reapply, the board must remove the initial posting of the revocation from its website. This bill was held in the Senate Appropriations Committee.

AB 830 (Flora, Chapter 376, Statutes of 2021) [DCA: Licensed Professions and Vocations] authorizes a business entity organized as a general corporation to include in its name any or all of the following, as specified: a fictitious name, the name of one or more licensed architects, or

the term “architect, the term “architecture,” or other variations of the term “architect” or “architecture.” This bill also requires persons licensed to do business as a corporation to be registered and in good standing with the Secretary of State and the Franchise Tax Board, and disciplinary actions taken for non-compliance. The Governor signed the bill in September 2021.

AB 1010 (Berman, Chapter 176, Statutes of 2021) [Architects: Continuing Education] requires a new continuing education requirement on zero net carbon design by January 1, 2023. The Governor signed the bill in September 2021.

AB 1263 (Low, 2019) [Contracts: Consumer Services: Consumer Complaints] provides that a contract or proposed contract between a consumer and a licensee shall not include a provision limiting a consumer’s ability to file a complaint with a licensing board. This bill did not advance.

AB 1616 (Low, 2019) [DCA: Boards: Expunged Convictions] requires boards to remove information from their websites about licensees that were revoked due to conviction of a crime, upon receiving an expungement order. If the individual does not reapply, the board must remove the initial posting of the revocation from its website. This bill did not advance.

AB 2028 (Aguiar-Curry, 2020) [State Agencies: Meetings] amends the Bagley-Keene Open Meetings Act requiring all meeting materials, except those for Closed Session, be posted as soon as available to board members and at least 48 hours in advance of the meeting. This bill did not advance.

AB 2113 (Low, Chapter 186, Statutes of 2020) [Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process] requires boards to expedite and authorizes to assist in the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa. The Governor signed the bill in September 2020.

AB 2138 (Chiu and Low, Chapter 995, Statutes of 2018) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction] restricts using prior criminal history as grounds for licensing determinations and establishes new prohibitions relating to the denial, suspension, and revocation of licensure. Other revisions include the adoption of a seven-year limitation on convictions eligible for licensure denial, subject to specified exemptions, and bans asking applicants to self-disclose prior convictions unless the application is made for a listed license type that does not require a fingerprint background check. This bill took effect on July 1, 2020.

AB 3045 (Gray, 2020) [DCA: Boards: Veterans: Military Spouses: Licenses] requires boards to issue a temporary license to an applicant that is married to or in a domestic partnership with an active-duty member of the Armed Forces, if certain conditions are met. The bill did not advance.

Senate Bill (SB) 53 (Wilk, 2019) [Open Meetings] amends the Bagley-Keene Open Meetings Act to require two-member advisory bodies to hold open meetings. This bill did not advance.

SB 372 (Menjivar, 2023) [DCA; Licensee and Registrant Records: Name and Gender Changes] would require a board to update a licensee's or registrant's records, including records contained within an online license verification system, to include the licensee's or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the legal name or gender has been changed.

SB 544 (Laird, 2023) [Bagley-Keene open Meeting Act: teleconferencing] would remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public.

SB 601 (Morrell, Chapter 854, Statutes of 2019) [State Agencies: Licenses: Fee Waiver] authorizes board to waive certain fees in the event of a declared emergency. The Governor signed the bill in October 2019.

SB 608 (Glazer, Chapter 376, Statutes of 2019) [Architects and Landscape Architects] requires the board and the Landscape Architects Technical Committee (LATC) to begin fingerprinting new applicants for licensure on January 1, 2021. This bill contains language to further define implementation for the board but not for LATC's statute. SB 1474 delays LATC's implementation until January 1, 2022.

SB 721 (Hill, Chapter 445, Statutes of 2018) [Building Standards: Decks and Balconies: Inspection] establishes inspection and repair requirements for "exterior elevated elements" as defined, including decks and balconies for buildings with three or more multifamily dwelling units; establishes reporting and repair requirements if repairs are needed, including specific timelines for carrying out the repairs; specifies who can complete the inspections and repairs; and, provides for civil penalties for violations for building owners. The board opposed the bill and conveyed concerns to the author. The Governor signed the bill in September 2018.

SB 878 (Jones, Chapter 131, Statutes of 2020) [DCA: License: Application: Processing Timeframes] requires boards that issue licenses to prominently display on their internet websites, on at least a quarterly basis, either the current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications. The Governor signed the bill in September 2020.

SB 984 (Skinner, 2018) [State Boards and Commissions: Representation: Appointments] would require all state boards and commissions, beginning on and after January 1, 2024, to be comprised of a specified minimum number of women board members or commissioners based on the total number of board or commission members on that board. This bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. The bill did not advance.

SB 1137 (Vidak, Chapter 414, Statutes of 2018) [Veterans: Professional Licensing Benefits] requires the Department of Veterans Affairs and the Department of Consumer Affairs (DCA), in consultation with each other, take appropriate steps to increase awareness regarding

professional licensing benefits available to veterans. The Governor signed the bill in September 2018.

SB 1168 (Morrell, 2020) [State Agencies: Licensing Services] requires agencies issuing any business license to establish a process for anyone experiencing economic hardship due to an emergency caused by a virus to submit an application for deferral of fees and requires expediting licensing services for individuals displaced by an emergency. This bill did not advance.

SB 1214 (Jones, Chapter 226, Statutes of 2022) [Planning and Zoning: Local Planning] requires a local planning agency to ensure that architectural drawings that contain protected information are made available to the public and authorizes the planning agency to provide a copy or post a site plan or massing diagram on the internet and allow the site plan or massing diagram to be copied. The Governor signed the bill in August 2022.

SB 1237 (Newman, Chapter 386, Statutes of 2022) [Licenses: Military Service] clarifies the definition in existing law of active-duty military personnel. The Governor signed the bill in September 2022.

SB 1443 (Roth, Chapter 625, Statutes of 2022) [Professions and Vocations] extends our sunset date one year, until January 1, 2025. The Governor signed the bill in September 2022.

SB 1474 (Committee on Business, Professions and Economic Development, Chapter 312, Statutes of 2020) [Business and Professions] further defines the procedure for the holder of a retired license to reinstate the license to active status and delays the fingerprint requirement for LATC until January 1, 2022. The Governor signed the bill in September 2020.

SB 1480 (Hill, Chapter 571, Statutes of 2018) [Professions and Vocations] requires the DCA to amend department-wide enforcement guidelines to include the category of “allegations of serious harm to a minor” under the “urgent” or “highest priority level.” It also reduces from three times per year to two times per year, the frequency with which the boards within the DCA meet. Other provisions of this bill are specific to individual programs. The Governor signed the bill in September 2018.

- **All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.**

California Supplemental Exam (CSE) and Review of CSE - CCR sections 124 and 124.5.

The Board amended its regulations to reduce the California Supplemental Examination retake timeframe from 180 days to 90 days, repealed obsolete subsections of section 124, and made other minor and technical revisions. *Status:* Effective January 1, 2020.

Substantial Relationship Criteria and Criteria for Rehabilitation - CCR sections 110 and 110.1. This regulation implemented Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018), beginning July 1, 2020, BPC sections 481 and 493 required the Board, when considering the denial, suspension, or revocation of a license based on a crime, to determine whether the crime is substantially related to the qualifications, functions, or duties of an architect by using

specified criteria, including the nature and gravity of the offense, the number of years elapsed since the date of the offense, and the nature and duties of an architect. CCR sections 110 and 110.1 were amended. *Status:* Effective December 11, 2020.

Processing Times – CCR section 112. The Board amended its regulations and repealed CCR section 112 that was adopted in 1988 to meet the requirements of the Permit Reform Act of 1981 which was repealed in 2003 (A.B. 1757 (Stats. 2003, ch. 229, section 1.8)). CCR 112 was repealed with the Section 100 process – changes without regulatory effect - as the changes did not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision. *Status:* Effective August 11, 2021.

Citations – CCR section 152. The Board amended CCR section 152 to broaden the Board's ability to issue citations and fines to unlicensed persons for violations of the Architects Practice Act. *Status:* Effective October 1, 2022.

Rule of Professional Conduct – CCR section 160. The Board amended its regulations to update language in CCR 160 using the Section 100 process – changes without regulatory effect – as the changes did not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision. *Status:* Effective November 4, 2021.

Disability Access Continuing Education - CCR section 165. This Board amended its regulations to add Article 10, Section 1651 to CCR, Title 16, Division 2. This regulation implemented the requirements of Senate Bill (SB) 608 (Glazer, Chapter 376, Statutes of 2019) which added BPC section 5600.05 regarding the requirement for architects to complete five hours of continuing education on disability access as a condition of their biennial license renewal. The statute required the Board to promulgate regulations to establish qualifications for disability access courses and course providers by January 1, 2023. *Status:* Effective January 17, 2023.

Retired Architect License Fee – CCR sections 109.1 and 144. The Board added section 109.1 and amended section 144 to clarify the requirements relating to a retired license. Section 109.1 establishes who is, and is not, eligible to obtain a retired license and the accompanying retired architect license wall certificate and establishes the steps an architect (“applicant”) must follow to obtain a retired license and wall certificate. This regulation amended CCR section 144 to assign a fee of \$40 for a retired license and accompanying wall certificate. *Status:* Effective February 9, 2023.

Fees - CCR section 144. The Board amended its regulations to increase fees to their statutory maximums and will help to better align the Board's revenues and expenditures. However, the proposed increases will not fully eliminate the structural imbalance and will only postpone insolvency. As a result, the Board will be required to take further action(s) in the near future to ensure it has sufficient resources to maintain ongoing operations. *Status:* Effective July 1, 2023.

Zero Net Carbon Design Continuing Education – CCR section 166. This regulation implements Assembly Bill (AB) 1010 (Berman) (Chapter 176, Statutes of 2021) which requires

licensees as a condition of license renewal, to complete five hours of continuing education coursework regarding zero net carbon design for all renewals occurring on or after January 1, 2023. The Board is required to adopt regulations to establish qualifications for courses and course providers by July 1, 2024. The Board approved proposed regulatory text at its June 8, 2022 meeting. The initial rulemaking package was sent to Agency on April 17, 2023. Rulemaking is on schedule to meet legislative deadline.

Filing of Applications – CCR section 109. This regulatory proposal amends the name of the section to Requirements for Licensure and Filing of Applications and replaces references to the National Council of Architectural Registration Boards (NCARB) Intern Development Program with the phrase “Architectural Experience Program (AXP)”. The amendments update, by incorporating by reference, the Application for Eligibility form (changes required to address AB 2113 and AB 2138) and the Employment Verification form, and place in regulation the information required on the Application for California Supplemental Examination and the Application for Licensure. The changes align the regulation with current Board practices and forms, current NCARB requirements and make non-substantive changes to improve clarity. The Board approved proposed regulatory text at its May 19, 2023 meeting.

Re-Examination – CCR section 120. This regulatory proposal is necessary in response to NCARB’s new score validity policy that went into effect May 1, 2023. The revisions remove outdated requirements, the five-year conditional credit, and shift the responsibility for the rules about passing the Architect Registration Examination (ARE), which is the national exam required for licensure in California, over to NCARB, the test administrator. In the future, if NCARB changes its standards again, then with the proposed simplified language, those new rules will apply to all candidates. NCARB’s new score validity policy states that effective May 1, 2023, a passed exam division of the ARE shall remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. Passed divisions will expire after two revisions of the exam. For example, passed ARE 4.0 divisions will remain valid throughout

the delivery of ARE 5.0 and will be retired after the next version of the exam is introduced. When a new version of the ARE is developed (i.e., ARE 6.0), NCARB will provide at least 18 months’ notice prior to retiring any version of the exam. The Board approved proposed regulatory text at its May 19, 2023 meeting.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

The Board, in collaboration with OPES, conducted an Occupational Analysis (OA) for the California Supplemental Exam in 2020. The primary purpose of the OA was to define current practice for California architects in terms of the knowledge and actual job tasks that new licensees must be able to safely and competently perform at the time of licensure. The results of the OA serve as the basis for ongoing examination development. As part and parcel of the OA process, OPES conducted an ARE review and linkage study in spring 2023 that compared the content of the 2020 CSE Test Plan with the subject matter covered in the various divisions of ARE 5.0. This helps to ensure there is minimal overlap in the content of the CSE. The final step of the OA process was reclassification of the CSE item bank.

5. List the status of all national associations to which the board belongs.

• Does the board's membership include voting privileges?

The Board is a member of NCARB and exercises its voting rights pursuant to NCARB's bylaws when approved to attend official meetings.

• List committees, workshops, working groups, task forces, etc., on which the board participates.

• The Board members and the EO have served on the following NCARB committees:

Certification Alternative Review Team
Credentials Committee
Diversity Committee (formerly Diversity Collaborative Taskforce)
Examination Committee
Executive Committee
Futures Collaborative
Licensing Advisors Committee
Policy Advisory Committee
Professional Conduct Committee
Regional Leadership Committee
Region 6 (WestCARB)
Responsible Change Taskforce
WestCARB Bylaws Committee

• How many meetings did board representative(s) attend? When and where?

The NCARB Committee and Task Force meetings members attended virtually were as follows:

2019

Diversity Collaborative
Experience Committee
Region 6 Executive Committee

2020

Diversity Collaborative
Licensing Advisors Community
Member Board Executive
Region 6 Executive Committee

2021

Certification Alternative Review Team
Diversity Committee
Education Committee
Examination Committee
Member Board Executives Committee
Region 6 Executive Committee

2022

Diversity Committee
Experience Committee
Member Board Executives Committee
Region 6 Bylaws Committee
Region 6 Executive Committee

2023

Credentials Committee
Diversity Committee
Education Committee

- **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

The Board uses a national examination, the Architect Registration Examination (ARE), that is developed and administered by NCARB and its vendors. The Board is not directly involved in these processes or those regarding scoring and analysis, although board members may sit on the various committees that contribute input to these processes.

Fiscal Issues

6. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation. The Board’s fund is not continuously appropriated.

7. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.

Per Business and Professions Code section 128.5(b), the Board’s statutory fund limit is no more than 24 months in reserve. The Board ended fiscal year (FY) 21/22 with \$4,435,000 which equates to 9.7 months in reserve. The Board’s fund condition is shown below in Table 2, identifying fund balance and expenditure levels.

8. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

In FY 21/22, the Board’s fund condition was projected to be insolvent by FY 25/26. Historically, the Board has funded its operations sufficiently; however, increased attorney general fees and business modernization costs have caused the Board to seek a fee increase for renewals and original applications from \$300 to \$400, and \$150 to \$200 (licenses renewed with less than a year until the next renewal).

Table 2. Fund Condition (list dollars in thousands)						
(Dollars in Thousands)	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24**	FY 2024-25**
Beginning Balance ¹	\$5,052	\$5,706	\$4,610	\$4,435	\$3,056	\$3,378
Revenues and Transfers	\$4,600	\$3,020	\$4,191*	\$3,076	\$5,713	\$3,385
Total Revenue	\$9,652	\$8,726	\$8,801	\$7,511	\$8,769	\$6,763
Budget Authority	\$4,061	\$3,976	\$5,010	\$5,148	\$4,966	\$5,115
Expenditures ²	\$3,869	\$4,217	\$4,366	\$4,481	\$5,391	\$5,540
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$5,783	\$4,509	\$4,435	\$3,030	\$3,378	\$1,223
Months in Reserve	16.5	12.4	9.7	6.7	7.3	2.6

¹ Actuals include prior year adjustments

² Expenditures include reimbursements and direct draws to the fund

*Includes EO transfer to GF (AB 84)

** Estimate

9. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

The Board has not issued any general fund loans since FY 2003/04.

10. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

During FY 19/20 through FY 22/23, the Board has spent an average of approximately 21% on its enforcement program, 14% on its examination program, 16% on its licensing program, 28% on administration and 21% on DCA pro rata.

Table 3. Expenditures by Program Component (list dollars in thousands)								
	FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$532	\$177	\$597	\$244	\$557	\$297	\$605	\$261
Examination	\$327	\$167	\$367	\$234	\$342	\$155	\$372	\$170
Licensing	\$491	\$108	\$551	\$85	\$514	\$111	\$559	\$150
Administration *	\$816	\$181	\$891	\$170	\$943	\$210	\$923	\$210
DCA Pro Rata	\$0	\$748	\$0	\$771	\$0	\$895	\$0	\$908
Diversion (if applicable)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTALS	\$2,166	\$1,381	\$2,406	\$1,504	\$2,356	\$1,668	\$2,459	\$1,699

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

11. Describe the amount the board has contributed to the BreZE program. What are the anticipated BreZE costs the board has received from DCA?

The Board contributed \$411,269 before it converted to the Business Modernization Project with other small DCA boards/bureaus. The Business Modernization Project Cohort 2 launched in February 2023. As of June 30, 2023, the Board has spent \$862,769 on the Business Modernization Project; estimated yearly costs will be \$398,000 for FY 24/25 and \$254,000 each year thereafter.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

The Board is a special fund agency that generates its revenue from fees. Its main source of revenue is from candidates and licensees through the collection of examination, licensing, and renewal fees. These fees support the license, examination, enforcement and administration programs, which include processing and issuing licenses, conducting an occupational analysis and ongoing examination development, maintaining records and information technology systems, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel costs, and general operating expenses.

The Board raised fees for the original license, biennial renewal and renewal delinquency in 1989 and 2011. On July 1, 2023, the Board raised the original license fee from \$300 to \$400 and from \$150 to \$200 for original license fees issued for less than one year prior to the next renewal. Business and Professions Code section 5604 authorizes the Board to charge the fees.

Table 4. Fee Schedule and Revenue (list revenue dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2019-20 Revenue	FY 2020-21 Revenue	FY 2021-22 Revenue	FY 2022-23 Revenue	% of Total Revenue
Delinquent Renewal	\$100	may not exceed 50% of renewal fee	\$65	\$26	\$63	\$31	6.0%
Dup. License/Cert.	\$15	\$25	\$1	\$1	\$0	\$1	0.1%
Certification Fee	\$2	\$0	\$0	\$0	\$0	\$0	0.0%
Citation/Fine FTB Collection	Various		\$7	\$1	\$3	\$1	0.4%
DOI Admin. Case/Citation	Various		\$75	\$38	\$12	\$27	4.9%
Relicensure App	N/A		\$1	\$0	\$0	\$0	0.0%
CSE Application Fee	\$100		\$109	\$92	\$100	\$109	13.3%
Reciprocity App. – ARE	\$35	\$100	\$12	\$9	\$10	\$10	1.3%
App. for Elig. Eval. (ARE)	\$100	\$100	\$102	\$94	\$96	\$112	13.1%
Are Eligibility Reexam	N/A		\$0	\$0	\$0	\$0	0.0%
Retired License (fee decrease eff. (4/1/23)	\$40	May not exceed initial license fee	\$21	\$0	\$0	\$21	1.4%
Initial License - Architect (fee change eff. 7/1/23)	\$400	\$400	\$167	\$50	\$143	\$61	13.7%
Initial Lic. 1/2 Fee - Arch. (fee change eff. 7/1/23)	\$200	may not exceed 50% of renewal fee	\$18	\$67	\$21	\$70	5.7%
Over/Short Fees	Various		\$0	\$0	\$0	\$0	0.0%
Suspended Revenue	Various		\$0	\$1	\$0	\$0	0.0%
Prior Year Revenue Adjustment	N/A		-\$6	-\$1	-\$5	-\$1	-0.4%

Misc. Serv. To Public-General	Various		\$0	\$0	\$0	\$0	0.0%
Investment Income - Surplus Money Investments	N/A		\$126	\$26	\$21	\$74	8.0%
Escheat Unclaimed Checks, Warrants, Bonds, and Coupons	N/A		\$0	\$0	\$0	\$3	0.1%
Canceled Warrants Revenue	N/A		\$3	\$2	\$2	\$2	0.3%
Dishonored Check	\$25		\$0	\$0	\$0	\$0	0.0%
Settlements and Judgments - Other	N/A		\$0	\$3	\$0	\$0	0.1%
Biennial Renewal Architect (fee change eff. 7/1/23)	\$400	\$400	\$3,873	\$2,580	\$3,876	\$2,533	418.1%
Accrued Renewal Fee	\$300		\$26	\$26	\$27	\$19	3.2%
Refunds	N/A		\$0	\$5	\$2	\$3	0.3%
Total Revenue			\$4,600	\$3,020	\$4,371	\$3,076	100.00

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

The Board has not submitted any BCPs in the past four fiscal years; however, as the chart below indicates, DCA submitted BCPs on behalf of the boards and bureaus participating in Business Modernization. The Board uses existing staff for Business Moderation duties; therefore, additional staffing costs have not been incurred.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-122-BCP-2021-A1	2021-22	Business Modernization Cohort 2	0.8 AGPA	0.8 AGPA	\$89,000	\$89,000	\$665,000	\$665,000
1111-139-BCP-2022-MR	2022-23	Business Modernization Cohort 2	0	0	0	0	\$713,000	\$713,000
1111-022-BCP-2023-GB	2023-24	Business Modernization Cohort 2	0	0	\$0	\$0	\$465,000	\$465,000

Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The Board works expeditiously to fill vacant positions but has experienced more difficulty in recruiting and retaining qualified staff at the clerical level (Office Technician) due to competition with other departments that allow them to telework. Additionally, the clerical level positions have a high turnover rate because they are entry-level positions. Traditionally, clerical positions are filled for approximately two years and then staff promote to the next level within civil service. Other professional class positions, such as Staff Services Analyst, Associate Governmental Program Analyst, and Staff Services Manager have a lower vacancy rate. The Board has been successful in reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs. Cross training staff and ensuring desk procedure manuals are updated is an effective succession planning tool for the Board.

15. Describe the board's staff development efforts and total spent annually on staff development (cf., Section 12, Attachment D).

In addition to on-the-job training and cross-training measures, the Board uses DCA's Strategic Organization, Leadership, and Individual Development (SOLID) classes to develop staff. Also, Board staff has participated in training by the Office of Administrative Law, CalHR, Department of General Services' Cal RIM, and other DCA offices such as the Legislative Affairs Division's Regulations Unit.

During the last four fiscal years, the average cost per year spent on training was \$3,718.

16. What are the board's performance targets/expectations for its licensing² program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board's goal is to conduct an initial review and provide a response within 30 days of receiving an application in its Licensing Unit. Licenses are issued within the 30-day performance goal after confirmation is made that all requirements were met, and no issues arose during the criminal history background check. The performance goal is met when staffing is at full capacity; however, depending on staffing levels, there may be temporary increases in application processing time. Leadership routinely reviews performance metrics and implements appropriate measures to ensure goals continue to be met.

17. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The average time to process applications remains consistent and typically within performance targets. Pending applications exhibit an upward trend towards a return to pre-COVID levels and continue to remain below completed applications. No performance barriers exist, and leadership continuously monitors performance metrics and implements the necessary adjustments in workflow to maintain consistent productivity.

18. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

The Board denied one license in the past four years for a conviction determined to be substantially related to practice. The candidate was convicted of two felony counts related to receiving and distributing child pornography.

² The term "license" in this document includes a license certificate or registration.

Table 6. Licensee Population						
		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Architect	Active ³	21,550	21,934	22,013	22,070	21,775
	Out of State	DNA	DNA	DNA	DNA	4,210
	Out of Country	DNA	DNA	DNA	DNA	204
	Delinquent/Expired	DNA	DNA	DNA	DNA	2,407
	Retired Status <i>if applicable</i>	DNA	DNA	DNA	DNA	2,202
	Inactive	0	0	0	0	0
	Other ⁴	DNA	DNA	DNA	DNA	13,431

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both. DNA used in the above table means "Data Not Available." When DCA transitioned to a new reporting tool for its legacy Consumer Affairs System (CAS), the older reports for fiscal years prior to FY 2022/23 were not migrated into the new system are permanently unavailable.

Table 7a. Licensing Data by Type											
	Application Type	Received	Approved/ Issued	Closed	Pending Applications			Cycle Times			
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	Combined, IF unable to separate out	
FY 2019/20	ARE	1,013	850	DNA	DNA	DNA	DNA	DNA	41	175	NA
	CSE	1,089	660						6	7	
	License	678	699						12	0	
	Renewals	10,645	10,645						3	0	
FY 2020/21	ARE	937	736						23	181	NA
	CSE	919	582						7	13	
	License	611	592						24	0	
	Renewals	10,782	10,782						3	0	
FY 2021/22	ARE	957	742						28	221	NA
	CSE	995	577						9	10	
	License	619	632						24	0	
	Renewals	10,730	10,730						3	0	
FY 2022/23	ARE	1,029	690						37	255	NA
	CSE	1,004	617						6	2	
	License	621	627						17	0	
	Renewals	10,287	10,287						2	0	

* Optional. List if tracked by the board.

³ Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

⁴ Other is defined as a status type that does not allow practice in California, other than retired or active.

Table 7b. License Denial				
	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
License Applications Denied (no hearing requested)	0	0	1	0
SOIs Filed	0	0	0	0
Average Days to File SOI (from request for hearing to SOI filed)	0	0	0	0
SOIs Declined	0	0	0	0
SOIs Withdrawn	0	0	0	0
SOIs Dismissed (license granted)	0	0	0	0
License Issued with Probation / Probationary License Issued	0	0	0	0
Average Days to Complete (from SOI filing to outcome)	0	0	0	0

19. How does the board verify information provided by the applicant?

The Board uses several measures to verify information provided by candidates. For example, certified transcripts are required and work experience is submitted and signed by the licensed professional who supervised the candidate’s work. All information is verified by Board staff.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request their state board provide a license certification to substantiate licensure, license status and information on disciplinary action. Also, the board certifying the information must provide the examination history detailing what form of the ARE (or equivalent) was taken and when each division was passed.

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant’s failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

As of January 1, 2021, the Board requires individuals who apply for an architect license to submit a complete set of fingerprints for a criminal history background check. Prior to January 1, 2021, the Board relied upon self-disclosure. No license denials in the past four years were based upon a failure to disclose on the license application.

- b. Does the board fingerprint all applicants?**

Yes, the Board began fingerprinting new licensees on January 1, 2021.

- c. Have all current licensees been fingerprinted? If not, explain.**

No. The authority to require fingerprints applies to new license applications submitted on or after January 1, 2021, and was not retroactive.

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

Yes. NCARB maintains a database that contains disciplinary actions reported by state architecture boards that participate in the program. CAB's Enforcement Unit utilizes this resource prior to the issuance of an original license but relies upon self-reporting for license renewals.

e. Does the board require primary source documentation?

Yes, candidates must submit original and/or certified documentation (transcripts) to provide verification of authenticity. The Board also accepts NCARB records which require primary source documentation.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board requires the same license requirements of any candidate who applies for an architect license regardless of residency.

21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The Board considers military education, training, and experience the same as that from any other source, provided it is related to the field or practice of architecture.

a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

Yes, veteran candidates are tracked, including the branch of service and military documentation received.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

The Board is unable to identify whether the source of any education, training, or experience is specifically attributable to military service.

c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

None. The Board already has authority to grant credit for military education, training, or experience that is related to the practice of architecture.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

There has been only one licensee who requested a waiver of the renewal fees and requirements. There was no impact upon our revenue.

e. How many applications has the board expedited pursuant to BPC § 115.5?

There was only one license candidate who is the spouse of a military member that has requested expedited processing of their application.

22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The Board sends NLI notifications to DOJ electronically as needed. There is no backlog.

Examinations

Table 8. Examination Data⁵		
California Examination (include multiple language) if any:		
	License Type	Architect
	Exam Title	California Supplemental Examination
FY 2018/19	Number of Candidates	1,327
	Overall Pass %	60%
	Overall Fail %	40%
FY 2019/20	Number of Candidates	914
	Overall Pass %	67%
	Overall Fail %	33%
FY 2020/21	Number of Candidates	845
	Overall Pass %	74%
	Overall Fail %	26%
FY 2021/22	Number of Candidates	859
	Overall Pass %	71%
	Overall Fail %	29%
FY 2022/23	Number of Candidates	959
	Overall Pass %	74%
	Overall Fail %	26%
Date of Last OA		2020
Name of OA Developer		Office of Professional Examination Services (OPES)
Target OA Date		TBD

⁵ This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

National Examination (include multiple language) if any:							
License Type		Architect					
Exam Title		CE	PCM	PA	PDD	PJM	PDD
FY 2018/19	Number of Candidates	685	1,497	1,245	1,357	1,015	1,693
	Overall Pass %	64%	45%	45%	43%	57%	35%
	Overall Fail %	36%	55%	55%	57%	43%	65%
FY 2019/20	Number of Candidates	628	1,180	836	924	886	1,140
	Overall Pass %	61%	45%	43%	45%	54%	36%
	Overall Fail %	39%	55%	57%	55%	46%	64%
FY 2020/21	Number of Candidates	1,000	1,531	1,165	1,044	1,199	1,327
	Overall Pass %	56%	49%	45%	50%	59%	43%
	Overall Fail %	44%	51%	55%	50%	41%	57%
FY 2021/22	Number of Candidates	1,050	1,377	1,142	1,196	1,097	1,328
	Overall Pass %	53%	54%	46%	44%	65%	43%
	Overall Fail %	47%	46%	54%	56%	35%	57%
FY 2022/23	Number of Candidates	797	1,118	925	992	839	1,108
	Overall Pass %	63%	50%	57%	53%	66%	47%
	Overall Fail %	37%	50%	43%	47%	34%	53%
Date of Last OA		2020					
Name of OA Developer		Alpine Testing Solutions					
Target OA Date		TBD					

Abbreviations used in the above table for divisions of ARE 5.0:

CE Construction and Evaluation
PCM Practice Management
PA Programming and Analysis
PDD Project Development and Documentation
PJM Project Management
PPD Project Planning and Design

23. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

The Board requires each license candidate to successfully complete both a national and California-specific examination for licensure as an architect. The national examination is the ARE, which is the multi-division professional licensure examination used by all 50 states, the District of Columbia, and four U.S. territories; also accepted by most Canadian provinces and territories. The ARE is developed by NCARB and administered by PSI at its many test centers across the United States, and to a limited extent, outside the United States. The content of the ARE assesses candidates on

the knowledge, skills, and abilities required to independently provide the various services that constitute the practice of architecture. The current version of the examination is ARE 5.0, which consists of six divisions that align with the experience areas in NCARB’s Architectural Experience Program. Candidates receive provisional feedback at the conclusion of their examination and final examination results within one week. The ARE is offered year-round during normal business hours (8 a.m. to 5 p.m.) Monday through Saturday, except holidays.

The California Supplemental Examination (CSE) is the California-specific examination developed by OPES and administered by PSI in California and, to a limited extent, outside the state. The CSE is a multipart examination that is comprised of individually timed sections meant to assess whether license candidates demonstrate minimum standards of competency necessary to meet the requirements of current architectural practice in California. The examination’s duration is 3.5 hours in one continuous session. Candidates receive examination results after completion of their CSE. The CSE, like the ARE, is offered year-round

The ARE and CSE are only offered in English; however, accommodations are available when taking the ARE to those for whom English is a second language. The CSE will have accommodations in place before the end of 2023.

24. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

ARE 5.0 Performance Data							
License Type		Architect					
Exam Title		CE	PCM	PA	PDD	PJM	PDD
FY 2018/19	First-Time Pass%	62%	42%	44%	42%	56%	33%
	Repeat Pass %	58%	43%	37%	44%	52%	34%
FY 2019/20	First-Time Pass%	60%	42%	46%	46%	51%	33%
	Repeat Pass %	51%	46%	34%	41%	53%	36%
FY 2020/21	First-Time Pass%	57%	48%	48%	51%	59%	42%
	Repeat Pass %	54%	51%	40%	46%	54%	43%
FY 2021/22	First-Time Pass%	57%	48%	55%	48%	63%	40%
	Repeat Pass %	45%	44%	37%	36%	51%	40%
FY 2022/23	First-Time Pass%	65%	51%	62%	59%	67%	51%
	Repeat Pass %	57%	44%	48%	45%	57%	39%

CSE Performance Data			
License Type		Architect	
		Initial Licensure	Reciprocal Licensure
FY 2018/19	First-Time Pass%	64%	57%
	Repeat Pass %	57%	57%
FY 2019/20	First-Time Pass%	76%	55%
	Repeat Pass %	62%	45%
FY 2020/21	First-Time Pass%	81%	69%
	Repeat Pass %	63%	70%
FY 2021/22	First-Time Pass%	74%	71%
	Repeat Pass %	65%	70%
FY 2022/23	First-Time Pass%	79%	74%
	Repeat Pass %	66%	66%

25. Is the board using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, computer-based testing is used for both the ARE and CSE and is available at all test centers that offer these exams. The ARE and CSE are administered during normal business hours of 8 a.m. to 5 p.m. Monday through Saturday. The ARE and CSE are offered year-round to candidates.

26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe. No.

27. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

The latest occupational analysis (OA) was conducted in 2020. The next OA is tentatively planned for between 2025 and 2027 in alignment with BPC 139 requirements. The results of a national comparison with the NCARB ARE is planned for presentation at the September 8, 2023, board meeting. At that time OPES will provide CAB with its recommendations to streamline and update the CSE administration. OPES recommends CAB to continue administration of a California-specific examination.

School approvals

28. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The Board is not authorized to accredit schools of architecture and BPPE does not play a role in the process of approving schools of architecture.

29. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The Board is not authorized to approve schools of architecture.

30. What are the board's legal requirements regarding approval of international schools?

The Board is not authorized to approve schools of architecture.

Continuing Education/Competency Requirements

31. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

BPC section 5600.05 requires architects to biennially complete five hours of continuing education (CE) coursework on disability access requirements (DAR) and an additional five hours on zero net carbon design (ZNCD) as a condition of license renewal. California Code of Regulations (CCR) section 165 clarifies the language in BPC section 5600.05 respective to DAR and establishes qualifications for courses and course providers.

ZNCD coursework must address information and practical guidance related to building design strategies that meet energy demands or offset carbon-based energy consumption. As is the case with DAR, ZNCD coursework must be presented by trainers or educators with knowledge and expertise in these requirements.

BPC section 5600.05 was amended when Governor Newsom signed Assembly Bill 1010 (Chapter 176, Statutes of 2021) into law on September 16, 2021. The amended statute requires, as a condition of license renewal, an architect who renews a license on or after January 1, 2023, to complete an additional five hours of CE on ZNCD.

a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?

The Board requires architects to certify, under penalty of perjury, on the license renewal application that they have completed the required CE coursework hours in DAR and ZNCD prior to the license expiration date (or within the prior 24 months when renewing a delinquent license). Architects are required to maintain their coursework documentation for at least two years from the date of renewal and provide the documentation if audited by the Board.

The Board collaborated with DCA’s Office of Information Services to develop an online application that allows architects to submit CE documentation electronically when requested during an audit. The online application utilizes the cloud service platform used by DCA--Box.com.

b. Does the board conduct CE audits of licensees? Describe the board’s policy on CE audits.

Yes. Monthly CE audits of architects who renewed their licenses are conducted. The Board conducts paperless audits to the extent possible when an email address is in the licensee record. Architects have 15 days from the date of the first audit notification to provide the Board with coursework documentation using the online submission portal available on its website. A second audit notification is sent via U.S. Postal Service if no response is received, or documentation is not uploaded through the portal within 15 days. A final notification is sent via certified U.S. Postal Service when an architect does not respond to the second request, or no documentation is received. Architects are subsequently referred to the Board’s Enforcement Unit if no response is received.

c. What are consequences for failing a CE audit?

An architect who fails a CE audit is referred to the Board’s Enforcement Unit for action. The consequences for failing a CE audit range from a Letter of Advisement to an administrative citation, which may include a monetary fine, or more serious disciplinary action as is determined appropriate based upon the circumstances of the matter. CCR 165 requires an architect to complete any coursework deficiencies in addition to any other action that may be taken by the Board.

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

Fiscal Year	Audits Conducted	Failed
2018/2019	308	13%
2019/2020	302	13%
2020/2021	301	0%*
2021/2022	297	12%
2022/2023	314	30%

*CE extensions were allowed during COVID, so there were no failed audits. The increase in audit failures for FY 22/23 relates to the new CE requirement for Zero Net Carbon Design that became operative on January 1, 2023.

e. What is the board’s CE course approval policy?

The Board does not have authority to approve courses.

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The Board does not have authority to approve courses or course providers. However, CCR 165 and the proposed CCR 166 authorize the Board to establish requirements for courses and course providers.

g. How many applications for CE providers and CE courses were received? How many were approved?

None. The Board does not have authority to approve courses or course providers.

h. Does the board audit CE providers? If so, describe the board’s policy and process.

No, the Board does not have authority to audit course providers.

i. Describe the board’s effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee’s continuing competence.

The Board’s focus has been on developing regulations for DAR and ZNCD that would establish qualifications for courses and course providers. The deadline for DAR-related regulations was January 1, 2023. The deadline for ZNCD-related regulations is July 1, 2024. At present, the Office of Administrative Law has approved CCR 165, which is related to DAR. CCR 166 that relates to ZNCD is currently in the review process. The Board has also focused its attention on researching methods to improve the audit process.

Table 8a. Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
DAR	Biennial	5	3%
ZNCD	Biennial	5	3%

32. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Architects Practice Act (Act).

For all complaints received, the Board has a goal of assigning complaints to staff for investigation within seven days. Currently, the Enforcement Unit averages one day to assign complaints for investigation. Concerning the time necessary to investigate a complaint, the Board's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For FYs 2018/19, 2019/20, 2020/21, and 2021/22, the Board averaged 183 days, 132 days, 175 days, and 165 days, respectively. The Board is exceeding expectations in this area.

33. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board received an average of 308 complaints per year since FY 2018/19, which is a decrease from 345 since the previous reporting period. A possible contributing factor to the decrease could have been the Governor's Executive Order N-39-20, during the State of Emergency, which stated that the Director of the California Department of Consumer Affairs may waive any statutory or regulatory renewal requirements pertaining to individuals licensed pursuant to Division 2 of the BPC while highlighting data within the CE section. Typically, the Board initiates an average of 69 cases per year against licensees who failed the coursework audits; these cases are tracked as Board-initiated "complaints." The Board's mandatory audits of coursework for license renewal applications, as required by BPC section 5600.05 were not completed during FY 2018/19 and 2019/20.

Enforcement staff closed 49% of investigations within 90 days and 87% within one year. The average number of days from receipt of a complaint to the closure of investigation was 113 days for all cases, which is a 10% reduction since the last reporting period. During the previous reporting period, the average number of days to complete an investigation was 123 days, and 58% of investigations were closed within 90 days.

Since the last reporting period, the average number of advertising complaints received by the Board increased 11% to 86 per year. The average number of settlement cases received decreased 28% to 21 per year. The Board received an average of 72 complaints per year against licensees (excluding complaints initiated by the Board due to failed coursework audits), which remained consistent since 2018. The Board also received an average of 81 unlicensed activity complaints per year, which is an 11% increase since the previous reporting period.

Since the Board’s last report in 2018, the number of citations issued has slightly decreased. For this reporting period, citations average 45 per year. Of the citations issued, all included a fine assessment, averaging \$1,622 per citation, and the Board collected approximately 50% of the assessed fines. The Board has also continued to focus on promptly responding to consumer complaints and developed an internal monthly report on case aging to improve the tracking of each case through the intake and investigation processes.

Table 9a. Enforcement Statistics					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
COMPLAINTS					
Intake					
Received	310	441	228	235	261
Closed without Referral for Investigation	0	1	0	0	0
Referred to INV	310	440	228	235	261
Pending (close of FY)	0	1	1	1	3
Conviction / Arrest					
CONV Received	0	0	13	32	24
CONV Closed Without Referral for Investigation	0	0	0	0	0
CONV Referred to INV	0	0	13	32	24
CONV Pending (close of FY)	0	0	0	0	0
Source of Complaint ⁶					
Public	164	232	154	148	157
Licensee/Professional Groups	20	3	0	3	15
Governmental Agencies	6	2	1	1	1
Internal	107	163	65	97	87
Other	0	2	0	0	0
Anonymous	13	39	8	18	25
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	2	1	3	1	3
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	1	1	1	1	1
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	2	1	2	1	3
INVESTIGATION					
Desk Investigations					
Opened	310	440	241	267	285
Closed	321	450	211	259	289
Average days to close (from assignment to investigation closure)	184	125	172	162	204
Pending (close of FY)	141	123	139	143	135
Non-Sworn Investigation					

⁶ The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

Opened	N/A	N/A	N/A	N/A	N/A
Closed	N/A	N/A	N/A	N/A	N/A
Average days to close (from assignment to investigation closure)	N/A	N/A	N/A	N/A	N/A
Pending (close of FY)	N/A	N/A	N/A	N/A	N/A
Sworn Investigation					
Opened	17	7	3	3	2
Closed	13	12	4	2	2
Average days to close (from assignment to investigation closure)	275	627	434	428	1109
Pending (close of FY)	10	5	4	5	5
All investigations⁷					
Opened	327	447	244	270	287
Closed	323	462	213	261	291
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	188	138	177	165	209
Average days for investigation closures (from start investigation to investigation closure)	188	138	177	165	209
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	N/A	138	N/A	N/A	N/A
Average days from receipt of complaint to investigation closure	188	138	177	165	209
Pending (close of FY)	151	128	143	148	140
CITATION AND FINE					
Citations Issued	47	84	22	28	23
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	227	230	328	329	268
Amount of Fines Assessed	54,000	125,003	50,750	35,200	53,250
Amount of Fines Reduced, Withdrawn, Dismissed	6,500	6,250	7,700	8,750	13,000
Amount Collected	31,300	76,753	17,750	6,575	14,129
CRIMINAL ACTION					
Referred for Criminal Prosecution	0	0	0	0	0
ACCUSATION					
Accusations Filed	3	3	6	1	2
Accusations Declined	0	1	0	0	1
Accusations Withdrawn	0	0	0	0	0
Accusations Dismissed	0	0	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	503	819	1219	961	881
INTERIM ACTION					
ISO & TRO Issued	0	0	0	0	0
PC 23 Orders Issued	0	0	0	0	0
Other Suspension/Restriction Orders Issued	0	0	0	0	0
Referred for Diversion	0	0	0	0	0
Petition to Compel Examination Ordered	0	0	0	0	0

⁷The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

DISCIPLINE					
AG Cases Initiated (cases referred to the AG in that year)	5	2	7	1	3
AG Cases Pending Pre-Accusation (close of FY)	2	0	1	0	3
AG Cases Pending Post-Accusation (close of FY)	3	2	6	1	0
DISCIPLINARY OUTCOMES					
Revocation	0	1	2	2	2
Surrender	1	0	0	1	0
Suspension only	0	0	0	0	0
Probation with Suspension	0	1	1	2	1
Probation only	0	0	2	0	1
Public Reprimand / Public Reapproval / Public Letter of Reprimand	0	0	1	0	1
Other	1	1	0	0	1
DISCIPLINARY ACTIONS					
Proposed Decision	0	0	2	0	0
Default Decision	0	1	1	2	2
Stipulations	1	1	1	3	2
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	387	197	441	352	297
Average Days from Closure of Investigation to Imposing Formal Discipline	598	364	568	497	390
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	724	959	1219	972	881
PROBATION					
Probations Completed	2	1	2	0	0
Probationers Pending (close of FY)	3	2	2	4	6
Probationers Tolled	0	1	1	1	1
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	0	0	0	0	0
SUBSEQUENT DISCIPLINE⁸					
Probations Revoked	0	0	0	0	0
Probationers License Surrendered	0	0	0	0	0
Additional Probation Only	0	0	0	0	0
Suspension Only Added	0	0	0	0	0
Other Conditions Added Only	0	0	0	0	0
Other Probation Outcome	0	0	0	0	0
SUBSTANCE ABUSING LICENSEES					
Probationers Subject to Drug Testing	N/A	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A	N/A
PETITIONS					
Petition for Termination or Modification Granted	0	0	0	0	0
Petition for Termination or Modification Denied	0	0	0	0	0
Petition for Reinstatement Granted	0	0	0	0	1
Petition for Reinstatement Denied	0	0	0	0	0

DIVERSION					
New Participants	N/A	N/A	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A	N/A	N/A
Terminations	N/A	N/A	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A	N/A

Table 10. Enforcement Aging							
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	Cases Closed	Average %
Investigations (Average %)							
Closed Within:							
90 Days	(39.5%) 127	(58.4%) 250	(46.9%) 99	(48.8%) 127	(49.8%) 145	779	50.3%
91 - 180 Days	(23%) 74	(18.2%) 78	(14.7%) 31	(16.2%) 42	(19.2%) 56	287	18.5%
181 - 1 Year	(21.5%) 69	(14%) 60	(23.7%) 50	(20.4%) 53	(13.4%) 39	275	17.7%
1 - 2 Years	(14.3%) 46	(5.1%) 22	(13.3%) 28	(13.8%) 36	(8.2%) 24	155	10%
2 - 3 Years	(1.6%) 5	(3.5%) 15	(0%) 0	(.8%) 2	(8.2%) 24	45	2.9%
Over 3 Years	(0%) 0	(.7%) 3	(1.4%) 3	(0%) 0	(1%) 3	9	.3%
Total Investigation Cases Closed	323	462	213	261	291	1,550	100%
Attorney General Cases (Average %)							
Closed Within:							
0 - 1 Year	(50%) 1	(0%) 0	(0%) 0	(0%) 0	(20%) 1	2	10.5%
1 - 2 Years	(50%) 1	(0%) 0	(0%) 1	(0%) 0	(20%) 1	2	10.5%
2 - 3 Years	(0%) 0	(66.6%) 2	(71.4%) 5	(80%) 4	(40%) 2	10	52.6%
3 - 4 Years	(0%) 0	(33.3%) 1	(14.3%) 1	(20%) 1	0	3	15.8%
Over 4 Years	(0%) 0	(0%) 0	(25%) 1	(0%) 0	(20%) 1	2	10.5%
Total Attorney General Cases Closed	2	3	4	5	5	19	100%

34. What do overall statistics show as to increases or decreases in disciplinary action since last review?

The Board filed 15 accusations, during the current reporting period (FY 2018/19 through FY 2022/23) and 16 cases resulted in disciplinary action, which is an increase from the previous reporting period when seven accusations were filed, and 11 cases resulted in disciplinary action. The severity of the sanctions imposed on licensees has been consistent with the previous reporting period. During this reporting period, seven licenses were revoked, and probation was ordered for two licenses. Five of the seven licenses were suspended from 30 to 90 days prior to the start of probation.

In evaluating a Board's enforcement program, it is important to reflect on the nature of the profession being regulated. Architects often collaborate with other parties (engineers, landscape

architects, attorneys, contractors, and other architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the Board typically do not deal with major property damage or bodily injury.

35. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The Board's case prioritization policy is consistent with DCA's guidelines. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the Board's prioritization guidelines. Complaints given the highest or "urgent" priority include imminent life and safety issues, severe financial harm to clients, egregious pattern of complaints, and project abandonment. Complaints given a "high" priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The more common complaints are contract violations, unlicensed advertising violations, routine settlement reports, and coursework violations.

36. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

Mandatory reporting requirements are specified in BPC sections 5588 (Report of Settlement or Arbitration Award), 5588.1 (Requirement that Insurer Report Certain Judgment, Settlement, or Arbitration Awards), and 5590 (Malpractice Judgment in Civil or Criminal Case; Clerk's Report).

BPC sections 5588 and 5588.1 require that within 30 days, every licensee and insurer providing professional liability insurance to a California architect send a report to the Board on any civil action judgment, settlement, arbitration award, or administrative action of \$5,000, or greater of any action alleging the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice. The Board received 115 settlement reports during the previous reporting period and 162 reports in the current period.

BPC section 5590 requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license's fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the Board. However, if the judge who tried the matter finds that it does not relate to the defendant's professional competence or integrity, the judge may, by order, dispense with the requirement that the report be sent.

Historically, the Board has tried to work with the courts to gain cooperation and compliance with BPC section 5590. However, the Board has not received a report of a judgment from a court. The Board previously requested the California Administrative Office of the Courts to assist in attaining compliance from court clerks. In an effort to address this ongoing issue, the Board has requested its Deputy Attorney General (DAG) liaison to seek assistance to obtain compliance from the courts by disseminating a letter to clerks of the courts reminding them of BPC section 5590. The letter was sent in 2019 and resent in 2023. In addition, BPC section 5600(c) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

a. What is the dollar threshold for settlement reports received by the board?

As noted above, the dollar threshold for settlement reports received by the Board is \$5,000.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the Board during the current reporting period is \$435,651.

37. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, five disciplinary cases resulted in settlements with the Board and five cases resulted in a hearing.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

In the past four years, 40% of disciplinary cases were settled, 40% resulted in default decisions, and 20% resulted in a hearing.

38. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board's statute of limitations is defined by BPC section 5561: "All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the Board within five years after the Board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than 10 years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of Section 5579 (Fraud in Obtaining a License), the accusation may be filed within three years after the discovery by the Board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5579." The Board has not lost any cases due to the expiration of its statute of limitations. However, the Board received five cases in which the alleged violation(s) occurred beyond the statute of limitations, and as a result, could not be investigated. These cases primarily involved settlement reports where the architectural services were provided more than 10 years prior to the receipt of the report.

39. Describe the board's efforts to address unlicensed activity and the underground economy.

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The Board has recently implemented a process to proactively search for unlicensed activity online to be investigated, as resources allow, as part of the Board's 2022-2024 strategic plan objective. The Board addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing letters of advisement, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to DCA's Division of Investigation for sworn investigation, if appropriate.

The Board works collaboratively with local planning and building departments to educate them on requirements of the Act and prevent unlicensed activity. These efforts include disseminating letters and bulletins to planning and building departments advising them of the Act's requirement pertaining to unlicensed individuals submitting plans for non-exempt projects. Through the Board's Building Official Contact Program, an architect consultant is also available on-call to building officials to discuss provisions of the Act, including unlicensed practice and potential aiding and abetting by licensees.

To address unlicensed practice and educate consumers, the Board promotes its *Consumers Guide to Hiring an Architect*. The *Guide* was designed to help consumers understand the sometimes complex and technical nature of architectural services. It provides information about the types of projects requiring a licensed architect; how to find and select an architect; written contract requirements and recommendations; how to manage the budgeting and construction of a project; and what to do if a problem occurs. The *Guide* is made available online to various building and planning departments throughout the state. Also available is the *Consumer Tips for Design Projects*, which contains basic steps for consumers to keep their projects on track.

The Board also works to protect consumers in post-disaster settings, where they are most vulnerable. A Homeowner Rebuilding Bulletin was produced to educate homeowners on their rights after a disaster. The Board collaborates with the Contractors State License Board to provide consumer education material at disaster recovery centers. Through social media and press releases, the Board promotes the availability of its toll-free number and its architect consultant as a resource to assist homeowners as they begin the rebuilding process.

In addition, the Board provides presentations at colleges to educate students about the importance of licensure.

Cite and Fine

40. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

The citation program provides the Board with an expeditious method of addressing unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that

have not resulted in substantial financial or physical harm. CCR section 152 was last amended in 2022 to broaden the Board's ability to issue citations and fines to unlicensed persons violating the Act. This regulation was approved and became effective on October 1, 2022.

During this reporting period, the Board issued an average of 45 citations per year compared with 50 citations during the previous reporting period. A contributing factor to the decrease could be due to the Governor's Executive Order N-39-20 during the State of Emergency, in which the board was unable to issue citations to licensees for violations of coursework provisions found in BPC section 5600.05.

41. How is cite and fine used? What types of violations are the basis for citation and fine?

As noted above, the Board's citation program provides an expeditious method of addressing violations that have not resulted in substantial financial or physical harm. Some complex professional practice and unlicensed complaints recommended for citation are reviewed by an architect consultant. Administrative fines range from \$250 to \$5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The Board has used the citation program most frequently to cite individuals who have violated the following:

BPC sections:

- 5536 (a) and (b) - Practice Without License or Holding Self Out as Architect
- 5536.1 - Signature and Stamp on Plans and Documents; Unauthorized Practice
- 5536.22 - Written Contract
- 5558 - Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services: Filing Requirements
- 5584 - Negligence or Willful Misconduct

CCR sections:

- 104 - Filing of Addresses
- 134 - Use of the Term Architect
- 160 - Rules of Professional Conduct

Licensees who fail to pay the assessed fines have a "hold" placed on their license record that prevents license renewal until the fine is paid.

42. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

In the last four fiscal years, there have been 38 informal conferences, five stipulated settlements, and three administrative hearings as a result of citation appeals.

43. What are the five most common violations for which citations are issued?

BPC Sections:

- 5536 (a) and (b) - Practice Without License or Holding Self Out as Architect
- 5536.1 - Signature and Stamp on Plans and Documents; Unauthorized Practice
- 5536.22 - Written Contract
- 5558 - Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services: Filing Requirements
- 5584 - Negligence or Willful Misconduct

44. What is average fine pre- and post- appeal?

The average pre-appeal fine is \$1,818 and the average post-appeal fine is \$1,559.

45. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

To complete its Strategic Plan Objective, the Board executed a contract with a collection agency on March 15, 2019, which was effective through March 14, 2022. The Board stopped sending collections to the Franchise Tax Board (FTB) Intercept Program and uses the collection agency exclusively.

Cost Recovery and Restitution

46. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

The Board seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is often paid within 30 days of the effective date of a decision or pursuant to established payment schedules. However, revocation case costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

Since March 2019, the Board's collection efforts through the collection agency have resulted in collection about 15% of fines (closed cases). During the prior three-year contract the Board sent approximately \$135,356 in fines to be collected, and the agency collected approximately \$20,631.

The Board renewed its contract in April 2023 with the collection agency for full-service debt collection services, including "skip tracing," credit reporting, and filing legal actions as appropriate to assist in the collection of unpaid citation penalties, cost recoveries for unpaid administrative fines, and cost reimbursement accounts aged beyond 90 days.

47. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The amount of cost recovery ordered depends upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General.

The Board had nine cases resulting in revocations and seven cases resulting in probation during the reporting period as follows:

Revocations:

Type	Cases	Outcome
Default Decisions	6	Board did not order cost recovery
Decision After Rejection/Non-Adopt of Proposed Decision	1	Cost recovery of \$12,605 due if license is reinstated.
Stipulated Surrender of License	2	Cost recovery of \$24,400 to be paid prior to issuance of a new license or reinstatement of the license.

Probationers:

Type	Cases	Outcome
Stipulated Settlements	7	Cost recovery ordered in the amount of \$72,914 (all are collectable, and payments are being made)

48. Are there cases for which the board does not seek cost recovery? Why?

No.

49. Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery.

The Board stopped sending cases to the FTB when it executed a contract with a collection agency on March 15, 2019.

50. Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The Board has no authority to order restitution outside of a stipulated agreement or an administrative law judge’s proposed decision. Since the last review, there were no cases where the licensee was ordered to pay restitution to any of their clients.

Additionally, through the complaint process, the Board may recommend that a licensee refund a client’s monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The Board has no jurisdiction over fee disputes.

Table 11. Cost Recovery⁹ (list dollars in thousands)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Total Enforcement Expenditures	6,580	5,328	54,375	41,055	31,699
Potential Cases for Recovery *	1	1	4	5	4
Cases Recovery Ordered	1	1	3	3	2
Amount of Cost Recovery Ordered	6,580	5,328	35,590	34,785	27,636
Amount Collected	4,800	4,800	1,448	3,340	15,848
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.					

Table 12. Restitution (list dollars in thousands)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Amount Ordered	N/A	N/A	N/A	N/A	N/A
Amount Collected	N/A	N/A	N/A	N/A	N/A

⁹ Cost recovery may include information from prior fiscal years.

51. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board continually updates the internet to reflect upcoming Board and committee meetings, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and meeting materials are also made available on the website. Board and committee meeting minutes are posted on the website once officially approved and remain for three years in accordance with the Board's retention schedule. Draft minutes are posted on the website in the subsequent meeting packet for Board or committee approval. The website also provides links to important collateral organizations, California schools offering architecture programs, and other government organizations. The Board solicits input from users for items that may be included on the website. Other tools used by the Board to communicate its messages include the eSubscriber list for e-news broadcasts, the Board's newsletter, and social media (Instagram, Twitter, Facebook and LinkedIn).

52. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

The Board webcasts its meetings. The Board plans to continue webcasting future board and committee meetings, and the meeting information is posted on the Board's website. Webcast meetings are posted on DCA's YouTube account and are available for three years. Since the pandemic, most meetings have been teleconferenced, which has resulted in more participation from the public and licensees, as well as budget savings.

53. Does the board establish an annual meeting calendar, and post it on the board's web site?

Yes. The Board establishes a prospective meeting calendar at its last meeting of each year and posts the meeting dates on the website. Committee meetings are posted to the calendar when the dates are determined by the respective committee chair.

54. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)*?

The Board's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the Board's website and publicized in its newsletter according to the Board's records retention schedule.

55. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

CCR section 137 requires the Board to provide the public with information regarding complaints and disciplinary or enforcement actions against licensed architects and unlicensed persons subject to the Board's jurisdiction. The Board provides license number, license status, issue date of license, expiration date of license, and address of record.

The Board also discloses the total number of enforcement and disciplinary actions, as well as brief summaries. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 137), accusations, statements of issues, and citations filed by the Board.

56. What methods are used by the board to provide consumer outreach and education?

The Board produced two consumer videos and plans to create additional videos. The Board has online publications and participates in disaster-related events to educate and inform consumers about hiring architects to rebuild. The Board also participates in seminars and various outreach events.

57. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

The practice of architecture online is most prevalent in the offering stage of practice. Offering architectural services, or advertising architectural services, is widespread in California and growing as consumers use the internet to find architectural services. Advertising architectural services takes place on numerous online platforms including popular social media platforms.

In the performance stage of practicing architecture there is a hybrid environment for using online tools to practice architecture. Architects and unlicensed people may use software tools to create architectural plans and other instruments of service, which can be shared with clients and other relevant parties. In addition, architects and unlicensed individuals can remotely meet with clients. Further, some building jurisdictions allow electronic submission, stamping and signing of architectural plans. It is also possible for architects and unlicensed people to use technology to perform construction observation services, although this practice may not be prevalent. Therefore, it is possible to practice completely online if the project conditions allow for it but based on Board staff observation there is more of a prevalence of a hybrid environment with a mixed use of online tools for practicing architecture.

There are issues with unlicensed designers advertising architectural services or calling themselves architects. The Board has enforcement mechanisms in place to open cases for potential violations of unlicensed advertising on the internet. The Board also provides outreach to building department jurisdictions to inform them of the laws limiting unlicensed practice to prevent unlawful unlicensed activity. Educating building officials also prevents unlicensed practice of architecture.

The Board does not currently regulate online practice differently, but primarily enforces against unlicensed online advertising by opening cases which can result in a citation being issued. The Board also issues letters of advisement to educate unlicensed individuals about the laws regarding offering architectural services online.

Currently the Board does not believe there is a need to treat online practice any differently than regular practice, except for the advertising of architectural services online. In the performance stage of practice there does not seem to be a difference in the standard of care. Architects are held to the same standard of care whether they practice architecture online or in person. In addition, building departments review the work of architects to ensure they comply with building codes and regulations, and the final product of an architect's work will be used by a licensed contractor who can consult with the architect of record for questions about the architect's instrument of service. The Board has started to receive complaints against architects and unlicensed individuals working remotely and is monitoring and analyzing these cases to determine if additional laws or regulations should be considered.

To address online advertising issues, the Board attempted to implement a regulation, CCR 135, to require architects to put their license numbers on advertisements including online advertisements. One of the intents of the regulation was to promote the awareness of an architect's license number

to consumers so they could more easily distinguish between a licensed architect's advertisements and unlicensed advertisements. However, CCR 135 was not approved by the Board after strong advocacy by an industry association that believed the regulation would place an undue burden on architects. The Board is further working on the issue using its 2023-2026 strategic goal objective to monitor social media and proactively enforce against unlawful advertising.

58. What actions has the board taken in terms of workforce development?

The Board periodically reviews the licensure process and amends its regulations, as appropriate to implement efficiencies to reduce the length of time to obtain licensure. Staff provides presentations regarding licensure at schools of architecture with NCARB and local components of the American Institute of Architects. The Board strives to remove impediments to licensure, such as reducing the mandatory waiting period between retakes of the CSE. NCARB has also taken measures to remove impediments, such as formulating the Integrated Path to Architectural Licensure (IPAL) program, which the Board has adopted, where NAAB-accredited programs integrate professional architectural education with practical experience and examination. The intent of IPAL is to accelerate the licensure process, the length of which is often considered an impediment. In a show of its support for the concept, the Board sponsored legislation that grants early access to the ARE for IPAL-enrolled students. More information regarding IPAL can be found in Section 10. The Board also accelerates licensing for veterans, military, military spouses, and asylees.

59. Describe any assessment the board has conducted on the impact of licensing delays.

No formal studies have been conducted. Board management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce.

60. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board sends licensing information to schools yearly and as requested and has produced and provided a "Licensing 101" video—the first in a series. Licensing webinars are in the development stage and will be held monthly for candidates. An outreach plan for schools was developed in 2023 to enhance communication regarding licensing and requirements. Board staff participate with NCARB in providing presentation to architectural students throughout the state on the licensure process.

61. Describe any barriers to licensure and/or employment the board believes exist.

The Board, in collaboration with NCARB, routinely assesses the licensure process to proactively address potential barriers to licensure consistent with the mandate to protect the public health, safety, and welfare.

The current components of licensure (education/equivalents, experience, and examination) are separate and governed by specific standards and requirements that can affect a candidate's progress. On the national examination, candidates can take the six divisions at any time and in any order. This flexibility can be greatly beneficial to candidates but can also be a contributing factor to delays due to the lack of specific milestones with deadlines.

The IPAL model may have sufficient structure to encourage greater efficiency for candidates. Nationwide, 24 colleges participate in IPAL, which shortens the time it takes to become an architect. Participating programs provide students with the opportunity to complete the AXP and take all six

ARE 5.0 divisions prior to graduation. During the 2020/21 school year, over 600 students were enrolled in IPAL options throughout the United States; California had 189 students enrolled.

62. Provide any workforce development data collected by the board, such as:

- a. Workforce shortages – No data is available.
- b. Successful training programs. – No data is available.

63. What efforts or initiatives has the board undertaken that would help reduce or eliminate inequities experienced by licenses or applicants from vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or that would seek to protect those communities from harm by licensees?

The Board takes a broad approach to its outreach that encompasses a variety of communities and economic groups. It closely works with collateral organizations to address inequities within the limits of its authority to do so.

In 2022, NCARB began providing free practice exams which has increased candidate pass rates by 12%. The increase seen for candidates using NCARB's free practice exams was even higher for some demographic groups. Asian or Asian American and Black or African American candidates saw a 17 percentage point increase in pass rates compared to those who don't use the practice exams—the largest average increase seen across all racial and ethnic groups. Meanwhile, men and women were equally impacted by use of the practice exams, with both groups seeing a 13 percentage point increase in pass rates compared to candidates who didn't use the practice exams.

CAB also provides reference material and a study exam on its website.

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees? N/A

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations? N/A

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

- a. **Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?** The Board is not using the BreEZe platform.
- b. **If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?**

The Board and LATC, along with 19 other boards and bureaus, were scheduled for the third release of BreEZe; however, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

DCA developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. Business Modernization identifies a methodical step-by-step approach that boards and bureaus within DCA will use to assist in moving their programs forward. The goal is to embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlines four stages with rollout scheduled for the fall of 2023.

In May 2023, the first phase of the new system, Connect, was released for LATC, and on June 1st for the Board. In the first phase the Eligibility Application, California Supplemental Exam Application, and Initial License Application are available for candidates to complete and submit online.

The Board/LATC has been utilizing two legacy systems (Applicant Tracking System [ATS] and Consumer Affairs System [CAS]) and the LATC has been using a workaround system for candidates. Because Business Modernization took time and implementation was delayed, the Board/LATC pursued a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction, and an enhanced license verification feature on its websites. In addition, the Board/LATC have converted to DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's boards and bureaus and enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone compatible.

67. In response to COVID-19, did the board take any steps or implement any policies regarding licensees or consumers? Has the board implemented any statutory revisions, updates or changes that were necessary to address the COVID-19 Pandemic? Any additional changes needed to address a future State of Emergency Declaration.

Yes, the Board immediately implemented teleworking policies. Due to limited resources and the sudden onset of the pandemic, laptop computers were ordered for staff so they could work from home. New procedures were developed to adapt to a telework-centered environment. Staff worked staggered schedules to reduce the number in the office at one time.

- a. Teleworking has been positive for the Board and its staff. Working from home allows for an uninterrupted environment to focus on work and has increased productivity.

The Board has not utilized any existing state of emergency statutes and has not had any waivers.

The Board has not taken or implemented new policies regarding licensees or consumers due to COVID; however, the Board recognizes the impact of test closures on candidates and will seek a regulatory change for emergency situations in the future.

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

CAB ADMINISTRATION

ISSUE #1: CAB has an even number of board members, represented equally by professional architects and public members.

Background: In order to discourage a tie vote, the majority of DCA boards are comprised of an odd number of members. In contrast, CAB has 10 board members, represented equally by professional architects and public members. Although the Board reports a tie has never been a problem, its composition may present an opportunity to mirror the composition of similar DCA boards while providing representation to the LATC, which the Board has overseen since 1997.

LATC exists within a committee of the Board, and each provides regular updates of key issues at each other's meetings to sustain understanding of each entity's priorities. The Board appoints a liaison who attends LATC meetings on behalf of the Board, and an LATC member attends Board meetings to ensure the Committee's concerns are raised. The LATC member does not have voting power, however, and the Board maintains the final authority to discipline landscape architects and issue examinations.

The Board is not aware of any consumer-related issues with respect to the structure, and the respective professions and their organizations appear to be pleased with the current structure.

Staff Recommendation: *The Board may wish to consider adding an LATC member, bringing its total to 11.*

Board Response:

The Board does not necessarily have a concern with having LATC represented on the Board but would like time to further discuss the proposal with interested parties. Currently, the Board and LATC have an informal liaison program, and a Board member attends LATC meetings, and a LATC member attends Board meetings. The Board is not aware of a problem or concern with the current arrangement. One issue to consider is that a member who serves on both LATC and the Board would be required to attend approximately eight meetings a year, which could make it difficult to find someone able to make that time commitment. As the Board and LATC have separate funds, we would also need to consider how costs for the LATC board member position would be allocated.

2023 Updated Board Response:

As part of its current Strategic Plan, the LATC has an objective to research the economic and consumer protection impact of re-establishing the Landscape Architect Board or establishing a merged board with the California Architects Board to provide better representation, strengthen the distinction between the two entities and increase efficiency. At its April 2023 meeting, the LATC discussed and voted to recommend to the Board that they consider the establishment of a merged board. The Board discussed at its May 2023 meeting and provided comments to LATC, which they will continue to review.

ISSUE #2: Some provisions of the Act do not reflect current terminology and could be updated to facilitate streamlined administration.

Background: From 1964 through 1985, the Board regulated registered building designers. The registration process began in 1964 and continued until 1968, and the Board continued to regulate the practice of registered building designers through 1985, although no new registrations were granted. Effective January 1, 1986, it became a misdemeanor for individuals to represent themselves as “registered building designers.” Of the estimated 700 active building designers registered at the time, about 300 applied for and were granted licenses as architects. The Board now licenses only architects and has one office in Sacramento.

CAB’s official seal is mandated to read “California State Board of Architectural Examiners,” even though its official name was changed to the California Architects Board in 1999.

Current law requires a licensee to maintain records of completed CE and to make those records available to the board for auditing upon request. The statute provides that the licensee is responsible for making the records available; it could explicitly authorize the CE provider to send on licensees’ behalf to make auditing and recordkeeping more convenient.

Staff Recommendation: *The following Business and Professions Code sections should be updated as follows:*

5600.05: amend to strike outdated references to past dates and expired requirements.

5520: update the Board’s title on the official seal.

5536(c): delete the misdemeanor charge for representing oneself as a “registered building designer.”

5552.5: update the term “intern development program” to “architectural experience or internship program.”

5600.05(a)(3): amend to allow CEP to provide records on a licensee’s behalf.

Board Response:

The Board agrees with the suggested technical changes. Regarding allowing CE providers to submit records to the Board on behalf of a licensee, the Board would like to work with committee staff on developing language that meets the needs of all interested parties. We specifically want to ensure that licensees are not reliant on a third party submitting the information, and that the Board would continue to see records as requested pursuant to an audit, rather than receiving CE records for all licensees at every renewal. The Board could also seek to make this a required feature for a new IT system, and implement the requirement when a new system is operational.

2023 Updated Board Response:

The Board has provided licensees the ability to submit their CE documentation electronically, and that will also be an option in the new Connect system it is currently implementing.

ISSUE #3: CAB does not have authority to fingerprint license applicants.

Background: Unlike most other DCA boards and bureaus, CAB is not statutorily mandated to fingerprint candidates as a condition of license. In meeting its Strategic Plan objectives in 2011 and 2012, the Board considered adopting a fingerprint requirement, but determined that the increased costs and likely [de minimis](#) arrest reports would not substantially increase the public's health, safety, and welfare. This issue was revisited in 2018, at which the REC concluded there is insufficient data to justify the need for fingerprinting. Factoring into its decision were the following considerations:

1. A low percentage of the Board's applicant and licensee population has criminal records, and of those, most are not substantially related to the qualifications, functions, or duties of an architect.
2. Applicants and licensees must disclose convictions to the Board.
3. A fingerprint requirement would result in increased costs.
4. Related design and construction boards (the Board for Professional Engineers, Land Surveyors, and Geologists and the Contractors State License Board) fingerprint their applicants, but only deny a negligible percentage of applications due to prior convictions.
5. The Texas Board of Architectural Examiners is the only architectural licensing board in the United States with a fingerprint requirement.
6. A fingerprint requirement would only apply to applicants and licensees, not unlicensed employees of architectural firms who enter consumers' homes and businesses.
7. Licensees who work on school projects are required to submit to a background check.

Staff Recommendation: *Public protection is the highest priority for the CAB, and applicants should be fingerprinted. Amend BPC § 144 to include the Board.*

Board Response:

The Board will follow the Legislature's direction on this issue. We do want to note that our concern about increased costs is those incurred by candidates, not the Board. We also want to work with staff to structure implementation and ensure we have the necessary resources. We would need to modify our application forms and current IT system to reflect the fingerprint requirement.

2023 Update Board Response

The Board has implemented this requirement.

ISSUE #4: CAB's EO is not authorized to hold an informal conference with a person who received a citation.

Background: Several other boards and bureaus within DCA allow the EO, or his or her designee, to conduct an informal conference, which would allow a licensee to provide explanatory information that may result in a modification of the original citation. The Board has proposed language that would authorize the EO to delegate the authority to affirm, modify or dismiss the citation to another individual.

Staff Recommendation: *The Act should be updated to allow a designee, the authority to hold an informal conference with a person who received a citation.*

Board Response:

The Board supports this recommendation. To clarify, the EO currently has the authority to hold an informal conference but would like to have the ability to delegate the authority to hold a conference to another individual, such as the Assistant Executive Officer. This authority would be delegated in the event that the EO is not available or has a conflict of interest. Either person that holds the conference, either the EO or a designee, would be required to follow the same procedures, outlined in the Board's regulations and disciplinary guidelines.

2023 Updated Board Response

The Board now has this authority.

ISSUE #5: CAB has minimal criteria for CE or CEPs.

Background: Current law requires California architects to complete five hours of CE on disability access requirements as a condition of [license renewal](#). The coursework must include information and practical guidance on the Americans with Disabilities Act of 1990 and related state and federal laws. The only criteria for CEP eligibility is that the content must be presented by trainers or educators with "knowledge and expertise" in these requirements. There are no accreditation or approval requirements for either coursework or coursework providers, and thus, licensees may not be getting the full benefit of this learning opportunity.

Staff Recommendation: *The Board should establish minimum criteria for CE and CE providers.*

Board Response:

The Board accepts the Staff Recommendation and would like to continue to work with staff to develop language on this issue. The Board would like the process to be manageable with our resources and for licensees who often need to comply with different CE requirements in multiple jurisdictions.

2023 Updated Board Response

The Board promulgated regulations to further define the CE requirement on disability access, as required by SB 608 (Chapter 376, Statutes of 2019). Additionally, the Board is currently in the process of promulgating regulations to implement an additional CE requirement created by AB 1010 (Berman, Chapter 176, Statutes of 2021).

ISSUE #6: The "written contract requirement" provisions of law need updating.

Background: The Board indicates that its "written contract requirement" is one of its most important consumer protection tools. Current law requires an architect's written contract to:

- 1) describe the services to be provided by the architect to the client;
- 2) describe the basis of compensation and method of payment;
- 3) identify by name and address the client and the architect, including the architect's license number;

- 4) describe the procedure to accommodate additional services; and
- 5) describe the procedure to be used by both parties to terminate the contract.

The Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the Enforcement Program have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the design services required, compensation related to those services, and the project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect.

According to the Rules of Professional Conduct, architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing. However, architects are not currently required to define the project description in their written contracts. Therefore, it can be difficult for the client or architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers regarding the ownership and use of an architect's instruments of service. Current law prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the architect's instruments of service.

Staff Recommendation: *Require the following in architects' written contracts for professional services:*

- 1) a description of the project for which the client is seeking services;***
- 2) the project address;***
- 3) a description of the procedure that the architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment;***
- 4) a statement identifying the ownership and use of instruments of service prepared by the architect; and***
- 5) a statement notifying the client that architects are licensed and regulated by the Board.***

Exclude contracts with public agencies from the written contract requirement.

Board Response:

The Board supports this recommendation and suggests consideration of a delayed implementation, until July 1, 2020, to provide for adequate outreach to licensees about the revised requirements.

2023 Updated Board Response

The Board has implemented this requirement and believes the changes have been beneficial.

ISSUE #7. (CONTINUED REGULATION BY THE CAB). Should the licensing and regulation of architects be continued by the Board?

Background: Clients and the public are best protected by strong regulatory boards with oversight of licensed professions. CAB has proven to be a competent steward of the architect profession and should be continued with a four-year extension of its sunset date.

Staff Recommendation: *The licensing and regulation of architects should continue to be regulated by the Board, and it should be reviewed again in four years.*

Board Response:

The Board concurs with the Committee's staff recommendation.

2023 Updated Board Response

The Board continues to support this recommendation.

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues raised under prior Sunset Review that have not been addressed.
2. New issues identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

Initial License Issuance Date:

When the Board issues an initial license date, the term of that license is tied to the licensee's birth month. This means an individual can receive an initial license that is valid for less than the full two-year term. The Board has had candidates for licensure postpone licensure because they do not want to pay for a license that will expire in a short amount of time. The Board would like to amend BCP section 5600 to provide that the initial license shall expire at the last day of the month in which the license was issued during the second year of a two-year term.

License Expiration Notification:

Existing law provides that a license that has expired may be renewed at any time within five years after its expiration. After five years, a license is not renewable. Existing law requires the Board to send written notice by registered mail to expired license holders 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid. The Board would like to amend BPC section 5600.1 to provide notification via email or regular mail, rather than requiring notification by certified mail. A significant number of the notices the Board currently sends out get returned as undeliverable.

Abandoned Applications

The Board would like to include in BPC section 5550, language addressing abandoned applications, similar to language in the Landscape Architect Technical Committee's regulations, to provide that an incomplete application shall be deemed to be abandoned if the applicant does not submit the missing information within one year of being notified of the deficient application. The Board has over 1000 applications that are more than a year old that are incomplete.

Testing Eligibility

The Board established specific eligibility requirements for its required exams in regulations. These provide that a candidate must have five years of experience before they can complete the ARE, and they can only take the CSE after they have completed the ARE and established the required eight years of experience. The Board would like to remove those restrictions and allow candidates to test when they choose. The Board believes this will provide additional flexibility to candidates without undermining the testing requirements.

Email Address

In order to maximize use of the Board's online system for license application and renewal, the Board would like to amend BCP section 5558 to require licensees to maintain the email address they have on file with the Board.

Emergency Authority

During the pandemic, due to the shutdown of testing centers, the Board identified a provision in its regulations that impacted some candidates for licensure. Specifically, the Board's regulations require that for a candidate to be considered active, they must have taken an exam within the preceding five years. Some candidates who were close to the five-year limit between exams were impacted by their inability to test due to test center closures and thus maintain their active status. The Board requests authority to waive this requirement, for a limited duration, during a future declared emergency.

Expunged Convictions

BPC section 5577 allows for the revocation, suspension, or denial of a license for a dismissed or expunged conviction. However, BPC section 480 specifically does not allow for the denial of a license for a dismissed or expunged conviction. The Board recommends amending BPC section 5577 to conform to BPC section 480.

Business Entity Report Form

BPC section 5558 requires every licensee to file with the Board their current mailing address and the proper and current name and address of the entity through which they provide architectural services. The board requires licensees to file a Business Entity Report Form (BERF) to capture this information. However, this information is not available to consumers as part of the online license lookup. The Board believes making this information publicly available will benefit consumers, who could use the business

name to locate their plans when their architect is unavailable or deceased, or to find the name of their architect when they hire or want to file a complaint against a firm. Those are all regular topics of consumer contacts to the Board.

Continuing Education

The Board currently requires licensees to complete 10 hours of continuing education each renewal cycle. Five hours are on disability access and five hours on the topic of zero net carbon design. The Board would like to require an additional five hours, for a total of 15 hours.

The Board believes that post licensure continuing education fosters knowledge and proficiency in the delivery of architectural services that safeguard the public's health, safety and welfare. This furthers other entities' ability to reach consumers with evolving:

- Construction technology, methods and materials,
- Building and energy code regulations,
- Evidence based design and innovation,
- Seismic preparedness and climate responsiveness
- Public access inclusiveness and diversity

Renewal – Audits

The Board conducts a random audit of license renewals to determine compliance with the continuing education (CE) requirement. Since the Board's last sunset review, it has provided an online option for licensees to submit their CE documentation when they renew. To streamline the audit process, and potentially improve compliance, the Board would like to require all licensees to submit their documentation upon renewal.

Technical Changes:

Revise the following code sections to include gender neutral language:

5510, 5515, 5517, 5536.1. 5536.25 (C), 5536.4(a), 5550, 5550.1,5558, 5565(c), 5570, 5582,1 (a)(b), 5610.5– “his or her” to “their.”

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).
- E. Provide each quarterly and annual performance measure report for the board as published on the DCA website.
- F. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of July 1, 2023

Section 1

Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board.¹ Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

- The Board of Landscape Architects (BLA) was created by the California Legislature in 1953.
- The LATC was established under the California Architects Board (Board) in 1997 to replace BLA.
- The LATC, under the purview of the Board, was created by the California Legislature to protect the health, safety, and welfare of the public by establishing standards for licensure and enforcing the laws and regulations that govern the practice of landscape architecture in California. California has both a Practice and a Title Act.
- The five-member Committee consists of three gubernatorial appointees, one Senate Rules Committee appointee, and one Assembly Speaker appointee. Members are appointed for a term of four years.
- Fifty U.S. states, four Canadian Provinces, and Puerto Rico regulate the practice of landscape architecture.
- There are approximately 16,600 licensed landscape architects in the United States.
- Approximately 22 percent of the nation's landscape architects are licensed in California.
- The LATC is a strong proponent of strategic planning and collaborates with professional, consumer, and government agencies to develop effective and efficient solutions to challenges.
- The LATC is proactive and preventative by providing information and education to consumers, candidates, clients, licensees, rather than expend more resources later.
- The LATC is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of landscape architecture.

Landscape architects offer an essential array of talent and expertise to develop and implement solutions for the built and natural environment. Based on environmental, physical, social, and economic considerations, landscape architects produce overall guidelines, reports, master plans, conceptual plans, construction contract documents, and construction oversight for landscape projects that create a balance between the needs and wants of people and the limitations of the environment. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as the public and environment. Therefore, it is essential that landscape architects meet minimum standards of competency.

¹ The term "board" in this document refers to a board, bureau, commission, committee, council, department, division, program, or agency, as applicable. Please change the term "board" throughout this document to appropriately refer to the entity being reviewed.

California began regulating the practice of landscape architecture in 1953 with the formation of the BLA. In 1994, the statute authorizing the existence of the BLA expired. The Department of Consumer Affairs (DCA) recommended the Board as the appropriate oversight agency due to the similarities between the two professions and the Boards’ regulatory programs. DCA began discussions with the Board and other interested parties on possible organizational structures for regulating landscape architecture in California. In April 1997, the groups reached consensus and the Board unanimously supported legislation to establish the LATC under its jurisdiction. Legislation establishing the LATC was passed by the Legislature and signed into law effective January 1, 1998.

The LATC is responsible for the examination, licensure, and enforcement programs concerning landscape architects. The LATC currently licenses more than 3,600 of the over 16,600 licensed landscape architects in the United States. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts the use of the title “landscape architect” to those who have been licensed by the LATC.

Mission

The LATC’s mission is to ensure that all landscape architects practicing in the State of California are fully qualified to provide services to the public in a professional and ethical manner. Specifically, to regulate the practice of landscape architecture through the enforcement of the Landscape Architects Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

In fulfilling its mission, the LATC has found that acting preventively and proactively is the best use of its resources. As such, the LATC works to aggressively address issues well before they exacerbate. The LATC works closely with professional groups to ensure that landscape architects understand changes in laws, codes, and standards. The LATC also invests in communicating with schools, and related professions and organizations. To ensure the effectiveness of these endeavors, the LATC works to upgrade and enhance its communications by seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the LATC’s firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

1. Describe the make-up and functions of each of the board’s committees (cf., Section 12, Attachment B).

The LATC and Board maintain an ongoing practice of providing regular updates regarding key issues at each other’s respective meetings in order to sustain understanding of each entity’s priorities. Moreover, the Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board. Likewise, an LATC member attends Board meetings to ensure ongoing Committee representation.

Furthermore, to assist in the performance of its duties, the LATC establishes subcommittees and task forces, as needed, which are assigned specific issues to address.

Table 1a. Committee Member Attendance (July 1, 2018 – June 30, 2023) Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

Jon S. Wreschinsky			
Date Appointed:	Date Appointed: 2/15/2019 [Term Expired: 6/01/2022] Date Re-appointed: 6/29/2022 [Term Expires: 6/1/2026]		
Meeting Type	Meeting Date	Meeting Location	Attended?

LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	Y
LATC Teleconference Meeting	9/4/2020	Various Locations	Y
LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	Y
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	Y
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Andrew C. N. Bowden			
Date Appointed:	Date Appointed: 1/17/2008 [Term Expired: 6/10/2010] Date Re-appointed: 5/24/2012 [Term Expired: 6/1/2015] Date Re-appointed: 6/1/2015 [Term Expired: 6/1/2019] Date Re-appointed: 1/29/2020 [Term Expires 6/1/2023]		
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	Y
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	Y
LATC Teleconference Meeting	9/4/2020	Various Locations	Y
LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	Y
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	Y
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Pamela S. Brief			
Date Appointed:	Date Appointed: 10/20/2020 [Term Expires 6/1/2024]		
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Teleconference Meeting	12/2/2020	Various Locations	Y

LATC Teleconference Meeting	4/29/2021	Various Locations	Y
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	Y
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Susan M. Landry			
Date Appointed:		Date Appointed: 4/19/2018 [Term Expired: 6/1/2018] Date Re-appointed: 7/25/2018 [Term Expired: 6/1/2022] Date Re-appointed: 6/20/2023 [Term Expires: 6/1/2026]	
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	Y
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	N
LATC Teleconference Meeting	9/4/2020	Various Locations	Y
LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	Y
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	N
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Patricia M. Trauth			
Date Appointed:		Date Appointed: 6/1/2015 [Term Expired: 6/1/2018] Date Re-appointed: 6/8/2018 [Term Expired: 6/1/2022] Date Re-appointed: 5/19/2023 [Term Expires: 6/1/2026]	
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	Y
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y

LATC Meeting	2/5/2020	Chula Vista	Y
LATC Teleconference Meeting	9/4/2020	Various Locations	Y
LATC Teleconference Meeting	12/2/2020	Various Locations	Y
LATC Teleconference Meeting	4/29/2021	Various Locations	N
LATC Teleconference Meeting	5/25/2021	Various Locations	Y
LATC Teleconference Meeting	8/4/2021	Various Locations	Y
LATC Teleconference Meeting	1/27/2022	Various Locations	N
LATC Meeting	4/7-8/2022	Sacramento	Y
LATC Teleconference Meeting	8/2/2022	Various Locations	Y
LATC Meeting	11/4/2022	Davis	Y
LATC Meeting	4/21/2023	Sacramento	Y

Marq Truscott			
Date Appointed:	Date Appointed: 9/1/2015 [Term Expired: 6/1/2016] Date Re-appointed: 6/9/2016 [Term Expired: 6/1/2020]		
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	Y
LATC Meeting	5/29/2019	Campbell	Y
LATC Teleconference Meeting	9/5/2019	Sacramento/Various Locations	Y
LATC Meeting	11/8/2019	Sacramento	Y
LATC Meeting	2/5/2020	Chula Vista	Y

David Allan Taylor			
Date Appointed:	Date Appointed: 6/25/2008 [Term Expired: 6/1/2010] Date Re-appointed: 6/1/2010 [Term Expired: 6/1/2014] Date Re-appointed: 6/4/2014 [Term Expired: 6/1/2018]		
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	7/20/2018	San Diego	Y
LATC Meeting	12/6-7/2018	Sacramento	Y
LATC Meeting	2/8/2019	Los Angeles	N

Table 1b. Board/Committee Member Roster Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment. (As of July 1, 2023)					
Member Name (Include any vacancies and a brief member biography)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Jon S. Wreschinsky, Chair Mr. Wreschinsky has been a licensed landscape architect since 1990 and is currently employed as a facilities planner with San Diego Unified School District.	2/15/19	6/29/2022	6/1/26	Senate Rules Committee	Landscape Architect

<p>Pamela S. Brief, Vice Chair Ms. Brief is a licensed landscape architect and President/Founder of Pamela Studios Inc. Pamela currently focuses on projects in the Southern California area.</p>	10/20/20	N/A	6/1/24	Governor	Landscape Architect
<p>Andrew C. N. Bowden Mr. Bowden has been a licensed landscape architect since 1979. He worked at Land Concern, LTD since 1976, serving as Principal Landscape Architect since 2000 and retired in January 2023.</p>	1/17/08	1/29/20	6/1/23	Governor	Landscape Architect
<p>Susan M. Landry Ms. Landry is the sole proprietor of Environmental Edges, a landscape architecture firm in Campbell. She was elected to the Campbell City Council in 2016 and is currently Vice Mayor.</p>	4/19/18	6/20/23	6/1/26	Speaker of the Assembly	Landscape Architect
<p>Patricia M. Trauth Ms. Trauth is a Principal for RICK Engineering and manages the landscape architecture business line throughout their ten offices in the west.</p>	6/1/15	5/19/23	6/1/26	Governor	Landscape Architect
<p>Marq Truscott Mr. Truscott has practiced landscape architecture and planning for over 30 years. He formed Quadriga Landscape Architecture and Planning Inc. with his partners in 1997.</p>	9/1/15	6/9/16	6/1/20	Governor	Landscape Architect
<p>David Allan Taylor Mr. Taylor has been a licensed landscape architect since 2003.</p>	6/25/08	6/4/14	6/1/18	Senate Rules Committee	Landscape Architect

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it affect operations?

No, in the past four years, the LATC has held all meetings without any quorum issues.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

- Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)

California Supplemental Examination (CSE)

The CSE tests for areas of practice unique to California. In November 2019, the LATC contracted with DCA's Office of Professional Examination Services (OPES) to conduct an occupational analysis (OA) of the landscape architect profession. The purpose of the OA was to define practice for landscape architects in terms of actual job tasks that new licensees must be able to perform safely and competently.

In November 2019, OPES initiated the OA process and finalized the OA report in June 2020. As part of the OA process, OPES conducted a Landscape Architect Registration Examination (LARE) review and linkage study in December 2022 that compared the content of the 2020 CSE Test Plan with the subject matter covered in the various sections of the LARE. The findings of the linkage study were then used to define the content of the CSE and form the basis for determining "minimum acceptable competence" as it relates to safe practice at the time of initial licensure.

Since the last Sunset Review, the LATC has contracted with OPES to prepare a new CSE form every year, using the examination plan contained in the most recent OA as the basis. As a result, LATC developed and administered a new CSE form in 2019 based on the OA conducted in 2016, and new CSE forms were administered in 2020, 2021, 2022, and 2023 based on the OA conducted in 2020.

Strategic Planning

The LATC utilizes DCA SOLID Planning Solutions staff to facilitate the development of its biennial Strategic Plans. As preparation for each new Strategic Plan, SOLID conducts an environmental scan for the LATC, which is used as a reference tool for the establishment of new Strategic Plan objectives. The LATC developed a 2022-2024 Strategic Plan in April 2022.

Leadership and Personnel

LATC's Program Manager retired earlier this year after twelve years with the program. LATC proactively cross-trains and develops staff for program success and career development, resulting in the retention of analysts for several years.

- All legislation sponsored by the board and affecting the board since the last sunset review.

Assembly Bill (AB) 107 (Salas, Chapter 693, Statutes of 2021) [Licensure: Veterans and Military Spouses] requires boards to issue temporary licenses to a spouse of someone who is on active duty in the military and publish pertinent information on their websites. The bill also requires annual reporting to the Legislature. The Governor signed the bill in October 2021.

AB 476 (B. Rubio, 2019) [DCA Task Force: Foreign-Trained Professionals] requires the DCA to create a task force to study the licensing of foreign-training professionals and create a report for the Legislature. The Governor vetoed the bill.

AB 646 (Low, 2021) [DCA: Boards: Expunged Convictions] requires boards to remove information from their websites about licensees that were revoked due to conviction of a crime, upon receiving an expungement order. If the individual does not reapply, the board must remove the initial posting of the revocation from its website. This bill did not advance.

AB 830 (Flora, Chapter 376, Statutes of 2021) [DCA: Licensed Professions and Vocations] authorizes a business entity organized as a general corporation to include in its name any or all of the following, as specified: a fictitious name, the name of one or more

licensed architects, or the term “architect, the term “architecture,” or other variations of the term “architect” or “architecture.” This bill also requires persons licensed to do business as a corporation to be registered and in good standing with the Secretary of State and the Franchise Tax Board, and disciplinary actions taken for non-compliance. The Governor signed the bill in September 2021.

AB 1263 (Low, 2019) [Contracts: Consumer Services: Consumer Complaints] provides that a contract or proposed contract between a consumer and a licensee shall not include a provision limiting a consumer’s ability to file a complaint with a licensing board. This bill did not advance.

AB 1616 (Low, 2019) [DCA: Boards: Expunged Convictions] requires boards to remove information from their websites about licensees that were revoked due to conviction of a crime, upon receiving an expungement order. If the individual does not reapply, the board must remove the initial posting of the revocation from its website. This bill did not advance.

AB 2028 (Aguilar-Curry, 2020) [State Agencies: Meetings] amends the Bagley-Keene Open Meetings Act requiring all meeting materials, except those for Closed Session, be posted as soon as available to board members and at least 48 hours in advance of the meeting. This bill did not advance.

AB 2113 (Low, Chapter 186, Statutes of 2020) [Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process] requires boards to expedite and authorizes to assist in the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted asylum, or have a special immigrant visa. The Governor signed the bill in September 2020.

AB 2138 (Chiu, Chapter 995, Statutes of 2018) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction] restricts using prior criminal history as grounds for licensing determinations and establishes new prohibitions relating to the denial, suspension, and revocation of licensure. Other revisions include the adoption of a seven-year limitation on convictions eligible for licensure denial, subject to specified exemptions, and bans asking applicants to self-disclose prior convictions unless the application is made for a listed license type that does not require a fingerprint background check. This bill took effect on July 1, 2020.

AB 3045 (Gray, 2020) [DCA: Boards: Veterans: Military Spouses: Licenses] requires boards to issue a temporary license to an applicant that is married to or in a domestic partnership with an active-duty member of the Armed Forces, if certain conditions are met. The bill did not advance.

Senate Bill (SB) 53 (Wilk, 2019) [Open Meetings] amends the Bagley-Keene Open Meetings Act to require two-member advisory bodies to hold open meetings. This bill did not advance.

SB 601 (Morrell, Chapter 854, Statutes of 2019) [State Agencies: Licenses: Fee Waiver] authorizes board to waive certain fees in the event of a declared emergency. The Governor signed the bill in October 2019.

SB 608 (Glazer, Chapter 376, Statutes of 2019) [Architects and Landscape Architects] requires the board and the Landscape Architects Technical Committee (LATC) to begin fingerprinting new applicants for licensure on January 1, 2021. This bill contains language to further define implementation for the board but not for LATC’s statute. SB 1474 delays LATC’s implementation of the fingerprinting requirement until January 1, 2022.

SB 721 (Hill, Chapter 445, Statutes of 2018) [Building Standards: Decks and Balconies: Inspection] establishes inspection and repair requirements for “exterior elevated elements” as

defined, including decks and balconies for buildings with three or more multifamily dwelling units; establishes reporting and repair requirements if repairs are needed, including specific timelines for carrying out the repairs; specifies who can complete the inspections and repairs; and, provides for civil penalties for violations for building owners. The board opposed the bill and conveyed concerns to the author. The Governor signed the bill in September 2018.

SB 816 (Roth, Chapter 723, Statutes of 2023) [Professions and Vocations] raises several types of licensing fees imposed by the Board of Psychology, Board of Pharmacy, Board of Accountancy, and the Landscape Architects Technical Committee and makes two technical changes pertaining to the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) and Veterinary Medical Board (VMB). The bill makes numerous technical changes, statutory improvements, and policy reforms raised during the California Council for Interior Design Certification's (CCIDC) sunset review in 2022.

SB 878 (Jones, Chapter 131, Statutes of 2020) [DCA: License: Application: Processing Timeframes] requires boards that issue licenses to prominently display on their internet websites, on at least a quarterly basis, either the current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications. The Governor signed the bill in September 2020.

SB 984 (Skinner, 2018) [State Boards and Commissions: Representation: Appointments] would require all state boards and commissions, beginning on and after January 1, 2024, to be comprised of a specified minimum number of women board members or commissioners based on the total number of board or commission members on that board. This bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. The bill did not advance.

SB 1137 (Vidak, Chapter 414, Statutes of 2018) [Veterans: Professional Licensing Benefits] requires the Department of Veterans Affairs and the Department of Consumer Affairs (DCA), in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans. The Governor signed the bill in September 2018.

SB 1168 (Morrell, 2020) [State Agencies: Licensing Services] requires agencies issuing any business license to establish a process for anyone experiencing economic hardship due to an emergency caused by a virus to submit an application for deferral of fees, and requires expediting licensing services for individuals displaced by an emergency. This bill did not advance.

SB 1214 (Jones, Chapter 226, Statutes of 2022) [Planning and Zoning: Local Planning] requires a local planning agency to ensure that architectural drawings that contain protected information are made available to the public and authorizes the planning agency to provide a copy or post a site plan or massing diagram on the internet and allow the site plan or massing diagram to be copied. The Governor signed the bill in August 2022.

SB 1237 (Newman, Chapter 386, Statutes of 2022) [Licenses: Military Service] clarifies the definition in existing law of active-duty military personnel. The Governor signed the bill in September 2022.

SB 1443 (Roth, Chapter 625, Statutes of 2022) [Professions and Vocations] extends our sunset date one year, until January 1, 2025. The Governor signed the bill in September 2022.

SB 1474 (Committee on Business, Professions and Economic Development, Chapter 312, Statutes of 2020) [Business and Professions] further defines the procedure for the

holder of a retired license to reinstate the license to active status and delays the fingerprint requirement for LATC until January 1, 2022. The Governor signed the bill in September 2020.

SB 1480 (Hill, Chapter 571, Statutes of 2018) [Professions and Vocations] requires the DCA to amend department-wide enforcement guidelines to include the category of “allegations of serious harm to a minor” under the “urgent” or “highest priority level.” It also reduces from three times per year to two times per year, the frequency with which the boards within the DCA meet. Other provisions of this bill are specific to individual programs. The Governor signed the bill in September 2018.

- All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.

Substantial Relationship Criteria, Criteria for Rehabilitation (California Code of Regulations (CCR), title 16², sections 2655 and 2656) – Effective December 2020, as a result of the passage of AB 2138 (Chiu, Chapter 995, Statutes of 2018), CCR sections 2655 and 2656 were amended to clearly

specify the criteria the Board uses when making a substantial relationship determination for an applicant’s or licensee’s criminal conviction or formal discipline by another licensing Board and evaluating the rehabilitation of an applicant or licensee when considering denial, suspension, or revocation of a landscape architect license.

Public Presentments and Advertising Requirements (CCR section 2671) – Effective January 2022, CCR section 2671 was amended to expand the advertising and public presentment requirements of licensed landscape architects to also include their license number.

Abandonment of Application, Retention of Candidate Files, and Application for Licensure Following Examination (CCR sections 2611, 2611.5, and 2616) – Effective April 2022, CCR sections 2611, 2611.5, and 2616 were amended to define the abandonment of an application and provide transparency in retention and purging of candidate files.

Form of Examinations, Education and Training/Practice Credits (CCR sections 2615 and 2620) – Effective June 2022, CCR sections 2615 and 2620 were amended to expand experience and education pathways to licensure and reduce unnecessary barriers to the landscape architect profession for qualified individuals. Specifically, the amendments to section 2620(a) provide credit for a candidate with an accredited civil engineering degree, any bachelor’s degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

Requirements for an Approved Extension Certificate Program (CCR section 2620.5) – Effective October 2022, CCR section 2620.5 was amended to establish processes for extension certificate program application, review, and approval. The amendments increase clarity of the requirements for educational programs interested in obtaining and maintaining Board extension certificate approval.

Disciplinary Guidelines (CCR section 2680) – Effective July 2023, CCR section 2680 was amended to incorporate the revised *Disciplinary Guidelines* by reference and appropriate changes needed as a result of the passage of AB 2138 (Chiu, Chapter 995, Statutes of 2018).

² All references to the CCR refer to sections within title 16.

Issuance and Appeals of Citations (CCR sections 2630 and 2630.2) – Effective April 2023, CCR sections 2630 and 2630.2 were amended to clarify the issuance of citations and the process in which a respondent may appeal a citation that has been issued.

Examination Transition Plan (CCR section 2614) – The Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination (LARE), the licensing examination, to the LATC. In December 2023, CLARB will implement modest structural changes to the LARE to better align the content of the LARE with current practice. Effective April 2023, CCR section 2614 was amended to update the examination transition plan to grant examination credit to candidates who passed sections of the previously administered LARE, after the new LARE is administered starting in December of 2023. The LATC is pursuing additional amendments to this section to extend the examination transition date from August to November 2023 to accommodate an additional administration of the LARE that was announced by CLARB in early 2023.

Form of Examinations (CCR section 2615) – The LATC is pursuing a regulatory change to amend CCR section 2615 to align California’s regulations with the new LARE format by removing references to LARE Sections 1, 2, 3 and 4 which will no longer be administered after December 2023. The proposed amendments will also allow landscape architect candidates with an accredited landscape architecture degree, or an extension certificate in landscape architecture and any four-year degree, to take all sections of the LARE. These candidates are currently permitted to take LARE Sections 1 (Project and Construction Management) and 2 (Inventory and Analysis) and must verify qualifying training experience to take LARE Sections 3 (Design) and 4 (Grading, Drainage, and Construction Documentation). The proposed amendments would instead require candidates to obtain qualifying training experience prior to taking the California Supplemental Examination.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

Fee Analysis Report - October 2022

In 2022, DCA conducted a fee study to help ensure the LATC can fulfill its mission by identifying funding resources needed to meet ongoing demands. The LATC is required to maintain sufficient financial resources to meet its important roles of regulating the profession of landscape architecture and helping to protect Californians. Fee study began meetings in July 2022 and findings were presented at the November 4, 2022, LATC meeting. To sustain the continued operation of the LATC, SB 816 (Roth, Chapter 723, Statutes of 2023) raised and/or set various licensure fees under BPC section 5681 (Schedule of Fees) effective January 1, 2024.

5. List the status of all national associations to which the board belongs.

- Does the board’s membership include voting privileges?

The LATC is a member of the Council of Landscape Architectural Registration Boards (CLARB) and exercises its voting rights pursuant to CLARB’s bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which the board participates.

The LATC has appointed a member to CLARB’s 2023 Experience Requirements Work Group to evaluate the outcomes of the JTA and determine how they might influence refinements to experience required for licensure.

- How many meetings did board representative(s) attend? When and where?

The LATC was approved to participate in the CLARB Annual Meetings as follows:

CLARB Annual Meeting

September 26-28, 2019 (St. Louis, MO)

September 10, 2020 (Virtual Meeting)

September 22-24, 2021 (Phoenix, AZ)

September 21-23, 2022 (Omaha, NE)

September 20-22, 2023 (Henderson, Nevada)

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The national exam, the LARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. CLARB contacts licensees directly to select technical experts for a four-year term on their Committee on Examinations. Currently, there is one California participant on CLARB's Committee on Examinations.

**Section 2
Fiscal and Staff**

Fiscal Issues

6. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

No.

7. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.

Per Business and Professions Code (BPC) section 128.5(b), the LATC’s statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2022/23 is \$573,000 (5 months in reserve). The estimated current spending level for 2023/24 is \$1,376,000. The LATC’s fund condition is shown below in Table 2, identifying fund balance and expenditure levels.

8. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The LATC is committed to continue monitoring its fund condition and, in consultation with DCA Budget Office, has determined the next appropriate step is to increase its statutory fee limits during the 2023 legislative session. Examination, licensing, and renewal fees will be increased based on the 2022 DCA Fee Study to preserve LATC’s fund condition. To sustain the continued operation of the LATC, SB 816 (Roth, Chapter 723, Statutes of 2023) raised and/or set various licensure fees under BPC section 5681 (Schedule of Fees) effective January 1, 2024.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24***	FY 2024/25***
Beginning Balance	\$1,467	\$1,301	\$1,277	\$958	\$653	\$652
Revenues and Transfers	\$803	\$829	\$761*	\$868	\$1,177	\$1,456
Total Revenue	\$2,270	\$2,130	\$2,038	\$1,826	\$1,830	\$2,108
Budget Authority	\$1,081	\$1,064	\$1,292	\$1,128	\$1,276	\$1,314
Expenditures	\$954	\$876	\$1,080	\$1,173	\$1,178	\$1,394
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$1,316	\$1,254	\$958	\$653	\$652	\$714
Months in Reserve	18.0	13.9	9.5	6.7	5.6	6.2

*Includes EO transfer to GF (AB 84)

***Estimate

9. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

The LATC has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the LATC loaned the general fund \$1.2 million that was repaid with interest in FY 2005/06.

10. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

During the last four years, the LATC has spent an average of approximately 16% of its budget on the enforcement program, 16% on the examination program, 13% on the licensing program, 36% on administration, and 19% on DCA pro rata.

Table 3. Expenditures by Program Component (list dollars in thousands)								
	FY 2019-20		FY 2020-21		FY 2021-22		FY 2022-23**	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$85	\$57	\$79	\$64	\$98	\$84	\$90	\$84
Examination	\$85	\$91	\$79	\$35	\$98	\$67	\$90	\$78
Licensing	\$85	\$30	\$79	\$29	\$98	\$33	\$90	\$77
Administration *	\$213	\$74	\$199	\$72	\$245	\$82	\$314	\$269
DCA Pro Rata	\$0	\$160	\$0	\$166	\$0	\$192	\$0	\$236
Diversion (if applicable)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTALS	\$468	\$412	\$436	\$366	\$539	\$458	\$584	\$744

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

**Projections based on Budget

11. Describe the amount the board has contributed to the BreEZe program.

Since the inception of the BreEZe project, the LATC has contributed a total of \$54,162. The LATC has not contributed to the BreEZe project since FY 2017/18. The LATC is part of DCA’s Business Modernization Cohort 2 which is transitioning to a new licensing and enforcement platform (Connect) and will not transition to the BreEZe program.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

The LATC is a special fund agency that generates revenue from its fees. The LATC’s main source of revenue is from applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the licensing, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance, as its reserve was over the statutorily authorized reserve limit. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. The renewal fee reverted to the full amount (\$400) beginning July 1, 2019.

As of January 1, 2024, BPC section 5681 authorizes the LATC to charge fees as follows:

The fees prescribed by this chapter for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

- a) The application fee for reviewing an applicant's eligibility to take any section of the examination shall be one hundred (\$100).
- b) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam. The fee for the California Supplemental Examination shall be three hundred fifty dollars (\$350). The board may adopt regulations to set the fee at a higher amount, up to a maximum of four hundred dollars (\$400).
- c) The fee for an original license shall be seven hundred dollars (\$700), and the board may adopt regulations to set the fee at a higher amount, up to a maximum of eight hundred dollars (\$800), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original license. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- d) The fee for a duplicate license shall be three hundred dollars (\$300).
- e) The renewal fee shall be seven hundred dollars (\$700). The board may adopt regulations to set the fee at a higher amount, up to a maximum of eight hundred dollars (\$800).
- f) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed fifty dollars (\$50).
- g) The delinquency fee shall be 50 percent of the renewal fee for the license in effect on the date of the renewal of the license, but not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- h) The fee for filing an application for approval of a school pursuant to Section 5650 may not exceed six hundred dollars (\$600) charged and collected on a biennial basis.

CCR section 2649 currently authorizes the following fees:

The fees for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

- a) The fee for reviewing an eligibility application or an application to take the California Supplemental Examination is \$35.
- b) The fee for the California Supplemental Examination is \$275.
- c) The fee for a duplicate license is \$15.
- d) The penalty for late notification of a change of address is \$50.
- e) The fee for an original license is \$400.
- f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal shall be \$400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal shall be \$220. For licenses expiring on or after July 1, 2019, the fee for biennial renewal shall be \$400.

The LATC will recommend to the Board pursuing regulatory amendments to reflect the new licensing fees set by SB 816.

Table 4. Fee Schedule and Revenue

(list revenue dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2019/20 Revenue	FY 2020/21 Revenue	FY 2021/22 Revenue	FY 2022/23* Revenue	% of Total Revenue
Delinquency Fee	\$200	50% of the renewal fee; no less than \$50 no more than \$200	\$11	\$10	\$13	\$12	1%
Cite & Fine	Various		\$4	\$3	\$0	\$3	0%
Duplicate Cert	\$15	\$50	\$0	\$0	\$0	\$0	0%
Exam California	\$275		\$34	\$41	\$44	\$45	5%
App Fee Landscape Arch	\$35	\$100	\$5	\$6	\$4	\$5	1%
Initial Landscape Arch	\$400	\$400	\$33	\$34	\$32	\$42	5%
App Fee Supp	\$35		\$4	\$5	\$6	\$6	1%
Over/Short Fees	N/A		\$0	\$0	\$0	\$0	0%
Prior Year Revenue Adjustment	Various		\$0	-\$3	\$0	\$0	0%
Investment Income - Surplus Money Investments	N/A		\$28	\$8	\$4	\$6	1%
Canceled Warrants Revenue	N/A		\$0	\$0	\$1	\$0	0%
Dishonored Check Fee	\$25		\$0	\$0	\$0	\$0	0%
Settlements and Judgments - Other	N/A		\$0	\$1	\$0	\$0	0%
Renewal Landscape Arch	\$400	\$400	\$681	\$724	\$695	\$711	86%
Refunds	N/A		\$1	\$0	\$1	\$0	0%
Renewal Accrued	N/A		\$2	\$0	\$0	\$0	0%
Total Revenue			\$803	\$829	\$800	\$830	100.00

*Projection based on Budget

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

The LATC has submitted the following BCPs to accommodate costs related to DCA's Business Modernization Cohort 2.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-122-BCP-2021-A1	2021/22	Business Modernization Cohort 2	0.2 AGPA	0.2 AGPA	\$22,000	\$22,000	\$165,000	\$165,000
1111-139-BCP-2022-MR	2022/23	Business Modernization Cohort 2	0	0	\$0	\$0	\$176,000	\$176,000

1111-022-BCP-2023-GB	2023/24	Business Modernization Cohort 2	0	0	\$0	\$0	\$116,000	\$116,000
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Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The LATC works expeditiously to fill vacant positions to help ensure adequate staff resources to meet the LATC's objectives. The LATC's position vacancies have mainly been in the Office Technician classification, which is entry level. The vacancies are often attributed to other promotional opportunities, a common civil service occurrence. Since one staff person is allocated to each program area, a single vacancy is 20% of the staffing level and can have a significant impact on workload until the position is filled. The LATC has been successful in cross-training and retaining staff.

Incorporated as an element of the LATC's Business Continuity Plan, the DCA's Workforce and Succession Plan identifies mission critical positions that have a significant impact on the LATC and requires specialized job skills and/or expertise. The LATC updates the plan annually to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

15. Describe the board's staff development efforts and total spent annually on staff development (cf., Section 12, Attachment D).

The LATC encourages training for all staff and participates in courses offered at no cost through DCA's Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged, and some have completed SOLID's Analyst Certification Training. This training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities. SOLID also offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs. DCA's online Learning Management System (LMS) allows the program's Training Liaison to remotely assign and monitor trainings and policies for completion.

In the past three fiscal years, the average training cost per year (i.e., information technology, enforcement certification, regulatory process, annual meeting registrations) is approximately \$2,100. Specialized training is also encouraged and provided to staff as needed. These include mandatory courses such as sexual harassment prevention, ethics, information security awareness, and defensive driving.

Section 3 Licensing Program

16. What are the board's performance targets/expectations for its licensing³ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The LATC's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete and all requirements are met (including the submission of required supporting documentation and there is no criminal history), the LATC typically meets this goal. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the LATC to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the LATC migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

17. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Staff processing of applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Landscape Architect Registration Examination (LARE) at any time and, if found eligible, it may take several years for the candidate to pass all sections of the exam. Candidates may submit applications for the California Supplemental Examination (CSE) and licensure once determined eligible by the LATC. There are no set deadlines for completing the examinations; however, inactive candidate records may be purged after five years (CCR section 2620(d)). The Council of Landscape Architectural Registration Boards (CLARB) implemented a Council Record as part of the application process in 2012. The Council Record includes information on the candidate's education and certifications of experience which are maintained annually. The Council Record can be transmitted to the LATC and is typically available within one day of the request.

Another matter for consideration relative to application processing is the documentation that must be submitted in support of an application. Candidates are required to have certified transcripts sent directly from their school verifying their qualifying degree and a Certification of Experience form submitted by the licensee who supervised their experience. The LATC sends an ineligibility notification when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

³ The term "license" in this document includes a license certificate or registration.

There can also be a great variation in the amount of time a candidate is issued a license after the candidate has passed the CSE. CSE results are provided to candidates immediately upon completion of the examination at the test center. However, a candidate may choose to wait before applying for the actual license. A license is typically issued within 30 days after receipt of the completed application and fee. Average license application processing time over the past four fiscal years was 13 days.

18. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

During the past four years, the LATC has not denied any license based on an applicant’s criminal history in which the conviction was substantially related to the practice of landscape architecture.

Table 6. Licensee Population						
		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
[Landscape Architect]	Active ⁴	DNA	DNA	DNA	DNA	3714
	Out of State	DNA	DNA	DNA	DNA	552
	Out of Country	DNA	DNA	DNA	DNA	32
	Delinquent/Expired	DNA	DNA	DNA	DNA	519
	Retired Status <i>if applicable</i>	n/a	n/a	n/a	n/a	n/a
	Inactive	n/a	n/a	n/a	n/a	n/a
	Other ⁵	n/a	n/a	n/a	n/a	1912

Note: ‘Out of State’ and ‘Out of Country’ are two mutually exclusive categories. A licensee should not be counted in both.

⁴ Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

⁵ Other is defined as a status type that does not allow practice in California, other than retired or inactive.

Table 7a. Licensing Data by Type

Application Type		Received	Approved/ Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2019/ 20	(LARE)	141	129	129	12	DNA	DNA	See note below ²		
	(CSE)	94	94	94	0	DNA	DNA			
	(License)	83	84	84	0	DNA	DNA			
	(Renewal)	1873 ¹	1873 ¹	1873	0	DNA	DNA			
FY 2020/ 21	(LARE)	151	143	143	8	DNA	DNA			
	(CSE)	116	116	116	0	DNA	DNA			
	(License)	85	86	86	0	DNA	DNA			
	(Renewal)	1804 ¹	1804 ¹	1804	0	DNA	DNA			
FY 2021/ 22	(LARE)	121	116	116	5	DNA	DNA			
	(CSE)	125	125	125	0	DNA	DNA			
	(License)	80	80	80	0	DNA	DNA			
	(Renewal)	1751 ¹	1751	1751	0	DNA	DNA			
FY 2022/ 23	(LARE)	144	139	139	5	DNA	DNA			
	(CSE)	141	141	141	DNA	DNA	DNA			
	(License)	127	127	127	DNA	DNA	DNA			
	(Renewal)	1792	1792	1792	DNA	DNA	DNA			

* Optional. List if tracked by the board.

DNA = Data Not Available N/A = Not Applicable

¹Data does not include pending incomplete renewal applications, which range from 10 to 25 per FY.

²Applications are typically processed within 30 days from the date of receipt, provided application is complete and required supporting documentation submitted in accordance with the LATC's regulations (i.e., certified transcripts sent by the educational institution, employment verification documentation, etc.).

Table 7b. License Denial

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
License Applications Denied (no hearing requested)	0	0	0	0
SOIs Filed	0	0	0	0
Average Days to File SOI (from request for hearing to SOI filed)	NA	NA	NA	NA
SOIs Declined	NA	NA	NA	NA
SOIs Withdrawn	NA	NA	NA	NA
SOIs Dismissed (license granted)	NA	NA	NA	NA
License Issued with Probation / Probationary License Issued	0	0	0	0
Average Days to Complete (from SOI filing to outcome)	NA	NA	NA	NA

19. How does the board verify information provided by the applicant?

The LATC uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate the qualifying degree or certificate listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the LATC for credit to be granted.

Work experience must be submitted on the LATC approved Certification of Experience form signed by the licensed professional who supervised the candidate's work to receive credit. LATC staff verify with the appropriate jurisdiction or regulatory agency that the supervising professional's licensing information provided on the form is true and correct.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request that their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information must provide the examination history detailing what form of the LARE (or equivalent) was taken and when each section was passed.

Initial and reciprocal licensure candidates may substitute their CLARB Council Record in lieu of the above-mentioned transcripts and work experience documentation. The CLARB Council Record provides information on education, experience and examination. LATC staff use the information included in the Council Record to verify that the candidate meets California's licensure requirements.

- a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

In addition to requiring that candidate's submit fingerprints, the LATC's applications include the following questions about the candidate's criminal/disciplinary history, as authorized by BPC section 480, subdivision (f)(1):

- Have you ever had a landscape architecture license denied, suspended, or revoked?
- Have you ever been disciplined by another public agency?
- Have you ever been convicted of, or plead guilty or nolo contendere to any criminal or civil offense in the United States, its territories, or a foreign country?
- Is any criminal action pending against you or are you currently awaiting judgement and sentencing following entry of a plea or jury verdict?

The applications of those candidates with a conviction disclosure are referred to the LATC's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based upon LATC's regulations and relevant statutes, whether the offense or action is substantially related to the practice of landscape architecture or to the candidate's ability to practice landscape architecture in the interest of the public health, safety, and welfare.

CLARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

During the past four years, the LATC has not denied any licenses based on a candidate's failure to disclose required information on an application, as there have not been any cases involving a candidate who deliberately withheld such information from the Committee.

- b. Does the board fingerprint all applicants?

Yes, beginning January 1, 2022, the board requires that all applicants submit fingerprints prior to the issuance of an initial license.

- c. Have all current licensees been fingerprinted? If not, explain.

No. The fingerprint requirement became effective January 1, 2022, and only requires that new applicants for licensure submit fingerprints.

- d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

Yes, as noted above, CLARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards and the LATC's enforcement unit utilizes this resource. The LATC checks the database prior to issuing licenses and when a licensee discloses on their license renewal application that they had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

- e. Does the board require primary source documentation?

Yes, the LATC requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The LATC also accepts CLARB Council Records which require primary source documentation.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The LATC's laws and regulations require all candidates to meet the same prerequisites for a license. Candidates must document a combination of six years education and/or experience as specified in CCR section 2620 and successfully complete both the national examination (LARE or the equivalent) and the CSE.

21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The LATC considers military education, training, and experience the same as that from any other source, provided it is related to the practice of landscape architecture. Education, training, and experience must fall within the parameters established in CCR section 2620 to receive credit towards the six-year experience licensure requirement.

- a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

Yes, the LATC tracks the military status of all candidates (applicants), including branch of service and military documentation received and provides resources for candidates on its website so candidates may receive credit for their training and educational experience.

- b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

None.

- c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

No changes are necessary, as the LATC is already permitted by its regulations to grant credit for military education, training or experience that is related to the practice of landscape architecture.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

None.

e. How many applications has the board expedited pursuant to BPC § 115.5?

None. No candidates seeking reciprocal licensure and who are married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California have requested the expedited processing.

22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The LATC implemented the fingerprint requirement of applicants for initial licensure on January 1, 2022, and, thus far, there has not been a need for sending “No Longer Interested” notifications to DOJ.

Examinations

Table 8. Examination Data⁶		
California Examination (include multiple language) if any:		
	License Type	Landscape Architect
	Exam Title	California Supplemental Examination
FY 2018/19	Number of Candidates	216
	Overall Pass %	80%
	Overall Fail %	20%
FY 2019/20	Number of Candidates	103
	Overall Pass %	73%
	Overall Fail %	27%
FY 2020/21	Number of Candidates	140
	Overall Pass %	68%
	Overall Fail %	32%
FY 2021/22	Number of Candidates	124
	Overall Pass %	54%
	Overall Fail %	46%
FY 2022/23	Number of Candidates	171
	Overall Pass %	80%
	Overall Fail %	20%
	Date of Last OA	2020
	Name of OA Developer	OPES
	Target OA Date	2026

⁶ This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

National Examination (include multiple language) if any:					
License Type		Landscape Architect			
Exam Title: LARE Divisions ²		Section 1	Section 2	Section 3	Section 4
FY 2018/19	Number of Candidates ¹	191	200	167	164
	Overall Pass %	70%	60%	56%	66%
	Overall Fail %	30%	40%	44%	34%
FY 2019/20	Number of Candidates	117	144	130	102
	Overall Pass %	61%	53%	62%	62%
	Overall Fail %	39%	47%	38%	38%
FY 2020/21	Number of Candidates	207	190	147	155
	Overall Pass %	64%	58%	59%	58%
	Overall Fail %	36%	42%	41%	42%
FY 2021/22	Number of Candidates	139	177	189	153
	Overall Pass %	55%	46%	48%	56%
	Overall Fail %	45%	54%	52%	44%
FY 2022/23	Number of Candidates	111	166	123	313
	Overall Pass %	58%	55%	51%	48%
	Overall Fail %	42%	45%	49%	52%
Date of Last OA		2022			
Name of OA Developer		Professional Testing, Inc.			
Target OA Date		2027			

¹ Data includes all California candidates.

² The LARE sections currently administered are:
Section 1: Project and Construction Management
Section 2: Inventory and Analysis
Section 3: Design
Section 4: Grading Drainage and Construction Documentation

23. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Each candidate for licensure is required to complete both a national examination (LARE) and CSE to become licensed. The two examinations test candidates for their entry-level knowledge, skills, and ability to provide services required of a landscape architect who possesses entry-level competence. Both examinations are only offered in English.

Landscape Architect Registration Examination (LARE)

The LARE is a practice-based examination developed by CLARB. The content of the LARE is based on an analysis of landscape architectural practice conducted every five to seven years. The study identifies what is required at the initial point of licensure in terms of tasks to be completed and the knowledge required to successfully complete those tasks. The most recent “Job Task Analysis” was conducted by CLARB in 2022. The LARE concentrates on those services that most affect the public health, safety, and welfare. The LARE has been developed with specific concern for its fidelity to the practice of landscape architecture; that is, its content relates to the actual tasks a landscape architect encounters in practice. No single examination can test for competency in all aspects of landscape architecture, which is why the LARE is not the only requirement to become a licensed landscape architect. Education and experience are also crucial licensure requirements. The examination attempts to determine the candidate’s qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of

a generalist working with numerous specialists. In short, the objective is to reflect the practice of landscape architecture as an integrated whole.

All sections of the LARE are administered and graded by computer. The following is a list of the sections:

September 2012 – August 2023

- Project and Construction Management
- Inventory and Analysis
- Design
- Grading, Drainage and Construction Documentation

December 2023 – Current

- Inventory, Analysis, and Project Management
- Planning and Design
- Construction Documentation and Administration
- Grading, Drainage, and Stormwater Management

CLARB partners with PSI Testing Centers to administer the LARE three times annually. There are 32 test centers in California and over 437 nationwide, making the examination easily accessible for candidates.

Candidates must pass each section of the LARE independently and receive credit for sections passed. Full or partial credit may be given when all sections have not been completed at the time a new LARE is introduced, otherwise, credit for sections passed is valid until the candidate passes the entire current examination. Candidates receive an email from CLARB when their results are ready for viewing.

California Supplemental Examination (CSE)

The setting for landscape architectural practice in California is distinct from that of other states.

California's large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for landscape architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring landscape architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary landscape architectural knowledge and skills to respond to the conditions found in California.

The LATC administers the CSE to candidates who have successfully completed all sections of the LARE, as well as to eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice unique to California, including accessibility, energy conservation, sustainability, irrigation, water management, wetlands, wildlife corridors, wildfire resistant landscapes and legal issues (California Environmental Quality Act, etc.), and others to fulfill competencies identified in the occupational analysis.

The CSE was previously administered as a written examination but has been delivered via computer since February 2011. The current CSE is based on the 2020 Occupational Analysis (OA) and Test Plan and consists of 100 multiple-choice questions that cover site assessment, program development, design process, and construction documents and contract performance. The CSE is administered by computer at a total of 40 nationwide locations, including 17 testing centers within California, and candidates are given two and one-half hours to complete.

The OA was completed in 2020. The OA was followed by a review of the LARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *Task Analysis for the Council of Landscape Architectural Registration Board’s Landscape Architect (2022)* to ensure there is no overlap between the content in the LARE and CSE.

24. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

Statistics collected by CLARB relative to pass rates for the LARE do not distinguish between first-time and retake candidates by state. However, the LATC does collect CSE pass rate statistics for a comparison between first-time and retake candidates. Both the LARE and CSE are only offered in English. The following table provides a comparison for CSE candidates.

Fiscal Year	First-Time Candidates	Retake Candidates
2018/2019	79%	82%
2019/2020	73%	70%
2020/2021	68%	67%
2021/2022	63%	29%
2022/2023	82%	73%

25. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the LATC utilizes computer-based testing (CBT) for its licensing examinations. The LARE and CSE, which are required for licensure, are both administered through CBT. The LARE has been administered via CBT since 2012 when the exam transitioned from five to four sections. The CSE was a written examination given by the LATC until 2008 when the LATC contracted with Psychological Services Inc. (PSI) to begin offering the examination via CBT. The LARE is offered three times annually and each administration takes place over a two-week period.

Candidates schedule LARE sections through the CLARB online service. This service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their convenience. PSI is the test administrator for the LARE. Candidates schedule their exam appointments through CLARB and sit for an administration at a PSI test center. Each of the four LARE sections is scheduled and separately administered. Depending on the length of the specific section, it is possible to take more than one section on the same day.

The CSE is administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI test centers throughout the U.S. (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online

scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their examination.

26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

27. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

In 2020, DCA's Office of Professional Examination Services (OPES) conducted an Occupational Analysis of the Landscape Architect Profession.

In 2022, OPES completed a comprehensive review of the LARE (national examination) developed by CLARB. OPES performed this review to evaluate the continued use of the LARE for licensure of landscape architects in California.

In addition to reviewing documents provided by CLARB, OPES test specialists convened a workshop of California licensed landscape architects in November 2022. The landscape architects served as subject matter experts (SMEs) and were selected to represent the profession in terms of geographic location and experience. The purpose of the workshop was to review the content of the LARE and to link the content of the LARE blueprint to the tasks and knowledge statements from the CSE content outline that resulted from the 2020 Occupational Analysis of the Landscape Architect Profession. The linkage study was performed to identify whether there were areas of California landscape architectural practice that are not measured by the LARE.

The results of the linkage study indicated that the content of the LARE sufficiently assesses most of the knowledge necessary for competent landscape architectural practice at the time of licensure in California. However, the SMEs concluded that the content of the LARE does not adequately assess knowledge of the following areas required for practice in California:

- California codes and regulations.
- California-specific climate and environmental considerations.
- California-specific professional practice.
- California-specific construction site and user safety and security.

SMEs concluded that this content should continue to be measured by the CSE. OPES supports the Committee's continued use of the LARE along with the CSE for licensure in California.

School approvals

28. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

In accordance with CCR section 2620(b)(2), a degree from a school with a landscape architecture program is deemed approved by the LATC if the curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB), as specified in its publication "Accreditation Standards for Programs in Landscape Architecture." The Bureau for Private Postsecondary Education does not play a role in the process of approving schools of landscape architecture or landscape architectural degree programs for the purposes of the LATC.

The LAAB is the only agency nationally recognized to accredit professional and post-professional degree programs in landscape architecture within the U.S. LAAB accredits the degree programs within the schools, not the schools themselves. The Canadian Society of Landscape Architects Accreditation Council (CSLAAC) is the Canadian equivalent of LAAB and accredits the landscape architectural degree programs in Canada.

The LATC does approve extension certificate programs in landscape architecture. Currently, the only such program is the University of California, Los Angeles Extension. Programs must meet the requirements specified in CCR section 2620.5 for approval as extension certificate programs. Approval is granted with the provision that curriculum cannot be changed without LATC approval.

Landscape Architecture Extension Certificate Program Review and Approval Procedures

At its meeting on December 6, 2018, the LATC appointed a two-person subcommittee to review CCR section 2620.5 (Requirements for an Approved Extension Certificate Program) to determine whether the following should be addressed in the regulation: 1) program approval expiration, reauthorization, and extensions of said approval; 2) provisions for site reviews and how or if these shall be conducted; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with this regulation.

In early 2019, the subcommittee developed recommended changes to CCR section 2620.5 to clarify the review and approval procedures within the regulation. The LATC subsequently initiated a rulemaking package to amend CCR section 2620.5 which was approved by OAL on August 4, 2022 and became effective on October 1, 2022.

29. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The LATC is not statutorily authorized to approve schools of landscape architecture or the professional and post-professional degree programs offered by them. The LAAB reviews degree programs every three to six years and has the authority to withdraw accreditation if the program is not meeting accreditation standards. There is one landscape architecture extension certificate program in California, as noted above, approved by the LATC. Approval is granted for six-year periods.

30. What are the board's legal requirements regarding approval of international schools?

The LATC is not authorized to approve schools of landscape architecture outside the U.S. or its territories. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approvals of landscape architectural schools or the professional and post-professional programs available at those schools. LAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

Continuing Education/Competency Requirements

31. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

The Landscape Architects Practice Act does not require Continuing Education.

- a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department's cloud?
N/A
- b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.
N/A
- c. What are consequences for failing a CE audit?
N/A
- d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?
N/A
- e. What is the board's CE course approval policy?
N/A
- f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?
N/A
- g. How many applications for CE providers and CE courses were received? How many were approved?
N/A
- h. Does the board audit CE providers? If so, describe the board's policy and process.
N/A
- i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.
N/A

Table 8a. Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
N/A	N/A	N/A	N/A

Section 4 Enforcement Program

32. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The LATC's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Landscape Architects Practice Act (Act).

For all complaints received, the LATC has a goal of assigning complaints to staff for investigation within seven days. Currently, the average time of assigning complaints for investigation to staff is two days. The LATC is exceeding expectations in this area. Concerning the time necessary to investigate a complaint, the LATC's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For fiscal years (FY's) 2018/19, 2019/20, 2020/21, 2021/22, and 2022/23, the LATC averaged 123 days, 71 days, 92 days, 115 days, and 78 days respectively. Case review, evaluation, and consideration of the technical expert consultant findings and staff recommendations are critical but are often a very time-consuming process that adds to the aging of the investigation and case closure process. The LATC's experts are not physically located in LATC's office. All complaint information must be scanned and placed securely in the DCA Cloud Drive before sending a link to the expert for review of the documents. To aid in improving the length of time it takes to investigate a complaint, the LATC contracts with seven expert consultants and recruits additional experts as needed.

33. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Since the last reporting period, the LATC has not experienced any fluctuations in enforcement data trends. The LATC received an average of 33 complaints for FY's 2018/19, 2019/20, 2020/21, 2021/22, and 2022/23, of which an average of 16 were advertising and unlicensed activity complaints. Staff has maintained an average of 7 pending complaints at the end of each FY. Enforcement staff closed 64% of investigations within 90 days and 20% within one year.

The LATC has issued 10 citations since the last reporting period. All citations included a fine assessment averaging \$950. The majority of citations issued were to unlicensed individuals, who are often difficult to locate because they change addresses frequently. For these citations, staff utilizes the Franchise Tax Board (FTB) Intercept Program to attempt to collect fines. However, there is currently no incentive for these individuals to pay their fines, unlike licensees who cannot renew their license without paying. To address this, the LATC executed a contract with a collection agency for full-service debt collection services, including "skip tracing," credit reporting, and filing legal actions as appropriate to assist in the collection of unpaid citation penalties and cost recoveries for unpaid administrative fines and cost reimbursement accounts aged beyond 90 days. The contract was executed in 2019 and expired in 2022. The LATC did not renew the contract with the collection agency because they did not provide any additional collections of outstanding fines throughout the length of the contract.

Lastly, the LATC's 2019/2021 Strategic Plan contained an objective to research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers. The LATC amended CCR section 2671 (Public Presentments and Advertising

Requirements) requiring licensees to include their license number in all forms of advertisements or presentments made to the public in connection with the rendition of landscape architectural services. This new requirement took effect January 1, 2022 and is aimed to prevent consumers from unknowingly contracting with unlicensed individuals for the rendition of landscape architectural services and reducing the amount of unlicensed activity occurring.

The LATC has also continued to focus on promptly responding to consumer complaints and maintain an internal weekly report on case aging to improve the tracking of each case through the intake and investigation processes.

Table 9a. Enforcement Statistics			
	FY 2020/21	FY 2021/22	FY 2022/23
COMPLAINTS			
Intake			
Received	21	25	20
Closed without Referral for Investigation	0	0	0
Referred to INV	21	25	20
Pending (close of FY)	0	0	0
Conviction / Arrest			
CONV Received	8	5	10
CONV Closed Without Referral for Investigation	0	0	0
CONV Referred to INV	8	5	10
CONV Pending (close of FY)	0	0	0
Source of Complaint ⁷			
Public	5	6	5
Licensee/Professional Groups	4	9	2
Governmental Agencies	0	0	0
Internal	18	10	21
Other	0	0	0
Anonymous	2	5	2
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	1	1	1
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	NA	NA	NA
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	1	1	1
INVESTIGATION			
Desk Investigations			
Opened	29	26	30
Closed	31	28	34
Average days to close (from assignment to investigation closure)	92	115	78
Pending (close of FY)	7	9	5
Non-Sworn Investigation			
Opened	29	26	30
Closed	31	28	34
Average days to close (from assignment to investigation closure)	92	115	78
Pending (close of FY)	7	9	5

⁷ Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

Sworn Investigation			
Opened	0	0	0
Closed	0	0	0
Average days to close (from assignment to investigation closure)	NA	NA	NA
Pending (close of FY)	0	0	0
All investigations ⁸			
Opened	29	26	30
Closed	31	28	34
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	92	115	78
Average days for investigation closures (from start investigation to investigation closure)	92	115	78
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	NA	NA	NA
Average days from receipt of complaint to investigation closure	92	115	78
Pending (close of FY)	7	9	5
CITATION AND FINE			
Citations Issued	0	3	4
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	NA	202	206
Amount of Fines Assessed	\$0	\$3,000	\$6,500
Amount of Fines Reduced, Withdrawn, Dismissed	\$0	\$1,000	\$2,250
Amount Collected	\$1,000	\$1,000	\$2,250
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0
ACCUSATION			
Accusations Filed	0	0	0
Accusations Declined	0	0	0
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	NA	NA	NA
INTERIM ACTION			
ISO & TRO Issued	0	0	0
PC 23 Orders Issued	0	0	0
Other Suspension/Restriction Orders Issued	0	0	0
Referred for Diversion	0	0	0
Petition to Compel Examination Ordered	0	0	0
DISCIPLINE			
AG Cases Initiated (cases referred to the AG in that year)	0	0	0
AG Cases Pending Pre-Accusation (close of FY)	0	0	0
AG Cases Pending Post-Accusation (close of FY)	0	0	0
DISCIPLINARY OUTCOMES			
Revocation	0	0	0
Surrender	0	0	0
Suspension only	0	0	0

⁸ The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

Probation with Suspension	0	0	0
Probation only	0	0	0
Public Reprimand / Public Reapproval / Public Letter of Reprimand	0	0	0
Other	0	0	0
DISCIPLINARY ACTIONS			
Proposed Decision	0	0	0
Default Decision	0	0	0
Stipulations	0	0	0
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	NA	NA	NA
Average Days from Closure of Investigation to Imposing Formal Discipline	NA	NA	NA
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	NA	NA	NA
PROBATION			
Probations Completed	1	0	0
Probationers Pending (close of FY)	0	0	0
Probationers Told	0	0	0
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	0	0	0
SUBSEQUENT DISCIPLINE⁹			
Probations Revoked	0	0	0
Probationers License Surrendered	0	0	0
Additional Probation Only	0	0	0
Suspension Only Added	0	0	0
Other Conditions Added Only	0	0	0
Other Probation Outcome	0	0	0
SUBSTANCE ABUSING LICENSEES			
Probationers Subject to Drug Testing	0	0	0
Drug Tests Ordered	0	0	0
Positive Drug Tests	0	0	0
PETITIONS			
Petition for Termination or Modification Granted	0	0	0
Petition for Termination or Modification Denied	0	0	0
Petition for Reinstatement Granted	0	0	0
Petition for Reinstatement Denied	0	0	0
DIVERSION			
New Participants	0	0	0
Successful Completions	0	0	0
Participants (close of FY)	0	0	0
Terminations	0	0	0
Terminations for Public Threat	0	0	0
Drug Tests Ordered	0	0	0
Positive Drug Tests	0	0	0

⁹ Do not include these numbers in the Disciplinary Outcomes section above.

Table 10. Enforcement Aging						
	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	Cases Closed	Average %
Investigations (Average %)						
Closed Within:						
90 Days	27	20	14	22	83	66%
91 - 180 Days	3	5	9	8	25	20%
181 - 1 Year	3	6	5	4	18	14%
1 - 2 Years	0	0	0	0	0	0%
2 - 3 Years	0	0	0	0	0	0%
Over 3 Years	0	0	0	0	0	0%
Total Investigation Cases Closed	33	31	28	34	126	
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	0	0	0	0	0	0%
1 - 2 Years	0	0	0	0	0	0%
2 - 3 Years	0	0	0	0	0	0%
3 - 4 Years	0	0	0	0	0	0%
Over 4 Years	0	0	0	0	0	0%
Total Attorney General Cases Closed	0	0	0	0	0	

34. What do overall statistics show as to increases or decreases in disciplinary action since last review?

The LATC did not file any accusations during the current reporting period (FY 2019/20 through FY 2022/23); this is a decrease from the four accusations that were filed in the last reporting period.

In evaluating an enforcement program, it is important to reflect on the nature of the profession being regulated. Landscape architects often collaborate with other parties (engineers, architects, attorneys, contractors, and other landscape architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the LATC typically do not deal with major property damage or bodily injury.

35. How are cases prioritized? What is the board’s compliant prioritization policy? Is it different from DCA’s *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The LATC’s case prioritization policy is consistent with DCA’s guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the LATC’s prioritization guidelines. Complaints given the highest or “urgent” priority include imminent life and safety issues, severe financial harm to clients, egregious pattern of complaints, and project abandonment. Complaints given a “high” priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The most common complaints are contract violations, unlicensed advertising (title) violations, and routine settlement reports.

36. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

Mandatory reporting requirements are specified in BPC sections 5678 (Report of Settlement or Arbitration - Licensee), 5678.1 (Report of Settlement or Arbitration - Insurer), and 5680.05 (Report to Board by Clerk of Court of Judgement of Conviction of Crime by License Holder).

BPC sections 5678 and 5678.1 require that within 30 days, every licensee and insurer providing professional liability insurance to a California landscape architect send a report to the LATC on any civil action judgment, settlement, arbitration award, or administrative action of \$5,000, or greater of any action alleging the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice. The LATC received 10 settlement reports during the previous reporting period and 7 reports in the current period.

BPC section 5680.05 requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license's fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the LATC.

Historically, the Board has tried to work with the courts to gain cooperation and compliance with the reporting requirement. However, the Board has not received a report of a judgment from a court. The Board previously requested the California Administrative Office of the Courts to assist in attaining compliance from court clerks. In an effort to address this ongoing issue, the Board has requested its Deputy Attorney General (DAG) liaison to seek assistance to obtain compliance from the courts by disseminating a letter to clerks of the courts reminding them of BPC section 5590.

In addition, BPC section 5680 (Renewal of License - Forms) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

a. What is the dollar threshold for settlement reports received by the board?

As noted above, the dollar threshold for settlement cases received by the LATC is \$5,000.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the LATC during the current reporting period is \$149,000.

37. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

The Board considers approving stipulated settlements with licensees where appropriate to promote cost effective consumer protection and to expedite disciplinary decisions. In order to enter into a stipulated settlement, the licensee is generally required to admit to the violations set forth in the accusation, have their license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

- b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, no cases were sent to the Office of the Attorney General.

- c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

N/A

38. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The LATC's statute of limitations is defined by BPC section 5661: "All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the board within three years after the board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than six years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of Section 5667 (Fraud, Misrepresentation - Obtaining License), the accusation may be filed within three years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by Section 5667."

Since FY 2019/20, the LATC has not lost any cases due to the expiration of its statute of limitations. However, the LATC received five cases in which the alleged violation(s) occurred beyond the statute of limitations. As a result of the statute of limitations, the LATC did not take any disciplinary action after its investigation of those settlement cases. These cases involved settlement reports where the landscape architectural services were provided more than six years prior to the receipt of the reports.

39. Describe the board's efforts to address unlicensed activity and the underground economy.

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The LATC addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

In an effort to address unlicensed practice, the LATC's website contains a document entitled "Permitted Practice for Professionals, Practitioners, and Unlicensed Person," which provides a quick reference regarding the various professionals, practitioners, and unlicensed persons who may offer landscape design services and the permitted scope and/or limitations that pertain to each.

Additionally, on its website, the LATC promotes its Consumer's Guide to Hiring a Landscape Architect to provide information on the practice of landscape architecture and how to choose the right landscape architect for a project. This information contains a number of basic steps that consumers can take to help keep their projects on track. The LATC also promotes the Board's *Building Official Information Guide* which contains a section on Landscape Architects and provides information regarding the profession.

Lastly, the LATC provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

Cite and Fine

40. Discuss the extent to which the board has used cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

The citation program provides the LATC with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 2630, the regulation that authorizes the LATC to issue administrative citations and fines, was last amended in 2006 to: 1) increase the maximum administrative fine to \$5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the Act. The Board is in the process of amending CCR section 2630 to include language clarifying the Board's existing ability to issue orders of corrections to cease unlawful advertising.

For this reporting period, the LATC issued an average of two citations per year. Of those, all included a fine assessment averaging \$1,313.

41. How is cite and fine used? What types of violations are the basis for citation and fine?

As noted above, the citation program provides the LATC with an expeditious method of addressing violations that have not resulted in substantial financial or physical harm. All professional practice complaints and some unlicensed practice complaints recommended for citation are reviewed by an expert. Administrative fines range from \$250 to \$5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The LATC has used the citation program most frequently to cite individuals who have violated the following:

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions

CCR Section:

- 2670 - Rules of Professional Conduct

Licensees who fail to pay the assessed fines have a "hold" placed on their license record that prevents renewal of the license until the fine is paid.

42. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

In the last four fiscal years, there have been three informal conferences and no administrative hearings as a result of citation appeals.

43. What are the five most common violations for which citations are issued?

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice – Sanctions
- 5657 - Filing of Mailing Address – Requirement
- 5671 - Negligence, Willful Misconduct in Practice

CCR Section:

- 2670 - Rules for Professional Conduct

44. What is average fine pre- and post- appeal?

The average pre-appeal fine is \$1,313 and the average post-appeal fine is \$250, with two \$1,000 fines withdrawn.

45. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

The LATC uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the LATC's outstanding, unpaid fines are against unlicensed individuals, and Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

Cost Recovery and Restitution

46. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

The LATC seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is required pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

47. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing, if a stipulated settlement does not occur prior to a hearing.

Since the last reporting period, no accusations have been filed by the Board, however, a previously filed accusation became final in FY 18/19 and resulted in a disciplinary decision of stayed revocation and the license being placed on a 5-year probation with a cost reimbursement of \$4,517.50, which has been paid in full.

48. Are there cases for which the board does not seek cost recovery? Why?

No.

49. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The LATC currently utilizes FTB to collect cost recovery.

50. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The LATC has no authority to order restitution outside of a stipulated agreement or an administrative law judge's proposed decision. Through the LATC's complaint handling process, the LATC may recommend that a licensee refund a client's monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The LATC has no jurisdiction over fee disputes.

Table 11. Cost Recovery¹⁰ (list dollars in thousands)

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Total Enforcement Expenditures				
Potential Cases for Recovery *	2	2	1	1
Cases Recovery Ordered	0	0	0	0
Amount of Cost Recovery Ordered	0	0	0	0
Amount Collected	\$1,694.16	\$2,070.40	\$0	\$0

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Table 12. Restitution (list dollars in thousands)

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

¹⁰ Cost recovery may include information from prior fiscal years.

Section 5

Public Information Policies

51. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board's website? When are draft-meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The LATC continually updates its website to reflect upcoming LATC and subcommittee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the LATC's retention schedule. Draft meeting minutes are posted on the website in the subsequent meeting packet for Committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the LATC's retention schedule. The LATC continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents.

Other tools used by the LATC to communicate its messages include the eSubscriber list for e-news broadcasts and social media (Twitter, Instagram and LinkedIn).

52. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

The LATC webcasts its meetings when DCA resources are available. The meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the LATC has actively engaged with the DCA's Office of Public Affairs to facilitate the webcasting of its Committee and subcommittee meetings and includes notification of webcast availability on its meeting notices. Despite the LATC's active effort to facilitate webcast at each of its meetings, varying technical capabilities of the meeting sites (schools of landscape architecture and public venues) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are available online for an indefinite period of time.

In response to the COVID-19 pandemic, public LATC meetings transitioned to online videoconferences and LATC intends to continue to use the WebEx videoconference platform whenever possible.

53. Does the board establish an annual meeting calendar, and post it on the board's web site?

Yes. The LATC establishes a prospective meeting calendar at its last meeting of each year and posts it on the website afterwards. Meetings of subcommittees are also posted to the calendar when the dates are determined by the respective subcommittee chair.

54. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The LATC's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the LATC's website according to the LATC's records retention schedule.

55. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

CCR section 2608 requires the LATC to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed landscape architects and unlicensed persons subject to its jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). Information is made available by the LATC in writing or by telephone within 10 days of the request. This information is also available on LATC's website through its license search feature.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the LATC's records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The LATC also discloses the total number of enforcement and disciplinary actions, as well as brief summaries on its website under enforcement actions. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 2608), accusations, statements of issues, and citations filed by the Board.

56. What methods are used by the board to provide consumer outreach and education?

The LATC provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

The LATC has the Consumer's Guide to Hiring a Landscape Architect which is a specific publication targeting consumers. This publication is a comprehensive guide for consumers that includes information about the practice of a landscape architect, contract criteria, as well as how to file a complaint.

The LATC also utilizes the Board's *Building Official Information Guide* which is a publication specific for building officials to assist in understanding the laws and regulations governing the practice of architecture and landscape architecture.

A key means of distributing these publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on landscape architects and managing a project. In addition, the LATC posts these publications on its website in order to make them readily available. Further, the LATC has expanded communication to stakeholders by conducting more frequent emails to its e-Subscribers. An example of such notification includes advertisement of the availability of new publications and means by which stakeholders can request hardcopies for their own use or distribution. The LATC's 2019-2021 Strategic Plan contained an objective to increase its social

media presence. Though the LATC has maintained a Twitter account, in 2022, LATC began the process of expanding its social media presence and established new accounts on both Instagram and LinkedIn.

Lastly, the website continues to be a primary focus of LATC efforts, providing the public, licensees, and candidates with a wide range of information. The website provides stakeholders with access to enforcement actions, a license verification tool, newsletters, as well as a comprehensive list of downloadable applications, forms, publications, and instructional materials. In order to increase public attention to the LATC's website, the LATC website has been optimized on search engines for individuals searching for a landscape architect to enhance LATC's ability to reach more consumers interested in using a landscape architect. This has resulted in the LATC's website being a more likely search option in consumers' web searches related to landscape architecture.

The LATC will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

Section 6

Online Practice Issues

57. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

Technology has been integrated into the landscape architectural profession and continues to provide efficiencies in practice by allowing landscape architects to prepare instruments of service electronically (and outsource their production to online drafting services, as necessary), coordinate with other design professionals, and communicate and share design ideas with clients.

The LATC believes the Landscape Architects Practice Act provides sufficient regulatory control over the use of technology and online practice by landscape architects, as BPC section 5659 requires the landscape architect's stamp and signature on instruments of service as evidence of the landscape architect's responsibility for those documents. Another important consumer protection tool in this area is the written contract requirement (BPC section 5616), which requires a landscape architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against landscape architects, but the LATC will continue to monitor these issues closely.

However, the prevalence of unlicensed individuals who misrepresent themselves as landscape architects and/or offer landscape architectural services to California consumers via the Internet remains a challenge for the LATC's Enforcement Program. During the current reporting period, unlicensed advertising or activity complaints accounted for approximately 47 percent of all complaints received by the LATC. The Board issues citations with administrative fines to unlicensed individuals who advertise or put out devices (such as Internet advertisements) that might indicate to the public that they are landscape architects or qualified to engage in the practice of landscape architecture, in violation of BPC section 5640.

Many of these unlicensed activity complaints involve consumers who may not be familiar with license requirements or the design and landscape construction process. These consumers often rely on "referral" websites that offer to match them with "prescreened" professionals in their area who have passed the websites' background checks and can provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals' advertisements, and some allow unlicensed individuals to identify themselves as landscape architects and/or offer landscape architectural services to the public without verifying licensure.

Since the last reporting period, the Board has amended the LATC's CCR section 2671 (Public Presentments and Advertising Requirements) to require that all California licensed landscape architects to include their license number in all public presentments in connection with the rendition of landscape architectural services. The intent of this new requirement is to create transparency with consumers and inform them of licensure status. The Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting a landscape architect on the Internet.

Section 7

Workforce Development and Job Creation

58. What actions has the board taken in terms of workforce development?

The LATC strives to remove impediments to licensure and has amended regulations to expand the eligibility requirements for licensure. In 2022, amendments to CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits) became effective, which grant candidates two years of education credit for an accredited degree in civil engineering or architecture, one-year of credit for any bachelor's degree, and up to six years of training credit for qualifying landscape architectural experience. Prior to this regulatory change, candidates were required to hold a landscape architectural degree or certificate, or an accredited architecture degree to qualify for licensure. By expanding these pathways, the LATC hopes to achieve more opportunities for individuals to become licensed landscape architects.

The LATC is currently pursuing additional amendments to CCR section 2615 that would allow California candidates to take any section of the LARE if they hold a degree in landscape architecture accredited by the Landscape Architectural Accreditation Board or an approved extension certificate in landscape architecture along with a four-year degree. Presently, these candidates may take two of the four LARE sections prior to completing the experience requirement. By allowing additional early entrance to the examination, the LATC hopes to achieve more opportunities for individuals to become licensed landscape architects. The rulemaking package was submitted to the Office of Administrative Law (OAL) to publish Notice of the 45-day comment period from May 5, 2023, through June 20, 2023. The final rulemaking package was submitted to OAL for review on TBD.

Additionally, the LATC maintains its website (latc.ca.gov), which contains easy-to-understand information about licensing requirements and other related issues. Staff provides presentations regarding licensure at the accredited and approved schools of landscape architecture.

Furthermore, LATC has opposed a provision of CLARB's recently adopted Uniform Licensure Standard. CLARB has pushed for all jurisdictions to implement the standard, so that licensure requirements are the same in each jurisdiction. One of those standards provides for a total of eight years of required experience for individuals seeking to be license through experience only. LATC's recently established experience only path requires six years of experience, and LATC does not support an increase in the required number of years, due to the burden this would place on candidates using this licensure pathway, and absent any justification.

59. Describe any assessment the board has conducted on the impact of licensing delays.

No formal studies have been conducted. However, LATC management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce.

60. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The LATC is proactive in working with chairs, deans and students of landscape architectural programs to convey information on the licensing requirements in California. The LATC supplements this effort by holding Committee meetings at schools' campuses. Student outreach seminars are also conducted at campuses to explain licensing requirements. Additionally, at the commencement of the school year, the LATC, through the chairs and deans of the landscape architectural colleges, sends a letter introducing itself and explaining its role to students. A similar

related letter is disseminated at the end of the school year. The LATC believes that these efforts pay dividends by helping students become licensed more efficiently, which saves candidates time and money.

In June 2022, CCR section 2620 was amended to expand the education and training credit standards for a candidate to qualify as a landscape architect. The regulatory amendments established credit for accredited civil engineering degrees, increased credit granted for accredited architecture degrees, and provided for training/practice experience-only pathways to examination. The LATC issued letters to the chairs and deans of California landscape architectural colleges to inform potential licensees of these new pathways to licensure.

At its April 2023 meeting, the LATC had a presentation from the Department of Consumer Affairs' Office of Professional Examination Services (OPES) of low pass rates among California exam candidates. As part of that presentation, one school was identified with lower-than-average pass rates. LATC notified the school of its findings.

In July 2023, LATC participated in a webinar with the American Society of Landscape Architects Southern California Chapter on the transition to a new format for the LARE and LATC Eligibility Procedures.

61. Describe any barriers to licensure and/or employment the board believes exist.

The LATC proactively strives to expand its pathways to licensure such that there are more opportunities for potential candidates to qualify for licensure.

LATC's recently established experience only path to licensure requires six years of experience, and LATC does not support an increase in the required number of years, due to the burden this would place on candidates using this licensure pathway. For this reason, LATC has opposed a provision of CLARB's recently adopted Uniform Licensure Standard that recommends a total of eight years of required experience for individuals seeking to be license through experience only.

62. Provide any workforce development data collected by the board, such as:

a. Workforce shortages

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty hiring new landscape architects.

b. Successful training programs.

No data is available.

63. What efforts or initiatives has the board undertaken that would help reduce or eliminate inequities experienced by licensees or applicants from vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or that would seek to protect those communities from harm by licensees?

At its April 2023 meeting the LATC had a presentation from the American Society of Landscape Architects Diversity x Landscape Architecture Program. The Program recommended LATC consider collecting demographic data on landscape architects and set specific goals related to diversity, equity and inclusion to ensure there is no bias in the testing program. LATC is reviewing these suggestions.

As mentioned above, effective June 2022, CCR sections 2615 and 2620 were amended to expand experience and education pathways to licensure and reduce unnecessary barriers to the landscape architect profession for qualified individuals. Specifically, the amendments to section 2620(a) provide credit for a candidate with an accredited civil engineering degree, any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

Section 8

Current Issues

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

N/A

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. The LATC strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the LATC continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The LATC is exceeding expectations by closing complaints within an average of 100 days.

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The LATC is not using the BreEZe platform. The LATC was originally in the BreEZe Release 3 and has not submitted any change requests during this reporting period.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

The LATC is in the process of transitioning to a new licensing and enforcement platform (Connect). The first release occurred on May 23, 2023, and included automation of the Eligibility Application, California Supplemental Exam Application, and Initial License Application. The second release will include automation of the Certification of Experience and Reciprocity Applications. During the transition, the LATC is using a workaround system.

Section 9

Board Actions and Responses to COVID 19.

67. In response to COVID-19, did the board take any steps or implement any policies regarding licensees or consumers? Has the board implemented any statutory revisions, updates or changes that were necessary to address the COVID-19 Pandemic? Any additional changes needed to address a future State of Emergency Declaration.

During the COVID-19 pandemic, public LATC meetings transitioned to online videoconferences and LATC intends to continue to use the WebEx videoconference platform whenever possible.

Section 10

Board Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

ISSUE #1: LATC has only professional committee members.

Background: DCA boards are comprised of a mix of professional and public members so that consumers' interests are represented in the regulation of professional licensing. In contrast, LATC has only professional members. However, LATC exists as a committee of the Board, which itself is comprised of public and professional members, who ultimately vote on LATC proposals.

While the Committee has not raised any consumer-related issues with respect to this structure, the Committee may wish to consider whether adding consumers could be beneficial to their discussions.

Staff Recommendation: The Committee may wish to discuss whether adding consumers to the Committee would be a benefit.

LATC Response:

The LATC does not have a concern with this proposal but would like the opportunity to discuss it further. The LATC does believe the current structure provides for public input and oversight, as the LATC's recommendations are acted upon by the Board, which has public members. We would also note that adding an additional member would result in an even number of Committee members.

2023 Updated LATC Response:

As part of its current Strategic Plan, the LATC has an objective to research the economic and consumer protection impact of re-establishing the Landscape Architect Board or establishing a merged board with the California Architects Board to provide better representation, strengthen the distinction between the two entities and increase efficiency. At its April 2023 meeting, the LATC discussed and determined they would continue to explore the possibility of a merger. The Board discussed at its May 2023 meeting and provided comments to LATC, which will continue to review.

ISSUE #2: The "written contract requirement" provisions of law need updating.

Background: The Committee indicates that its "written contact requirement" is one of its most important consumer protection tools. Current law requires a landscape architect's written contract to:

1. Describe the services to be provided by the landscape architect to the client;
2. Describe the basis of compensation, including total cost and method of payment;
3. Include a notice that reads, "Landscape architects are licensed by the State of California";
4. Identify by name and address the client and the landscape architect, including the landscape architect's license number;

5. Describe the procedure to accommodate additional services; and
6. Describe the procedure to be used by both parties to terminate the contract.

The Board has investigated many consumer complaints related to contracts, and LATC's experts in the Enforcement Program have identified several potential improvements to the current law.

Many of the disputes stemmed from misunderstandings of the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the design services required, compensation related to those services, and the project budget and schedule. Without a defined project description, it is often unclear whether the project is on track to meet expectations and project requirements established by the client and the architect.

According to the Rules of Professional Conduct, landscape architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing (CCR section 2760(d).) However, landscape architects are not currently required to define the project description in their written contracts. Therefore, it can be difficult for the client or landscape architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers regarding the ownership and use of an architect's instruments of service. Current law prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use (BPC § 5536.4.) However, architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the architect's instruments of service.

The LATC is proposing to clarify current law to include the following elements in landscape architects' written contracts:

1. A description of the project for which the client is seeking services;
2. The project address;
3. A description of the procedure that the landscape architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment; and
4. A statement identifying the ownership and use of instruments of service prepared by the landscape architect.
5. A clarification that landscape architects are licensed by LATC.

The LATC expects this proposal to benefit consumers and landscape architects by providing enhanced transparency for contracted parties, thereby reducing the number of disputes related to project description disagreements, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

Staff Recommendation: *Amend the law as proposed by the LATC.*

LATC Response:

The LATC supports this recommendation and suggests consideration of a delayed implementation, until July 1, 2020, to provide for adequate outreach to licensees about the revised requirements. The

LATC would like to note that it will be conducting an occupational analysis in FY 19-20, and as part of that process will be contacting all licensees and will use that opportunity to inform them of any changes to the written contract requirements.

2023 Updated LATC Response:

The LATC has implemented these changes and believes they have been beneficial.

ISSUE #3:

Background: Currently, CAB allows the EO to approve settlement agreements for revocation or surrender of a license. The Committee, however, does not, which requires a licensee surrendering a license to appear before the Board at one of its quarterly meetings. Aligning the EO duties for both regulating entities would streamline discipline and conform with the LATC's strategic objective to align its practices with the Board.

Staff Recommendation: *Adopt language approved by the Committee to allow the EO to approve settlement agreements for revocation or surrender of a license.*

LATC Response:

The LATC agrees with the staff recommendation.

2023 Updated LATC Response

The Board and LATC have implemented these changes.

ISSUE #4: (CONTINUED REGULATION BY THE LATC) Should the licensing and regulation of landscape architects be continued by the Committee, through the CAB?

Background: Clients and the public are best protected by strong regulatory boards with oversight of licensed professions. LATC has proven to be a competent steward of the landscape architect profession and should be continued with a four-year extension of its sunset date.

Staff Recommendation: *The licensing and regulation of landscape architects should continue to be regulated by the Committee, and it should be reviewed again in four years.*

LATC Response:

The LATC concurs with the staff recommendation.

2023 Updated LATC Response:

The LATC continues to support this recommendation.

Section 11 New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues raised under prior Sunset Review that have not been addressed.
2. New issues identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

Approval of Plans:

On September 7, 2010, a legal opinion was issued to the LATC from their DCA legal counsel at the time, regarding whether a local government agency had the authority to refuse to accept plans and specifications prepared and stamped by a landscape architect that is within the scope of practice of a landscape architect. The legal opinion determined that the landscape architect may not be lawfully prohibited from preparing plans and specifications that fall within the scope of practice of a landscape architect pursuant to BPC section 460. Since the legal opinion was issued, the LATC has continued to receive inquiries on whether local jurisdictions can refuse to accept plans, specifications, and other instruments of service prepared, and stamped, by a licensed landscape architect within the scope of practice of their profession. It is not clear on what grounds local jurisdictions have in rejecting landscape architectural plans, specifications, and instruments of service prepared by a landscape architect.

LATC proposes amending BPC § 5659 to coincide with BPC § 460 by adding language specifically referencing landscape architects to prevent local government entities from prohibiting a licensed landscape architect from engaging in the practice of landscape architecture while also allowing those entities to adopt or enforce local ordinances.

License Renewal – Five Years After Expiration

BPC section 5680.2 provides that a license that is not renewed within five years of its expiration date may not be renewed, and that the holder of the expired license may apply for and obtain a new license if no fact justifies revocation or suspension of a valid license, the person pays the required fees and takes and passes the current California Supplemental Examination. The Board would like to clarify that a person whose license has been expired for more than 5 years must comply with the requirements for issuance of a new license.

Proposed Amendment

BPC 5680.2 A license that is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired license may apply for and obtain a new license if: they pay all of the fees, and meet all of the requirements set forth in this chapter for obtaining an original license.

~~(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension.~~

~~(b) The holder of the expired license pays the fees required of new applicants.~~

~~(c) The holder of the expired license takes and passes the current California Supplemental Examination.~~

Email Address

In order to maximize use of the Board's online system for license application and renewal, the Board would like to require licensees to maintain the email address they have on file with the Board.

Proposed Statutory Text

5658. Filing of Electronic Mail Address - Requirement

(a) Each applicant for examination or licensure who has a valid email address shall report to the board that email address at the time of application.

(b) Each licensee who has a valid email address shall report to the board or verify that email address at the time of renewal.

(c) Email addresses provided to the board pursuant to this chapter shall not be considered a public record and not subject to public disclosure.

Technical Changes:

LATC has identified several code sections that could be updated to include gender neutral references.

5640(b)(d), 5641.3, 5641.4.

Section 12

Attachments

Please provide the following attachments:

- A. Board's administrative manual.
- B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).
- C. Major studies, if any (cf., Section 1, Question 4).
- D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 2, Question 15).
- E. Provide each quarterly and annual performance measure report for the board as published on the DCA website
- F. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

AGENDA ITEM N.1: Discuss and Possible Action on Proposed Regulatory Text Amendments for California Code of Regulations (CCR), title 16, division 2, article 3, section 117 (Experience Evaluation)

Summary

At its March 30, 2022 meeting, the Board's Professional Qualifications Committee (PQC) met to discuss and review potential changes to CCR title 16, division 2, article 3, section 117 (Experience Evaluation). During this meeting, staff was directed to research improvements that could be made the Table of Equivalents and draft regulatory language to present to the Board.

Board staff worked with the Department of Consumer Affairs (DCA) Legal Affairs Division (LAD) to update the table by consolidating columns, renumbering, removing obsolete language, clarifying existing language, and removing gender specific pronouns. Consolidation of rows is suggested to clarify that the table applies to all candidates and will remove out of date candidate eligibilities. Additionally, all candidates are required to complete the National Council of Architectural Registration Boards (NCARB) administered experience-based program or the Canadian Internship in Architecture Program (IAP); therefore, the out-of-date language is struck and separate columns are not necessary. Based on discussion from the PQC, degrees related to architecture were updated to reflect year-for-year credit, with bachelor's degrees earning four years of credit and associate degrees receiving two years of credit. Additional clarification for maximum credit earned was a totaling of experience allowed in the prior Education Equivalents and Training or Practice Equivalents columns. Limits to experience gained while in college were removed as candidates should not have credit restrictions for working while going to school. Credit for completion of the NCARB administered experience-based program and the IAP has been increased from five years to eight years to accommodate candidates who document all of their experience in their official records. Currently staff is only allowed to grant a maximum of five years of credit to those candidates, which adversely affects them and staff as reconciliation must occur between submitted Employment Verification Forms (EVF) and the transmittal – credit gained for time worked as part of the transmittal cannot also be submitted for work credit on the EVF.

Degrees in a field related to architecture has been clarified using the National Center for Education Statistics' Classification of Instructional Programs (CIP) Series codes. By including the CIP codes, the Board will adopt a national standard that is used to classify education programs across the country. By using the CIP codes instead of specific degree titles, colleges and universities have greater flexibility to name their degree programs to match current and modern trends. Applicants who earn a degree from a

program under one of the proposed CIP Codes will benefit from earning credit for their degree without losing credit due to title issues beyond their control.

Action Requested

The Board is asked to consider a motion to approve the proposed regulatory text for 16 CCR section 117, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR section 117 as noticed.

Attachments

1. 16 CCR section 117 (Experience Evaluation) Proposed Language

CALIFORNIA ARCHITECTS BOARD
PROPOSED REGULATORY LANGUAGE

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

Amend Section 117 of Article 3 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ Section 117 Experience Evaluation.

The Board's evaluation of candidates' training and educational experience for licensure is based on the Board's Table of Equivalents as listed below.

The Table is comprised of ~~four~~two columns. Column A lists the types of training and educational experience for which credit may be granted. Columns B ~~and C~~ specifies the maximum credit that may be granted to a candidate for that experience ~~who was determined by the Board to be eligible for the Architect Registration Examination (ARE), the California Supplemental Examination, or licensure prior to January 1, 2005 and who is active in the examination process or to a candidate who is otherwise exempt from the IDP/IAP requirement specified in Section 116(b).~~ Column D specifies the maximum credit that may be granted to a new or inactive candidate who was determined by the Board to be eligible for the ARE on or after January 1, 2005 and who is subject to the IDP/IAP requirement.

TABLE OF EQUIVALENTS			
(a) Experience Equivalents:			
<i>Column A</i>	<i>Column B</i>	<i>Column C</i>	<i>Column <u>D</u></i>
	<i>Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement</i>	<i>Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement</i>	<i>Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement</i>

	<i>Education Equivalents Max. Credit Allowed</i>	<i>Training and/or Practice Equivalents Max. Credit Allowed</i>	<i>Maximum- Credit Allowed</i>
<i>Experience Description</i>			
(1) A professional degree in architecture, where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB), or units toward such a degree credited as set out in (b)(4).	5 years		5 years
(2) A professional degree in architecture, where the degree program has not been accredited by NAAB or CACB and the program consists of at least a five-year curriculum, or units toward such a degree credited as set out in (b)(4).	4 years		4 years
(3) A four-year degree in architecture or a degree from a university or college which has an NAAB-accredited or CACB-accredited professional degree program in architecture, where the degree could be accepted for entry into a two-year NAAB-accredited or CACB-accredited Master of Architecture program Baccalaureus Atrium (BA), Atrium Baccalaureus (AB), Bachelor of Science (BS) , or units toward such a degree credited as set out in (b)(4).	3 1/2 years		3 1/2 4 years

<p>(4) A degree from a school/ university or college which has an NAAB-accredited or CACB-accredited professional degree program in architecture, where the degree could be accepted for entry into a two-year NAAB-accredited or CACB-accredited Master of Architecture program, or units toward such a degree.</p>	<p>3 1/2 years</p>		<p>3 1/2 years</p>
<p>(54) A four-year degree which consists of at least a four-year curriculum in a field related to architecture as defined in subsection (b)(65), or units toward such a degree credited as set out in (b)(4).</p>	<p>2 years</p>		<p>24 years</p>
<p>(65) Any other university or college degree which consists of at least a four-year curriculum.</p>	<p>1 year</p>		<p>1 year</p>
<p>(78)(A) Any other city/community college degree which consists of at least a two-year curriculum.</p>	<p>6 months</p>		<p>6 months</p>
<p>(9)(B) Any other city/community college degree or technical school certificate in a field related to architecture as defined in subsection (b)(5).</p>	<p>1 year</p>		<p>12 years</p>
<p><u>(10) A post-professional degree in architecture or with an emphasis on architecture consisting of a Master, Master of Science, or PH.D. degree or units toward such a degree.</u></p>			<p><u>1 year</u></p>

<p>(811) Experience under the direct supervision of an architect(s) licensed <u>or registered</u> in a United States jurisdiction shall be granted 100% credit <u>for every hour of work as described in (c)(3).</u></p>	<p>5 years</p>	<p>3 years</p>	<p>58 years</p>
<p>(912) <u>Primary source documentation showing Certification</u> by the National Council of Architectural Registration Boards (NCARB) shall be granted 100% credit <u>for every hour of work as described in (c)(3).</u> shall be granted a maximum of eight years credit upon receipt in the Board office of the candidate's current and valid NCARB blue cover file, transmitted by NCARB.</p>	<p>5 years</p>	<p>3 years</p>	<p>8 years</p>
<p>(10) While a candidate is enrolled in a college or university, credit shall be granted:</p>			
<p>(A) 100% for experience obtained under the direct supervision of architect(s) licensed in the U.S.</p>	<p>1 year</p>	<p>or 1 year</p>	<p>1 year</p>
<p>(B) 50% for experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer and/or a licensed landscape architect licensed in a United States jurisdiction.</p>		<p>1 year</p>	<p>1 year</p>

<p>(C) 50% for experience as, or experience obtained under the direct supervision of, a California licensed general building contractor.</p>		<p>1 year</p>	<p>1 year</p>
<p>(D) 50% for experience as, or experience obtained under the direct supervision of, a California certified building official as defined in subsection (c)(7).</p>		<p>1 year</p>	<p>1 year</p>
<p>(E) 50% for experience as, or experience obtained under the direct supervision of, a foreign licensed architect licensed in the qualifying foreign country where the experience occurred.</p>		<p>1 year</p>	<p>1 year</p>
<p><u>(1113) Primary source documentation showing completion of the Intern Development Program (IDP) of the National Council of Architectural Registration Boards NCARB administered experience-based program or the Internship in Architecture Program of Canada shall be granted 100% credit for every hour of work as described in (c)(3) in either program. shall be granted a minimum of three years credit, upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB or documentation transmitted by a Canadian provincial architectural association, respectively.</u></p>	<p>2 years</p>	<p>3 years</p>	<p>58 years</p>

<p>(1214)(A) Experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer, and/or a licensed landscape architect licensed <u>or registered</u> in a United States jurisdiction shall be granted 50% credit for every hour of work as described in (c)(3) up to the 2 year maximum.</p>		<p>2-years</p>	<p>2 years</p>
<p>(B15) Experience as, or experience obtained under the direct supervision of, a California licensed general building contractor shall be granted 50% credit.</p>		<p>1-year</p>	<p>1 year</p>
<p>(C16) Experience as, or experience obtained under the direct supervision of, a California certified building official as defined in subsection (c)(76) shall be granted 50% credit for every hour of work as described in (c)(3) up to the 1 year maximum.</p>		<p>1-year</p>	<p>1 year</p>
<p>(1317) Experience as a licensed <u>or registered</u> architect practicing in another U.S. United States jurisdiction with a verified record of substantial architectural practice shall be granted 100% credit for every hour of work as described in (c)(3) up to the 8 year maximum.</p>		<p>8-years</p>	<p>8 years</p>

<p>(14)(A) A post professional degree in architecture or with an emphasis on architecture consisting of a Master, Master of Science, or Ph.D. degree, or units toward such a degree, or</p>		<p>1 year</p>	<p>1 year</p>
<p>(B18) Teaching and/or research in NAAB-accredited or CACB-accredited architectural curriculums shall be granted 100% credit only for those hours worked if verified by the college or university.</p>		<p>1 year</p>	<p>1 year</p>
<p>(1519)-(A) Experience under the direct supervision of an architect licensed in the qualifying foreign country where the experience occurred shall be granted 50% credit for every hour of work as described in (c)(3) up to the 7 year maximum.</p>	<p>5 years</p>	<p>2 years</p>	<p>57 years</p>
<p>(B20) Experience as a foreign licensed architect licensed in the qualifying foreign country with a verified record of substantial architectural practice shall be granted 50% credit for every hour of work as described in (c)(3) up to the 7 year maximum.</p>	<p>5 years</p>	<p>2 years</p>	<p>57 years</p>

(b) Education Equivalents:

~~“Education equivalents” shall mean Table categories (a)(1) through (a)(9), (a)(10)(A), (a)(11), (a)(13), and (a)(15)(A) and (B).~~

~~(1) For the purposes of this section, NAAB shall refer to the National Architectural Accrediting Board, and CACB shall refer to the Canadian Architectural Certification Board.~~

(21) A “professional degree program” shall be defined as one of the following types of programs:

- ~~1.(A) Bachelor of Architecture, five-year program;~~
- ~~2. Bachelor of Architecture for individuals with a prior degree;~~
- 3.(B) Master of Architecture, four-year undergraduate program in architecture plus a two-year graduate program in architecture;
- 4.(C) Master of Architecture, four-year undergraduate program in another discipline plus a three-year graduate program in architecture.

(32) Where a candidate is seeking education equivalents for having obtained a professional degree or units towards such a degree from an NAAB-accredited or CACB-accredited program, ~~he or she~~ they shall be eligible for such credit if such program is or was accredited by NAAB or CACB either at the time of graduation or within two years after the date of graduation or termination of enrollment.

(43) Credit allowed for units obtained without a degree shall only be computed within the categories of subsections (a)(1) through ~~(54)~~ or ~~(a)(14)(A)(10)~~ of this section. No credit for units obtained under subsections ~~(a)(65) through or (79)~~ shall be recognized unless such units have been transferred to and accepted by a school within subsections (a)(1) through ~~(54)~~ of this section.

~~(54) Academic units based on the categories specified in subsections (a)(1) through (54) or (a)(14)(A)(10) of this section shall be evaluated up to the maximum allowed for that subsection. Where a candidate has not obtained a degree, the maximum credit allowed for the categories contained in subsections (a)(1) through (5) or (a)(14)(A) shall be six months less than the maximum credit that would have been granted if the candidate had obtained a degree in indicated for that category. Fractions greater than one-half of an academic year shall be counted as one-half of a year and smaller fractions will not be counted. 30 semester units or 45 quarter units is considered to be one academic year.~~

~~(65) Degrees in a field related to architecture shall be evaluated under~~ referenced in subsections (a)(54) and (a)(9) are defined as those degrees identified by the National Center for Education Statistics (NCES) Classification of Instructional Programs (CIP) Series:

- (A) 04: Architecture and Related Services except 04.10 Real Estate Development;
- (B) 14.04 Architectural Engineering;
- (C) 14.08 Civil Engineering;
- (D) 14.33 Construction Engineering; and

(E) 52.20 Construction Management.

~~the following: Architectural Design; Architectural Engineering; Architectural Studies; Architectural Technology; Building Science; City and Regional Planning; Civil, Mechanical, Structural, or Electrical Engineering; Construction Engineering; Construction Management; Environmental Design; Interior Architecture; Landscape Architecture; and Urban and Regional Design.~~

~~(7) (A) Experience obtained as, or experience obtained under the direct supervision of, a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while a candidate is enrolled in a college or university shall be allowed maximum credit for educational/training equivalents of 1 year as defined in subsections (a)(10)(A) through (E). A candidate who obtains experience under the direct supervision of a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while enrolled in a college or university shall have his/her education and/or experience evaluated according to the method which provides the candidate the most credit.~~

~~(B) A candidate enrolled in a degree program where credit earned is based on work experience courses (i.e., internship or co-op programs) shall not receive more than the maximum credit allowed for degrees earned under subsections (a)(1) through (7).~~

~~(C) A candidate who is certified as having completed the requirements of IDP, as referenced in section 109(b)(2), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, is exempt from the provisions of subsection (b)(7)(B) relating to maximum credit allowed for degrees where credit is earned based on work experience courses.~~

~~(86) A candidate who possesses a degree and possesses units from more than one college or university shall have the degree evaluated first prior to evaluating additional education credits.~~

~~(97) A candidate with multiple degrees shall not be able to accumulate credit for more than one degree unless he or she has they have received one professional degree in architecture and one post professional degree in architecture or with an emphasis on architecture as specified in subsection (a)(1410)(A). Otherwise, the degree that receives the most credit as determined by subsection (a) shall take priority over any other degree.~~

~~(108) A candidate who possesses a professional degree and also possesses a post-professional degree in architecture or with an emphasis on architecture as specified in subsection (a)(1410)(A) shall be granted one additional year credit for the post professional degree.~~

~~(119) Degrees from a foreign college or university shall be granted credit, as determined by the applicable category contained in subsections (a)(1) through (79). A transcript(s) certified by the college or university must be evaluated by NAAB or an educational evaluation service, approved by the National Association of Credential Evaluation Services, Inc. (NACES) equating the degree toward a comparable U.S.~~

degree. Any cost of evaluation shall be the responsibility of the candidate. Professional degrees accredited by CACB shall be accepted by the Board and shall not be required to be evaluated by NAAB or an NACES education evaluation service equating the degree toward a comparable U.S. degree.

~~(4210)~~ Units from a foreign college or university shall be granted credit, as provided for in the applicable category contained in subsections (a)(1) through ~~(54)~~ upon submission of a transcript(s) certified by the college or university. These certified documents must be evaluated by NAAB or an NACES educational evaluation service equating the units toward a comparable U.S. degree. Any cost of evaluation shall be the responsibility of the candidate. ~~Professional Units~~degrees accredited by CACB shall be accepted by the Board and shall not be required to be evaluated by NAAB or an NACES education evaluation service equating the ~~units~~degree towards a comparable U.S. ~~units~~degree.

(c) Training Equivalents:

~~“Training equivalents” shall mean Table categories (a)(8) through (a)(15).~~

(1) Candidates shall be at least 18 years of age or possess a high school or high school equivalent degree~~graduate~~ before they shall be eligible to receive training credit for work experience.

(2) Except as provided below, work experience shall be granted training credit only when:

(A) The supervising professional is licensed or registered in a United States jurisdiction or a Canadian province and the work experience is obtained or the project is located in a United States jurisdiction or Canadian province, or

(B) The supervising professional is licensed or registered in a qualifying foreign country where the work experience is obtained or the project is located.

Training credit shall be granted for work experience obtained under the authority of or on the property of the United States Federal Government when the work experience is obtained as or under the direct supervision of a licensed or registered professional as defined in subsections (a)(~~811~~), (a)(~~4214~~)(A), and (a)(~~4317~~).

The term “qualifying foreign country” shall mean a foreign country whose standards and qualifications for issuing a license or registration to practice architecture are equivalent to those required in this state.

(3) Employment shall be considered on the basis of a calendar month of 40-hour work weeks. Credit may be given for overtime. Primary source documentation shall mean issued directly from the program or sent from a United States or Canadian regulatory body.

(4) Every candidate shall earn at least one year of training credit for experience as or under the direct supervision of an architect(s) licensed or registered in a United States jurisdiction granted at 100% credit or at least two years of experience under

the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit.

~~(5) Any combination of credit received under subsections (a)(10)(B) and (a)(12)(A) shall not exceed the two years maximum credit allowed for experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer and/or a licensed landscape architect licensed in a United States jurisdiction. Any combination of credit received under subsections (a)(10)(C) and (a)(12)(B) shall not exceed the one year maximum credit allowed for experience as, or experience obtained under the direct supervision of, a California licensed general building contractor. Any combination of credit received under subsections (a)(10)(D) and (a)(12)(C) shall not exceed the one year maximum credit allowed for experience as, or experience obtained under the direct supervision of, a California certified building official. Any combination of credit received under subsections (a)(10)(E) and (a)(15)(A) or (B) shall not exceed the maximum credit allowed for experience as, or experience obtained under the direct supervision of, a foreign licensed architect licensed in the qualifying foreign country where the experience occurred. A candidate cannot exceed two years maximum credit in any combination under subsections (a)(10)(B) through (D) and (a)(12)(A) through (C).~~

~~(65) Experience under the supervision of a “responsible managing officer”, “responsible managing employee,” “responsible managing manager,” or “responsible managing member” operating under a corporate contractor license shall qualify as experience under subsection (a)(1215)(B) and shall be verified by the responsible managing officer, responsible managing employee, responsible managing manager, or responsible managing member of that licensed entity/corporation.~~

~~(76) For the purpose of this section, a California certified building official shall be as defined by Section 18949.27 of the Health and Safety Code as an individual who is certified in accordance with or otherwise exempt from Chapter 7, Part 2.5 of Division 13 (commencing with Health and Safety Code Section 18949.25).~~

~~(8) The entry point for IDP shall be as defined in NCARB's *Intern Development Program Guidelines*, as referenced in section 109(b)(2).~~

~~(d) Practice Equivalents:~~

~~“Practice equivalents” shall mean Table categories (a)(8) through (a)(15).~~

~~(1) Practice credits for experience as a licensed architect, registered civil and/or structural engineer, California licensed general building contractor, licensed landscape architect, or certified California building official may be accumulated only after initial registration, licensure or certification by a licensing authority of a political jurisdiction.~~

~~(27) A candidate verifying his or her their experience as an licensed architect, registered civil and/or structural engineer, California licensed general building contractor, licensed landscape architect, or certified California certified building official may accumulate experience only after obtaining initial registration, licensure,~~

or certification from the appropriate licensing authority of the relevant political jurisdiction. The candidate shall submit each of the following:

(A) complete an Completed Employment Verification Form, as referenced in section 109 (b)(2); and (19C-12)(3/2006) available from the Board on his or her own behalf,

(B) submit pProof of licensure, registration, or certification in each jurisdiction where they possess(ed) a license, registration, or certification, and attach a list of projects for the time period covered. The list shall include: the names and addresses of the clients, type of projects, construction costs, date project was started, date of completion, and all services provided by the candidate.

(e) Miscellaneous Information:

(1) Independent, non-licensed practice or experience, regardless of claimed coordination or liaison with licensed professionals, shall not be granted credit.

(2) Training experience under subsections (a)(10)(B) through (D), (a)(12), or (a)(14) can only be accumulated after the candidate has obtained credit for at least the five years of educational equivalents as evaluated by the Board. Candidates who are certified as having completed the requirements of IDP as referenced in section 109(b)(2), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, or IAP, as referenced in section 109(b)(2), based upon receipt in the Board office of documentation transmitted by a Canadian provincial architectural association, are exempt from this requirement for their IDP/IAP training units.

Note: Authority cited: Sections 5526, 5550 and 5552, Business and Professions Code.
Reference: Sections 5550 and 5552, Business and Professions Code.

AGENDA ITEM N.2: Discuss and Possible Action on Proposed Regulatory Text Amendments for California Code of Regulations (CCR), title 16, division 2, article 3, sections 121 (Form of Examinations; Reciprocity) and 124 (California Supplemental Examination)

Summary

During a review of the Board’s regulations, staff identified CCR title 16, division 2, article 3, section 121 (Form of Examinations; Reciprocity) as requiring updating. As currently written, the title of the regulation does not accurately represent the content, the content requires clarification to more concisely state what is required, and references to obsolete programs must be removed.

The proposed change to the title of 16 CCR section 121 strikes “Form of Examinations;” and adds “California” and “Licensure Requirements” to clearly identify that this section pertains to obtaining a California license through reciprocal licensure. Additionally, subparagraph (a)(2) is being clarified to list the documentation and California Supplemental Examination (CSE) requirements. An additional requirement has been added, specifically requiring a license verification from jurisdictions where the architect has held a license. This addition will ensure the Board receives notification of any disciplinary actions taken against a licensee who does not submit a National Council of Architectural Registration Boards (NCARB) Certificate, which contains disciplinary action information. The Broadly Experienced Foreign Architect Program was eliminated in 2016 and replaced with a pathway for NCARB Certification. Therefore, the requirement for foreign licensees is consolidated into a single subsection (b) since all existing subparagraphs require possession of an NCARB Certificate.

As part of the modification to 16 CCR section 121, a cross-reference is made to 16 CCR section 124 (California Supplemental Examination). Because OAL will review that section when reviewing this rulemaking, Board staff reviewed that regulation and found it lacks a clear definition of what the CSE application requires. Therefore, language was added to clearly identify the fee and the information required for candidates to apply to take the CSE.

Action Requested

The Board is asked to consider a motion to approve the proposed regulatory text for 16 CCR sections 121 and 124, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the

matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR sections 121 and 124 as noticed.

Attachments

1. Amended 16 CCR sections 121 (Form of Examinations; Reciprocity) and 124 (California Supplemental Examination)
2. NCARB Summary Report of Vote on Resolutions at NCARB's Annual Business Meeting Dated June 19, 2015
3. NCARB Press Release Dated May 5, 2016

CALIFORNIA ARCHITECTS BOARD
PROPOSED REGULATORY LANGUAGE

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

Amend Section 121 of Article 3 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 121. ~~Form of Examinations;~~ California Reciprocity Licensure Requirements.

~~All candidates for an architectural license shall be required to take and successfully complete the Architect Registration Examination (ARE) and the California Supplemental Examination subject to the following provisions:~~

(a)(1) A candidate who is licensed or registered as an architect in another United States jurisdiction, (i.e., state, territory, or possession of the United States) either by having passed a written architectural licensing examination administered by that United States jurisdiction on or before January 1, 1966 and who has engaged in the practice of architecture as a licensed architect for five (5) or more years in one or more United States jurisdiction or by having passed an examination prepared by the National Council of Architectural Registration Boards (NCARB), comparable to the ARE (as determined by the Board), shall be eligible to apply for licensure as specified in Section 109(g) upon passing the California Supplemental Examination (CSE) as specified in Section 124 ~~of these regulations.~~

(2) A candidate who is licensed or registered as an architect in another United States jurisdiction and does not meet the qualifications set forth in subsection (a)(1) shall, prior to applying for licensure as specified in Section 109(g), pass the CSE as specified in Section 124 and submit:

(A) A current and valid NCARB Certification transmitted directly by NCARB, or

(B) Each of the following:

- (i) Proof of licensure or registration in another United States jurisdiction,
- (ii) License verification(s) from each jurisdiction where the candidate has possessed a license,
- (iii) Documentation supporting five (5) years of architectural educational experience or the equivalent, as specified in Section 117, and
- (iv) Completion of an experience-based program as specified in Section 109(b)(2), or an Employment Verification Form, as referenced in Section 109(b)(3)(C)(iii) documenting three (3) years of post-licensure architectural practice in another United States jurisdiction.

~~(1) complete IDP or IAP, as referenced in section 109(b)(2); or (2) submit to the Board (A) proof of licensure in another U.S. jurisdiction, (B) an Employment~~

~~Verification Form on his or her own behalf documenting three years of architectural practice as a licensed architect in another U.S. jurisdiction, and (C) documentation of five years of education equivalents. Both documents referred to in the preceding sentence are hereby incorporated by reference. A candidate who holds a current and valid Certification by NCARB shall be exempt from the IDP/IAP requirement and the requirement to submit items (A) through (C) prescribed in this subdivision upon receipt in the Board office of the candidate's current and valid NCARB blue cover Certification file transmitted by NCARB.~~

~~(b)(1) A candidate who is licensed or registered as an architect in a Canadian province foreign country and who holds a current and valid Certification issued by the National Council of Architectural Registration Boards NCARB shall be eligible to apply for licensure as specified in Section 109(g) upon passing the California Supplemental Examination CSE as specified in Section 124 of these regulations.~~

~~(2) A candidate who is registered as an architect in the United Kingdom and who holds a current and valid Certification issued on or before December 31, 1996 by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.~~

~~(3) A candidate who is registered as an architect in a foreign country and who holds a current and valid Certificate issued by the National Council of Architectural Registration Boards obtained by completing the Broadly Experienced Foreign Architect Program shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.~~

Note: Authority cited: Sections 115.4, 5526 and 5552.5, Business and Professions Code. Reference: Sections 115.4, 5550 and 5552.5, Business and Professions Code.

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

Amend Section 124 of Article 3 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 124. California Supplemental Examination.

(a) The California Supplemental Examination (CSE) shall consist of an examination covering the practice of architecture.

(b) A candidate who has been deemed eligible for the CSE, pursuant to Section 116(b)(2) ~~of these regulations~~, shall submit the applicable fee as prescribed in Section 144 and application, as provided by the Board which shall contain:-

- (1) the applicant's legal name,
- (2) the applicant's address and email address,
- (3) the applicant's home and work telephone numbers, and
- (4) the applicant's Board identification number.

(c) A candidate who fails the CSE shall be allowed to retake the examination only after reapplying with the Board, as prescribed above in paragraph (b).

(d) A candidate who fails the CSE shall retake it in entirety and may not retake the examination for at least 90 days from the date that the candidate took the examination that they failed.

Note: Authority cited: Sections 5526 and 5550, Business and Professions Code.
Reference: Section 5550, Business and Professions Code.

Press

Summary Report of Vote on Resolutions at NCARB's Annual Business Meeting

06/19/2015

New Orleans—During the National Council of Architectural Registration Boards (NCARB) Annual Business Meeting in New Orleans, delegates representing 53 of the Council's 54 Member Boards that oversee the practice of architecture voted on the following resolutions:

[\[Resolution 2015-01\]](#) [\[Resolution 2015-02\]](#) [\[Resolution 2015-03\]](#)

[Resolution 2015-01](#): *Certification Guidelines* Amendment – Revision of the Alternatives to the Education and Experience Requirements for

Certification

Failed as amended: 27-26 (needed a majority of Member Boards to pass, which is 28 votes)

RESOLVED, that the Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction as included in Section 2 of the *Certification Guidelines* be revised as indicated below:

“2.2 Alternatives to the Education Requirement

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

A. ~~Satisfaction of NCARB’s Broadly Experienced Architect (BEA) Program, which permits an applicant with the required years of experience in practicing architecture as defined in the *Legislative Guidelines and Model Law, Model Regulations* gained while holding a registration issued by any U.S. jurisdiction to demonstrate that a combination of education and/or experience in practicing architecture satisfies all of his/her education deficiencies with respect to the *NCARB Education Standard* set forth in the *Education Guidelines*. The required years are:~~

- ~~Six years for architects who hold a pre-professional degree in architecture awarded by a U.S.-regionally accredited institution or the Canadian equivalent, or~~

- ~~Eight years for architects who hold any other baccalaureate or higher degree, or~~
- ~~Ten years for architects who do not hold a postsecondary baccalaureate or higher degree.~~

Five (5) years of continuous licensure in any U.S. jurisdiction with no disciplinary action from any jurisdiction;

and

Documentation of work experience gained pre-licensure and/or post-licensure.

The experience must be verified in accordance with the requirements of the NCARB Intern Development Program or by an NCARB certified architect:

- Applicants with a pre-professional degree in architecture awarded by a U.S. regionally accredited institution or the Canadian equivalent must

document two times (2x) the experience requirement of the NCARB Intern Development Program.

- Applicants with any other four (4) year baccalaureate degree awarded by a U.S. regionally accredited institution or the Canadian equivalent must document three times (3x) the experience requirement of the NCARB Intern Development Program.

B. Applicants with a degree in the field of architecture that is not accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) must obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the *NCARB Education Standard*.

The NCARB Intern Development Program is described in the *IDP Guidelines*. The *NCARB Education Standard* and the *NCARB Broadly Experienced Architect Program* are described in the *Education Guidelines*. These documents which may be revised from time to time by NCARB.

2.3 Alternatives to the Experience Requirement

This alternative shall be available only to those applicants who meet the alternative to the education requirement in accordance with the requirements of Section 2.2 B.

In lieu of completing the Experience Requirement identified in Section 1.3, NCARB will accept registration by an NCARB Member Board for at least five consecutive years together with a certification by the applicant that his or her experience as a registered architect met the intent of the IDP in each of the experience areas, and verification by one or more other architects that the applicant obtained such experience. This alternative shall not apply to applicants initially registered after January 1, 2011.”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

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, 2016 and will apply both to applications for certification in process and new applications; if applicants whose applications were in process met all certification requirements that existed prior to the changes referenced herein, they will be eligible for certification.

Resolution 2015-02: *Certification Guidelines* Amendment – Revision of the Requirements for Certification of Foreign Architects

Passed: 49-4

RESOLVED, that the Requirements for Certification of an Architect Credentialed by a Foreign Registration Authority, included in Section 4 of the *Certification Guidelines* be revised as indicated below:

“4.2 Education Requirement

~~You must hold a professional degree in architecture from an accredited/validated/officially recognized architecture program. You are required to describe such program or submit information describing the program from the accreditation/ validation/recognition authority. You must hold a recognized education credential in an architecture program that leads to a license/credential for the unlimited practice of architecture in the foreign country. You are required to have an official transcript of your educational record sent directly to NCARB from the school. Where there is doubt about the nature of the professional degree, an Educational Evaluation Services for Architects (EESA) evaluation may be required.~~

4.3 Registration Requirement

You must be credentialed in a foreign country that has a formal record-keeping mechanism for disciplinary actions in the practice of architecture. You are required to describe the process by which you were credentialed or submit information describing the credentialing process from the credentialing authority that granted the credential, and to arrange for independent verification by the credentialing authority directly to NCARB showing that your credential has been granted and is currently in good standing. You are also required to describe the process

by which and the reasons for which disciplinary actions may be taken against architects and the system in which these actions are recorded, or to submit information provided by the disciplinary authority in this regard. You shall secure a written statement from your credentialing authority stating that you either have no record of a disciplinary action or if such record exists, describing such action and its current status. This statement must be sent directly to NCARB from the credentialing authority.

4.4 Experience Requirement

You must have completed a minimum of seven (7) years of comprehensive practice as a credentialed architect over which you exercised responsible control in the foreign country in which you are credentialed.

- “Comprehensive practice” means the application of the knowledge and skills of those aspects of the profession assessed by the Architect Registration Examination.
- “Responsible control” means that amount of control over and detailed professional knowledge of the content of technical submissions during their

~~preparation as is ordinarily exercised by U.S. registered architects applying the required professional standard of care.~~

You must document completion of the NCARB Intern Development Program (IDP).

4.5 Examination Requirement

You must pass the Architect Registration Examination® (ARE®)."

FURTHER RESOLVED, that the introduction paragraph entitled "Requirements for Certification of an Architect Credentialed by a Foreign Registration Authority" be deleted from Section 4 of the *Certification Guidelines*:

~~"BROADLY EXPERIENCED FOREIGN ARCHITECT (BEFA) PROGRAM
Foreign architects may apply for NCARB certification through the Broadly Experienced Foreign Architect (BEFA) Program set forth in this section. All information provided in the eligibility and application forms must be in English. English translations must be provided for all transcripts, credentials, and dossier documents. The interview will be conducted in English, without the assistance of a translator."~~

FURTHER RESOLVED, that "Appendix A: The Broadly Experienced Foreign Architect Process" be deleted in its entirety from the *Certification Guidelines*, including its reference in the Table of Contents.

FURTHER RESOLVED, that Section 1, "Requirements for Certification of an

Architect registered in a U.S. Jurisdiction,” Subsection 1.3 “Experience Requirement” paragraph four be revised as follows:

“The Reporting Requirements identified in the IDP Guidelines do not apply to architects registered in the United States or Canada or to ~~foreign architects~~ credentialed by a foreign registration authority pursuing NCARB certification through ~~the Broadly Experienced Foreign Architect (BEFA) Program.~~”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of “Requirements for Certification of an Architect Credentialed by a Foreign Registration Authority,” and the corresponding sections referenced herein, remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

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, 2016 and will apply both to applications for certification in process and new applications; if applicants whose applications were in process met all certification requirements that existed prior to the changes referenced herein, they will be eligible for certification.

Resolution 2015-03: *Bylaws* Amendment – Modifications to the Qualifications of Public Director on Council Board of Directors

Passed as amended: 44-9

RESOLVED, that Article VII, Section 2 of the *Bylaws* is amended to read as follows, with the amendments to clause (ii) not taking affect until July 1, 2016:

“A candidate for election as the Public Director (i) shall be a citizen of the United States, (ii) shall be serving as a public or consumer member on a Member Board ~~not be a person engaged in or licensed to engage in the design of any portion of buildings or structures or a member of a Member Board or Member Board Executive~~, and (iii) any person qualified as prescribed above may be nominated as Public Director by declaring his or her candidacy at the time election for such office begins at the Annual Meeting ~~shall be nominated by the Council Board of Directors and shall be elected at the Annual Meeting~~. A Public Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Public Director shall be filled by the Council Board of Directors.”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the *Bylaws* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these resolutions shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the resolutions by an affirmative vote of not less than two-thirds of the Council Member Boards, such changes to the *Bylaws* will become effective July 1, 2016.

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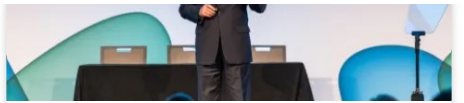




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Press Release

May 5, 2016
FOR RELEASE: IMMEDIATELY

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NCARB to Launch Alternative Path to Certification for Foreign Architects

This July, foreign architects will be able to pursue NCARB certification by meeting U.S. experience and examination requirements.

Washington, DC—Starting July 1, licensed foreign architects seeking NCARB certification will have the option to complete two programs required for registration in the United States: the [Architectural Experience Program](#) (AXP) and the [Architect Registration Examination](#)® (ARE®).

Awarded by the National Council of Architectural Registration Boards (NCARB), the [NCARB Certificate](#) facilitates registration among U.S. jurisdictions and Canadian provinces.

To be eligible for this alternative path, foreign architects must meet the following requirements:

- **Education:** Have a recognized education credential in an architecture program that leads to registration/credential in a foreign country.
- **Registration:** Hold a credential in a foreign country that has a formal record-keeping mechanism for disciplinary actions in the practice of architecture.

To gain certification, eligible applicants will need to pass the ARE, the national exam used to test a licensure candidate's knowledge and skills. Applicants will also need to complete the AXP, a program designed to guide licensure candidates through the various stages of architectural practice. Plus, applicants will be able to document eligible experience from any point in their career.

“This new path will simplify the process for foreign architects who are licensed, but do not currently meet the requirements for NCARB certification,” said NCARB CEO Michael Armstrong. “By requiring completion of the AXP and ARE, this group will be held to the nationally accepted standards for licensure in the United States.”

The new alternative will replace the [Broadly Experienced Foreign Architect](#) (BEFA) Program, eliminating the need for foreign architects to prepare a dossier for committee review, participate in an interview, and document seven years of credentialed practice in a foreign country. The new procedures were adopted through a vote of the NCARB membership to amend the NCARB *Certification Guidelines*.

For more information on earning a license to practice architecture in the United States, visit www.ncarb.org.

Press Release

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About NCARB

The National Council of Architectural Registration Boards' membership is made up of the architectural registration boards of all 50 states as well as those of the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. NCARB assists its member registration boards in carrying out their duties and provides a certification program for individual architects.

NCARB protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects. In order to achieve these goals, the Council develops and recommends standards to be required of an applicant for architectural registration; develops and recommends standards regulating the practice of architecture; provides to Member Boards a process for certifying the qualifications of an architect for registration; and represents the interests of Member Boards before public and private agencies. NCARB has established reciprocal registration for architects in the United States and Canada.

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AGENDA ITEM N.3: Update on California Code of Regulations (CCR), title 16, division 2, article 10, section 166 (Zero Net Carbon Continuing Education)

Summary

At its September 8, 2023 meeting, the Board approved proposed responses to substantive comments made during the initial 45-day public comment period for the Zero Net Carbon Continuing Education regulation package and approved a modification of the proposed language. Staff sent out a notice of modified text on September 12, 2023, which opened a new 15-day public comment period on the modified text which closed on September 27, 2023. During this public comment period, no additional comments were received.

Staff worked with the Department of Consumer Affairs (DCA) Legal Affairs Division (LAD) to develop the final rulemaking file which was submitted to DCA for review on October 5, 2023. The Director of DCA approved the file on October 8, 2023 and it was submitted to Agency on October 9, 2023. Agency approved the package on November 8, 2023, and the final rulemaking package was sent to OAL for final review on November 13, 2023. OAL has until December 28, 2023 to complete their review.

Staff anticipates approval of the regulatory package prior to its mandated July 1, 2024 implementation date.

Action Requested

No action is requested.

AGENDA ITEM O: CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTION 11126(c)(3), THE BOARD WILL MEET IN CLOSED SESSION TO:

1. Perform the Annual Evaluation of its Executive Officer
2. Approve February 24, 2023, Closed Session Minutes

AGENDA ITEM P: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for 2023 are provided to the Board.

<u>Date</u>	<u>Event</u>	<u>Location</u>
December 1	Board Meeting	Teleconference