

MINUTES

REGULAR MEETING

CALIFORNIA ARCHITECTS BOARD

June 13, 2013

Sacramento, CA

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

Board President Sheran Voigt called the meeting to order at 10:00 a.m. and Board Secretary Pasqual Gutierrez called roll.

Board Members Present

Sheran Voigt, President
Hraztan Zeitlian, Vice President
Pasqual Gutierrez, Secretary
Jon Alan Baker
Chris Christophersen
Jeffrey Heller
Marilyn Lyon
Matt McGuinness
Michael Merino
Fermin Villegas

Guests Present

Susan Broderick, California Legislative Coalition for Interior Design (CLCID), National Kitchen & Bath Association (NKBA), National Association of the Remodeling Industry
Mark Christian, Director of Legislative Affairs, The American Institute of Architects, California Council (AIACC)
Kurt Cooknick, Director of Regulation and Practice, AIACC
Elma Gardner, President, NKBA, California Capital Chapter
Bob Holmgren, Ph.D., Supervising Personnel Selection Consultant, Department of Consumer Affairs (DCA), Office of Professional Examination Services (OPES)
Nicki Johnson, Landscape Architects Technical Committee (LATC)
Linda Johnston-Panattoni, CLCID, NKBA
Heidi Lincer-Hill, Ph.D., Testing Division Chief, Contractors State License Board
Shanker Munshani, Chairman, Academic & Credential Records, Evaluation & Verification Service
Raul Villanueva, Personnel Selection Consultant, OPES

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer

Marcus Reinhardt, Program Manager, Examination/Licensing Unit
Trish Rodriguez, Program Manager, LATC
Mel Knox, Administration Analyst
Justin Sotelo, Examination/Licensing Analyst
Hattie Johnson, Enforcement Officer
Robert Carter, Architect Consultant
Don Chang, Assistant Chief Counsel, DCA

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

B. PRESIDENT'S REMARKS

Ms. Voigt announced that, for the first time in five years, a delegation from the Board will attend the 2013 National Council of Architectural Registration Boards (NCARB) Annual Meeting in San Diego on June 19-20. She added that several Board members have been appointed to NCARB committees this year. Michael Merino announced that he was appointed to serve on the National Architectural Accrediting Board (NAAB) Accreditation Visiting Team. Mr. Gutierrez said that he was appointed to the Licensure Task Force. Jon Baker informed the Board that he had been appointed to the Examination Committee. Ms. Voigt stated that she was appointed to the Professional Conduct Committee.

C. PUBLIC COMMENT SESSION

Kurt Cooknick spoke about his observations of the Regulatory and Enforcement Committee (REC) meeting on April 25, 2013. He expressed concern with the REC Chair's decision to limit public testimony time to five minutes at that particular meeting. Mr. Cooknick believed the Chair's decision was contrary to the Board's efforts to foster a spirit of positive, productive, and professional exchange with the public. He added that, of the 18 boards he monitors, and of the 12 he actually lobbies as Director of Regulation and Practice at AIACC, the California Architects Board is one of the best and more transparent, a tradition he hopes to see continue.

Shanker Munshani addressed the Board, thanking members for providing constructive feedback to his comments at the March 7, 2013 meeting in Berkeley. He supplied the Board with documentation that outlined foreign credential evaluation services in the United States (US). Mr. Munshani recommended to the Board that it follow the recommendation of the US Department of Education regarding international credential evaluation.

Mr. Merino addressed the comment conveyed by Mr. Cooknick. He shared his concern with the appearance that the Board and its committees provide particular organizations with greater ability to speak at meetings. Mr. Merino acknowledged Mr. Cooknick as an association colleague; however, as Chair of the REC, Mr. Merino explained his intent to create structure and formality and to limit open-ended dialogue with members of the public. He said that AIACC has the right, as does every other member of the public, to provide staff with thorough written comments on issues being considered prior to Board and committee meetings.

D. APPROVE THE MARCH 7, 2013 AND MAY 7, 2013 BOARD MEETING MINUTES

Ms. Voigt invited comments concerning the March 7, 2013 Board Meeting Minutes.

- **Michael Merino moved to approve the March 7, 2013 Board Meeting Minutes.**

Marilyn Lyon seconded the motion.

The motion passed 10-0.

Ms. Voigt invited comments concerning the May 7, 2013 Special Board Meeting Minutes.

- **Michael Merino moved to approve the May 7, 2013 Special Board Meeting Minutes.**

Marilyn Lyon seconded the motion.

The motion passed 10-0.

E. EXECUTIVE OFFICER'S REPORT

Doug McCauley stated that the next Board meeting will be held on September 12, 2013 at Woodbury University in Burbank, and the December 11-12, 2013 meeting will likely be held at a location to be announced. He said that a presentation on BreZE (the system used internally by DCA and board/bureau/committee staff to process/track/manage license, cash, and enforcement information) will be provided at a future Board meeting. He also noted the system should be a very powerful tool which is currently in its final development phases, and that the initial roll-out has been delayed.

Mr. McCauley indicated that it will be important for the Board to attend the upcoming NCARB Annual Meeting because there are changes to the national Architect Registration Examination (ARE) that will impact the California Supplemental Examination (CSE). He informed the Board that an out-of-state travel request to attend the 2014 NCARB Annual Meeting had been submitted in April 2013 to DCA for approval. Mr. McCauley reported that program staff had begun to update Sunset Review data for the next report due in 2014, and said a draft will be provided in early 2014. Mr. McCauley reported that the LATC had accepted the opinion of legal counsel concerning ongoing efforts relative to the exempt area of practice. He said the LATC's Exemptions and Exceptions Task Force is determining if current law is sufficiently clear to protect consumers. As a part of the Board's mission to promote multiple pathways into the profession, Mr. McCauley informed that LATC approved the Extension Certificate Programs for the University of California (UC), Los Angeles and UC, Berkeley for a period of six years, effective January 1, 2014.

Mr. McCauley reminded the Board of its positions adopted on three legislative items pertaining to SB 308 (Price) regarding California Council of Interior Design Certification during the May 7, 2013 Special Board Meeting. He said that the Board's positions were communicated to staff for the author of the legislation, and stated he will provide the Board with an update once

the bill is set for hearing. Ms. Voigt asked members of the Board if they wished to change any of the Board's positions on SB 308; there was no response.

Mr. McCauley explained that, based on new information from legal counsel, the Board may wish to reconsider its position taken on Assembly Bill (AB) 186 (Maienschein). He explained that AB 186 would indeed require the Board to waive the CSE, which was identified as a significant concern by Board members in previous discussion. Mr. McCauley stated, if the CSE is important to protect the public, it is *always* important to protect the public. Therefore, he recommended to the Board that it consider a motion to respectfully request an exemption from AB 186. Alternatively, Mr. McCauley recommended that the Board oppose the legislation since it fails to sufficiently address the Board's highest priority: protection of the public.

Ms. Voigt invited comments from members of the Board. Mr. Merino shared his impression that the Board would lean toward taking action to accommodate military spouses in the context of AB 186, but also agreed with members that the Board must honor its mandate to ensure the public health, safety, and welfare. He expressed a desire to take action to avoid any false appearance that the Board opposes the intent of AB 186. Mr. Merino also acknowledged the concept of waiving the CSE as unsettling.

- **Michael Merino moved to adjust the Board's position on AB 186 from "Support with Concern" to "Oppose Unless Amended," and to request an exemption while noting the Board's efforts to address the intent of the legislation.**

Marilyn Lyon seconded the motion.

The motion passed 10-0.

Mr. McCauley presented the AIACC-sponsored AB 630 (Holden) proposed legislation on architect's instruments of service, reminding the Board of its earlier vote to support the bill with caveats. He outlined for the Board its concerns enumerated in previous discussion.

Mr. McCauley repeated the Board's opinion that the proposed provisions do not belong in the Architects Practice Act (Act), but are more suitable to the Civil Code or the General Provisions of the Business and Professions Code (BPC). He also revisited the Board's concern that these proposed provisions would expose the consumer to possible abuse by an unscrupulous architect. Mr. McCauley said there is a significant consumer protection issue associated with AB 630.

Bob Carter shared his opinion of AB 630 with the Board, which was expressed in a memorandum to the Executive Officer distributed at the meeting. Mr. Carter advised that, if the proposed legislation were in place, it would not be enforceable by the Board since it has no authority or jurisdiction over consumers including third parties such as banks, developers, or courts. He also said any legal action to gain recovery from the misuse of one's documents would need to be based on application of the current federal copyright law provisions – which are an available remedy for this issue today without AB 630. Mr. Carter suggested to the Board that it oppose AB 630, citing his view that the language in the bill confuses, not clarifies, existing law and requires the consumer to accept a contract that may not be in his/her best interest. Mr. McCauley recommended that the Board consider a motion to oppose AB 630.

Mr. Gutierrez discussed multiple tiers of consumers and how they could be impacted by AB 630. Jeffrey Heller asked how AB 630 came into existence, to which Mr. McCauley replied that the bill was supported and sponsored by AIACC. Mr. Baker questioned hypothetical scenarios used to illustrate concern with AB 630. He stated that he does not understand how an owner of real property would not simultaneously own the architect's instruments of service during the transfer of ownership from one party to another. Mr. Merino commented that the Board must view this issue not through an architectural lens, but through one of consumer protection. He also stated that, as discussions continue, the Board should consider whether AB 630 is consistent with its mission. Mr. McCauley referred to BPC section 5510.15 to remind the Board that protection of the public is its highest priority, and "Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

Mark Christian of AIACC, the sponsoring entity of AB 630, addressed the Board. Mr. Christian said that AIACC acknowledges and agrees with the Board's mission to protect the public, claiming that the proposed legislation is a pro-consumer law because it states to the consumer the conditions of when one can and cannot use the services of an architect. Mr. Christian submitted that the proposed legislation belongs in the Act and cited three sections of law contained in the Act that do not involve enforcement by the Board. He said there is respectful disagreement about what AB 630 does. Mr. Christian informed that the objective of the bill is to protect the copyright of the architect since federal statute already prevents the architect's intellectual property from being used without permission. He emphasized that AIACC does not intend to change the law or take away any consumer rights with AB 630.

Hraztan Zeitlian expressed his view that the Board should support AB 630 and remove its caveats, saying he does not believe this proposed legislation would jeopardize consumer rights. Mr. Baker agreed.

Mr. Merino asked Mr. Christian why AIACC is proposing additional language to include in the Act for which there is no enforcement mechanism by the Board. Mr. Christian explained that the average consumer does not understand the difference between a product and a service, and said that adding a statement which says an individual cannot use the services of an architect without permission has value. Mr. Merino said it appears that the Board would be acting in the interest of the architect more than that of the consumer. He asked Mr. Christian if the proposed language would expose the Board to the unintended consequence of having to adjudicate a complaint of one architect against another. Mr. Christian opined AB 630 does not take away any existing rights to the consumer who may wish to use a different architect for future modifications to a building. He said if an architect calls the Board and complains that another licensee is not allowing him to use the plans of the original structure and is putting the consumer's rights at risk, it would depend on the definition of "use." Mr. Merino asked if AIACC could modify the proposed language to make it more clear for the benefit of the less-informed consumer. Mr. Christian answered in the affirmative.

Mr. Baker said he does not see this proposed language as something AIACC expects the Board to enforce, and asked, what will happen to the consumer who wishes to change architects if AB 630 is enacted and consent is required to be given by the first architect to the new architect? Mr. Christian responded by asking how the situation is addressed now, stating that the bill does not change the process.

Matt McGuinness asked Mr. Christian, if federal law applies, why not simply address this issue in contract language instead of a manner in which the Board could not enforce. Mr. Christian responded with examples of bank cases to illustrate that there are existing laws already in effect for architects to protect their interests. He said AIACC is attempting to prevent expensive litigation.

Jeffrey Heller said he could see some value with AB 630. He said he can see a consumer protection element if the client wishes to use a project with drawings; the protection is that it must be a licensed professional who uses them, but he says that is not clear in the language. Mr. Heller commented there is no law which addresses solving issues regarding payment and ownership of drawings, and asked Mr. Christian how he sees this bill protecting consumers and promoting the health, safety and welfare of the public. He suggested to Mr. Christian that, perhaps, the way to make the bill more acceptable to the Board is to require the consumer to utilize a licensed professional in order to protect the public from misuse of an architect's work product. Mr. Christian acknowledged that Mr. Heller's points were thought provoking, but said he was not sure if AIACC would entertain amendments or changes because they are attempting to reflect existing law with AB 630, not change it in any way.

Mr. Merino stated he believes the legal aspects of AB 630 are more pertinent to the General Provisions of the BPC than to the Act. Ms. Lyon said she thinks the issue could be addressed using a consumer education approach, and is not sure it belongs in the Act.

Mr. Gutierrez said there are various levels of clients and not all have sophisticated language in contracts. He also said that instruments of service are more than plans and schematics. Mr. Gutierrez sees the bill as a benefit that provides clarification to the consumer.

Mr. Zeitlian said he agrees with AIACC that AB 630 does properly belong in the Act. He said the bill would support the Board's efforts to protect consumers because it will be inserted in a place that the consumer can easily access to inform themselves.

Mr. Villegas disagrees that the proposed language clarifies anything in current law, and thinks it will lead to more confusion. He says the bill is a solution looking for a problem and does not agree that it belongs in the Act.

Mr. Baker stated his belief that the bill restates copyright law and there will be some benefit to placing the language into the Act, making it more visible for consumers.

Mr. McCauley stated that DCA's Division of Legislative and Policy Review, and the Business Consumer Services and Housing Agency have called to ask why the Board is supporting AB 630 since it does not appear to be pro-consumer protection. He said, given the fact that the Board has entered its Sunset Review year, it may not be wise to support the proposed legislation. Mr. McCauley pointed out that AIACC's cited sections of law in the Act may or may not be about consumer protection, but AB 630 differs. He added that a five-line bill (AB 630) is likely not sufficient to clarify hundreds of pages of complex federal copyright law.

Ms. Voigt submitted that a part of the problem with AB 630 is that its pro-consumer protection language is not clear enough. Mr. Baker disagreed, saying the bill clarifies to the consumer what their rights are and what they are not regarding instruments of service they have acquired. He said the concept of communicating and interpreting the law in a way that consumers understand the importance of addressing the issues of the design professional before they embark on a project is okay. Mr. Baker suggested the possibility of taking a neutral position while expressing his support for the concept of AB 630.

Mr. McCauley shared an analogy from the medical profession to explain the normal legislative approach for policy concerns. He explained that, as a first step, an issue should be treated with the simplest, least invasive solution; from there, a more aggressive treatment can be applied. If the second solution fails, then a very aggressive approach is in order. In this instance, Mr. McCauley stated, the more modest approach, as Ms. Lyon identified, would be to use the Consumer's Guide to Hiring an Architect as a vehicle to educate consumers about architects' intellectual property. A more significant approach, he suggested, would be to require a specified disclosure in the written contract. The more severe approach, Mr. McCauley said, might be legislation like AB 630.

Mr. Cooknick complemented his colleague, Mr. Christian, on his presentation of AB 630, and stated that there are instances when the consumer could find themselves in litigation for reasons the Board should consider to be under its purview. He also said the Board should not view this proposed legislation with such a broad scope, and opined that supporting AB 630 should not be a problem for Sunset Review. Mr. Cooknick said the Consumer's Guide to Hiring an Architect is a reflection of the Act, and that this bill makes perfect sense.

Hattie Johnson enquired whether the law could be amended to address third parties.

Mr. Christian explained that federal copyright law applies to all consumers, therefore, all consumers must possess a license from the architect to use his/her instruments of service, or must own the intellectual property themselves. Ms. Johnson said the Board's Enforcement Unit does know of cases when architects abandon projects and refuse to allow the consumer to use the plans even though the architect had been fully compensated; she expressed concern that, if AB 630 is enacted, the consumer will be further disadvantaged. Ms. Johnson told Mr. Christian that the Board informs consumers of their right to use supplanting architects and to use the services that were paid for.

Mr. Merino suggested a motion be made for the Board to continue its support of AB 630 with reservations.

- **Hraztan Zeiltian moved to support AB 630 without caveats.**

Jon Baker seconded the motion.

The motion failed 3-5-1-1 (Chris Christophersen, Marilyn Lyon, Matt McGuinness, Michael Merino and Fermin Villegas opposed; Jeffrey Heller abstained; Sheran Voigt did not vote).

- **Michael Merino moved to support AB 630 if modified to address the Board’s concerns regarding a lack of consumer protective language.**

Jeffrey Heller seconded the motion.

The motion failed 3-6-0-1 (Sheran Voigt did not vote).*

- **Jon Baker moved to adopt a neutral position on AB 630.**

Marilyn Lyon seconded the motion.

The motion failed 3-4-0-3 (Sheran Voigt and two other Board members did not vote).*

- **Hraztan Zeitlian moved to support AB 630 without caveats.**

Jeffrey Heller seconded the motion.

The motion failed 4-5-0-1 (Sheran Voigt did not vote).*

- **Fermin Villegas moved to oppose AB 630.**

Matt McGuinness seconded the motion.

The motion failed 2-7-0-1 (Jon Baker, Chris Christophersen, Pasqual Gutierrez, Jeffrey Heller, Marilyn Lyon, Michael Merino and Hraztan Zeitlian opposed; Sheran Voigt did not vote).

Mr. McCauley suggested to the Board that it consider an “oppose unless amended” position, which would enable members to articulate concerns and spell out desired amendments.

Mr. Merino said that his motion was intended to do just that. Mr. Heller noted that he wishes to see an amendment that preserves and even strengthens consumer protection. Mr. Baker echoed Mr. Carter’s and Ms. Johnson’s concern regarding architect/consumer disputes and the potential for architects to abuse power by unnecessarily withholding their consent. He suggested that the current language reflected in AB 630 does not address legitimate consumer protection concerns.

- **Michael Merino moved to support AB 630 if amended with language that a licensed design professional must be utilized.**

Jon Baker seconded the motion and revised it as follows: support AB 630 if amended with language to require 1) a licensed design professional be utilized, and 2) any consent will not be unreasonably withheld.

Mr. Heller said that he believes this will lead to greater levels of consumer protection.

Michael Merino accepted the amendment to the motion provided by Jon Baker.

The motion passed 6-4 (Pasqual Gutierrez, Marilyn Lyon, Matt McGunniess, and Fermin Villegas opposed).

The Executive Officer's Report (Agenda Item E) was continued until after Closed Session.

F.** CLOSED SESSION – [CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(1) AND (3)]

The Board went into closed session.

E. EXECUTIVE OFFICER'S REPORT (Continued)

Mr. McCauley continued with his report to the Board. In order to become more transparent, Mr. Merino proposed to the Board that the Nominating Committee first bring officer nominations to a Board meeting, then allow a vote on that slate of candidates at the next meeting. He explained that Board members would then have an opportunity to discuss candidates and to be more active in the election process. Mr. Baker stated that better communication regarding the nominating and selection process is needed. The Board decided to follow the process that currently exists in the Board Member Administrative Procedures Manual, particularly the procedure that allows a run-off election if more than one Board member is interested in an officer position.

Mr. McCauley provided the Board with a budget update. He stated that, given State budget realities and the Board does not spend its entire budget, since the Board will be under Sunset Review next year, the Board may want to consider voluntarily reducing its budget. Mr. Heller asked about the possibility of using the extra funds as leverage to secure permission to travel more freely and to do other things that are currently under restriction. Mr. McCauley said he did not think that would be appropriate. He said if the Board decides to voluntarily reduce its budget, it should do so because it is the right thing to do. Mr. McCauley also said staff would provide options at the next Board meeting.

F. CLOSED SESSION – [CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(1) AND (3)]

The Board returned to Closed Session when OPES representatives joined the meeting.

G. CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

The Board reviewed and discussed the Intra-Agency Contract Agreement with OPES for CSE development contained within the packet.

- **Michael Merino moved to approve the Intra-Agency Contract Agreement with OPES for CSE development for the upcoming fiscal year 2013/14.**

Chris Christophersen seconded the motion.

The motion passed 9-0 (Hratzan Zeitlian not present at time of vote).

Addressing his remarks to OPES representatives, Mr. Baker stated that, in earlier conversation, the Board discussed examination development process problems related to the last two CSE forms. He recognized that the Board had, in 2011, shifted from an oral examination format to a written one, and informed that the Board is considering an internal audit of its examination development process. Mr. Baker explained that an audit would be important to gauge appropriateness of exams being administered. He then informed that the Board will request that staff explore the structural details of such an evaluation, the role OPES would play, and the possibility of utilizing a third-party to provide objective input. Mr. Baker stated that the intent of this possible action is to identify CSE development areas that could be improved.

- **Jon Baker moved to direct staff to research an internal audit of current practices related to CSE development.**

Michael Merino seconded the motion.

The motion passed 10-0.

Ms. Voigt said staff is recommending that the Board delay discussion and possible action on the CSE Occupational Analysis (OA) until after the NCARB Practice Analysis is complete.

- **Marilyn Lyon moved to delay discussion and possible action on CSE Occupational Analysis until after the NCARB 2012 Practice Analysis is complete.**

Jon Baker seconded the motion.

The motion passed 10-0.

H. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. McCauley explained that NCARB is seeking public comment from Member Boards on two proposed changes to the Intern Development Program (IDP). He said these proposed changes are consistent with IDP discussions that the Board has had for more than 15 years, and suggested the Board consider a motion of support for NCARB's proposals.

- **Jon Baker moved to support NCARB's proposed changes to the IDP related to employment duration and IDP entry point.**

Michael Merino seconded the motion.

The motion passed 10-0.

Mr. McCauley reported that the Board's current contract with NCARB for the administration of the ARE is due to expire on June 30, 2013, and asked the Board to approve a new contract for the period of July 1, 2013 through June 30, 2016.

- **Michael Merino moved to approve the new contract with NCARB for ARE administration for the period of July 1, 2013 through June 30, 2016, in anticipation of NCARB approval.**

Fermin Villegas seconded the motion.

The motion passed 10-0.

Concerning recommended positions on NCARB resolutions, Mr. McCauley and Vickie Mayer suggested to the Board that it maintain its positions as voted upon in March, and to delegate authority to the Board's NCARB 2013 Annual Meeting delegates to take appropriate action as necessary.

- **Jon Baker moved to approve the recommended positions of support for NCARB Resolutions 2013-01, 2013-02, 2013-03, 2013-04, 2013-05 and 2013-06, and to delegate authority for the Board's NCARB 2013 Annual Meeting delegates to take appropriate action as necessary.**

Fermin Villegas seconded the motion.

The motion passed 10-0.

The Board then reviewed the candidates' resumes for NCARB 2013/2014 officer positions contained in the meeting packet.

- **Michael Merino moved to support the existing slate of candidates for 2013/2014 officer positions at NCARB.**

Jon Baker seconded the motion.

The motion passed 10-0.

I. REVIEW AND APPROVE PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 2, SECTION 116 (ELIGIBILITY FOR EXAMINATION)

Marcus Reinhardt proposed that the Board amend California Code of Regulations (CCR) section 116 (Eligibility for Examination) in response to new NCARB action that requires all candidates to establish and maintain an active NCARB Record for the purpose of accessing, viewing, and downloading examination-related content. He asked the Board to consider a motion approving an amendment to reflect that all candidates who take the ARE must possess an active NCARB Record.

Mr. Baker enquired about the potential for this amendment to negatively impact candidates who do not possess an accredited degree. Mr. Reinhardt asserted that possession of a degree is not relevant to the requirement, as it does not relate to completion of IDP.

- **Hraztan Zeitlian moved to approve proposed regulatory language to amend CCR, Title 16, Division 2, Section 116 (Eligibility for Examination) and delegate authority to the Executive Officer to adopt the regulation provided no adverse comments are received during the public comment period and make minor technical changes to the language, if needed.**

Jon Baker seconded the motion.

The motion passed 10-0.

Mr. Gutierrez asked about NCARB resolutions pertaining to Alternative to Education Requirement[s] and Modifications to Broadly Experienced Architect (BEA) Terminology. He inquired about whether a BEA is required to comply with the education standard at NCARB. As a BEA Committee member, Mr. Merino informed Mr. Gutierrez that BEA candidates are evaluated and are required to meet the education standard. He said that none of the resolutions dealing with BEA have anything to do with policy or process, and that NCARB just wants to bring into alignment language that had been incongruous. Mr. Baker stated that the BEA Program is designed specifically as a path for individuals without an accredited degree. He also said a candidate must demonstrate that he/she has enough practical experience to meet the education standard.

J. REVIEW AND APPROVE PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 2, SECTION 120 (RE-EXAMINATION)

Mr. Reinhardt informed the Board that NCARB amended the ARE Five-Year Rolling Clock (Rolling Clock) provision with respect to divisions taken and passed prior to January 1, 2006. He said the specific divisions will expire on July 1, 2014. Mr. Reinhardt asked the Board to consider a motion approving an amendment to CCR section 120 (Re-Examination) which aligns the expiration of divisions with NCARB's Rolling Clock.

- **Jon Baker moved to approve proposed regulatory language to amend CCR, Title 16, Division 2, Section 120 (Re-Examination) and delegate authority to the Executive Officer to adopt the regulation provided no adverse comments are received during the public comment period and make minor technical changes to the language, if needed.**

Marilyn Lyon seconded the motion.

The motion passed 10-0.

K. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

Mr. Baker provided the Board with an update on the May 1, 2013 PQC meeting. He reported that the Committee addressed a number of issues and received a presentation from OPES on the ARE review process and CSE OA. Mr. Baker said the OA process can begin to move forward once the practice analysis report is completed by NCARB. He informed that the Board's

proposed Broadly Experienced Intern (BEI) program had been renamed “Broadly Experienced Design Professional,” which is more suitable to an individual who may have decades of practical experience. To address the adverse impact of the current IDP Six-Month Rule, Mr. Baker said the development of an evaluation process which enables candidates who seek licensure with more than ten years of practical experience is sensible. He mentioned that NCARB had been supportive of the concept, stated that it is appropriate for the PQC to develop proposed criteria that could be presented in the event of NCARB inaction, and reported that PQC asked staff to prepare a draft of the framework for the Board’s consideration. Mr. Baker reported that there were recent comments from NCARB to NAAB concerning accreditation standards, and the PQC asked staff to compose a letter of support to NCARB on the Board’s behalf. He said NCARB’s positive actions must be recognized when they occur. Mr. Baker asked for the letter of support to be revised.

- **Sheran Voigt moved to approve the PQC’s recommended draft framework for the BEI Pathway to licensure and to re-designate the concept as “Broadly Experienced Design Professional.”**

Matt McGuinness seconded the motion.

The motion passed 10-0.

- **Hraztan Zeitlian moved to approve the draft Letter of Support to NCARB and to permit staff to revise as necessary to enhance the statement of support.**

Marilyn Lyon seconded the motion.

The motion passed 10-0.

Ms. Mayer informed the Board that PQC also recommended a regulatory change to waive the accrued renewal fees for returning military personnel wanting to renew their license. The Board discussed different scenarios for how the renewal fee would be assessed upon the licensee’s return from active duty.

- **Hraztan Zeitlian moved to approve the PQC’s recommendation to pursue a regulatory change proposal that would exempt active duty military licensees from accrued renewal fees, and authorize staff to proceed with the regulatory change process.**

Michael Merino seconded the motion.

The motion passed 10-0.

L. REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

Ms. Johnson informed the Board that the REC met on April 25, 2013, when four Strategic Plan objectives were discussed. She reported that the Committee examined the definition of the practice of architecture and considered creating a definition of “instruments of service” for a

regulatory proposal. Ms. Johnson reported that the REC also considered whether mediation should be added to the reporting requirements of BPC section 5588. She said the Committee voted to establish a working group, consisting of Phyllis Newton and Gary McGavin, to explore whether mediation should be included in the statute and to provide specific language to the REC before the issue is brought to the Board. She noted that AIACC was invited to participate in that working group. Ms. Johnson reported that the REC reviewed the Board's Disciplinary Guidelines and voted to direct staff to further modify language before the issue is presented to the Board. She also reported that the Committee considered adding a provision regarding "scope of work" to the written contract requirements of BPC section 5536.22, and that the REC voted to refer the issue to the working group.

Mr. Merino said that the Strategic Plan objective which directs the REC to examine the definition of the practice of architecture and potentially consider creating a definition of "instruments of service" ought to be postponed until NCARB's Practice Analysis and the Board's OA are complete. He explained that these analyses are the primary source of research material for this objective. Ms. Johnson added that AIACC also recommended this issue be postponed until the analyses were complete.

- **Michael Merino moved to postpone examination of the definition of the practice of architecture and potential creation of a definition of "instruments of service" for a regulatory proposal until the results of the NCARB 2012 Practice Analysis and the Board's OA are complete.**

Hraztan Zeitlian seconded the motion.

The motion passed 10-0.

Ms. Johnson informed the Board that Robert (Bob) L. Carter was selected as the awardee for the architect consultant contract for fiscal years 2013/2014, 2014/2015, and 2015/2016 on April 10, 2013. She said that the Notice of Intent to Award announcing Mr. Carter's selection was posted in the Board office on April 25, 2013, as required by law. Ms. Johnson asked the Board to consider a motion approving the architect consultant contract.

- **Marilyn Lyon moved to approve Robert L. Carter's architect consultant contract for fiscal years 2013/2014, 2014/2015, and 2015/2016, in anticipation of the Department of General Services' approval.**

Michael Merino seconded the motion.

The motion passed 10-0.

M. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Mr. McCauley recognized LATC member, Nicki Johnson, and delivered the LATC report. He informed the Board that the notice for the last LATC meeting, held on May 22, 2013, is included in the packet. He also stated that the draft LATC Strategic Plan through fiscal year 2014/2015 was attached. Ms. Voigt observed that the Strategic Plan was impressive and thorough.

- **Michael Merino moved to approve the draft LATC Strategic Plan through fiscal year 2014/2015.**

Chris Christophersen seconded the motion.

The motion passed 10-0.

N. REVIEW OF SCHEDULE

Ms. Voigt delivered parting comments to Ms. Lyon, thanking her for her service. Ms. Lyon expressed gratitude for the kind words and recognition.

Mr. McCauley stated that the next Board meeting will be held on September 12, 2013 at Woodbury University in Burbank, and the December 11-12, 2013 meeting will be held at a location to be announced.

O. ADJOURNMENT

The meeting adjourned at 2:40 p.m.

** Tallied number of votes provided.*

*** Agenda items for this meeting were taken out of order to accommodate the schedule of CSLB and OPES' testing staff. The order of business conducted herein follows the transaction of business.*