

MINUTES

BOARD MEETING

CALIFORNIA ARCHITECTS BOARD

June 15, 2017

San Francisco

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

Board President, Matthew McGuinness, called the meeting to order at 10:03 a.m. and Board Secretary, Tian Feng, called roll.

Board Members Present

Matthew McGuinness, President

Tian Feng, Secretary

Jon Alan Baker

Denise Campos (departed at 2:00 p.m.)

Pasqual Gutierrez

Ebony Lewis

Robert C. Pearman, Jr.

Nilza Serrano

Barry Williams (arrived at 10:30 a.m.)

Board Members Absent

Sylvia Kwan, Vice President

Guests Present

John Austin

Jason Bismo

Andrew Bowden, Member, Landscape Architects Technical Committee (LATC)

Marybeth Harasz, California Council of American Society of Landscape Architects (CCASLA)

Carol Larosia, CCASLA

Dustin Maxam

Shawn Rohrbacker

Staff Present

Doug McCauley, Executive Officer (EO)

Vickie Mayer, Assistant Executive Officer

Alicia Hegje, Program Manager Administration/Enforcement

Brianna Miller, Program Manager, LATC

Marcus Reinhardt, Program Manager Examination/Licensing

Mel Knox, Administration Analyst

Bob Carter, Architect Consultant

Rebecca Bon, Staff Counsel, Department of Consumer Affairs (DCA)

Bryce Penney, Television Specialist, DCA

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

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

Mr. McGuinness 1) announced that the meeting is being webcast, 2) that LATC member, Andrew Bowden, is in attendance, 3) thanked Sylvia Kwan, in absentia, for assisting with arranging the meeting site, 4) introduced Brianna Miller as the new LATC Program Manager, and 5) reminded members that votes on all motions will be taken by roll-call.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no comments from the public.

D. REVIEW AND POSSIBLE ACTION ON MARCH 2, 2017 BOARD MEETING MINUTES

Mr. McGuinness asked for comments concerning the minutes of the March 2, 2017, Board meeting.

- **Nilza Serrano moved to approve the March 2, 2017, Board meeting minutes.**

**Ebony Lewis seconded the motion.**

**Members Baker, Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, and President McGuinness voted in favor of the motion. Members Kwan and Williams were absent. The motion passed 8-0.**

E. EXECUTIVE OFFICER'S REPORT

Doug McCauley reminded the Board that it is in Release 3 of the enforcement case management and licensing system known as BreEZe. Mr. McCauley explained that the Board voluntarily chose to be in Release 3 with hopes that potential technical issues will be minimized for the Board to have a smooth transition. He reported that Release 3 has not yet been implemented; however, he also reported that staff will soon meet with the DCA Strategic Organization, Leadership and Individual Development (SOLID) and the Office of Information Services to discuss the Board's needs and to begin the process of implementing BreEZe into the Board's business operations. He indicated that the National Council of Architectural Registration Boards (NCARB) is sophisticated with its technologies and is considering developing information technology products that may one day become available for use by state licensing boards.

Mr. McCauley informed the Board that the Governor's fiscal year (FY) 2017/18 budget was recently approved by the Legislature with no program-specific impact on the Board. He noted, however, key areas of the budget that are impacted, including restructuring of the Board of Equalization, administration of the University of California's (UC) President's office, enhancement of the General Fund reserve.

Mr. McCauley reported that he is pleased with the Board's enforcement metrics. Mr. Feng observed the recent (in the last two FYs) spike in written contract violations, to which Mr. McCauley explained that the Board has fewer cases on continuing education, which increases

the percentage of written contract cases. Mr. Feng suspected that practitioners are not as familiar with written contract requirements, to which Bob Carter opined that novice practitioners and new licensees need to be properly educated on written contract requirements. The Board discussed its limitations to enforce certain requirements on individuals that the Board does not regulate. Mr. McCauley mentioned his desire for all projects to have a written contract, although it could not happen because the Board cannot regulate unlicensed individuals. He expressed disappointment that the Board is seeing so many written contract violations given the Board's efforts to educate practitioners about those requirements. Vickie Mayer noted that simply missing a required element within a contract may trigger a written contract violation. Jon Alan Baker stated that it would be good for the Board to know the percentage of cases that relate to exempt areas of practice. Mr. Baker opined the knowledge would help when crafting targeted messages to educate practitioners about key requirements related to exempt areas of practice.

Messrs. McGuinness and Feng observed a difference in Architect Registration Examination (ARE) 4.0 versus ARE 5.0 examination results. Mr. McCauley commented that the Board can educate candidates about the transition to ARE 5.0, but candidates need to prepare based upon the changes to the exam. He opined that the Board should not be concerned if California's ARE pass rates diverge slightly from national pass rates since California has multiple pathways to licensure, which likely contribute to lower test scores. Pasqual Gutierrez asked if data is available showing the percentage of ARE candidates without college degrees, to which Mr. McCauley and Marcus Reinhart confirmed the data is publicly available on the Board's website. Mr. McCauley agreed to explore exam comparison data of those who took the ARE 5.0 and their education level. Mr. Reinhart observed that ARE 5.0 examination results are stronger when compared to the ARE 4.0 results when it first launched circa 2008. Mr. McCauley suggested it would be valuable consumer information for schools of architecture to publish their ARE pass rates, in the same way that is required of schools of law.

Mr. McCauley updated the Board on the budget. He stated that the budget is in good condition. Mr. McCauley noted that the budget change proposal (BCP) process is an 18-month process. He reported that the Board does not require any formal change in the budget at this time. Mr. McGuinness enquired about the impact of BreZE on the budget, to which Mr. McCauley stated that the Board will have an increase of spending authority via a BCP (initiated by DCA) for any increased costs. He stated that DCA has not identified costs. Mr. McGuinness asked if the Board should set aside money for BreZE, to which Mr. McCauley replied that the Board's fund condition is healthy. Mr. McCauley also explained that the Board currently has 12 months of funding in reserve. He noted that the Board is in a good position and that if a BCP is needed, the Board will have the funds to cover BreZE costs. Denise Campos enquired about the Departmental Pro Rata line item in the Board's budget report, to which Mr. McCauley explained that it funds DCA services like legal affairs, budget, human resources, etc. He offered to provide the Board with a DCA Pro Rata study.

#### F. DISCUSS AND POSSIBLE ACTION ON PROPOSED LEGISLATION

Mr. McCauley reminded the Board of its past discussions surrounding Senate Bill (SB) 547 (Hill), and how the bill extends the sunset date of the California Council of Interior Design Certification (CCIDC) and its certification program until January 1, 2022. He noted that CCIDC's proposed provisions to expand the definition of Certified Interior Designer are not included in the bill, and that no action is required of the Board. Mr. McCauley reported that Assembly Bill (AB) 1005 (Calderon) concerning orders of abatement, as well as American Institute of Architects, California

Council's AB 1489 (Brough) concerning architect liability, will not move forward as currently written.

G. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. McCauley announced that NCARB will have its Annual Business Meeting on June 22-24, 2017. He noted that no resolutions will be acted upon at this meeting. Mr. McCauley also noted that he will be a panelist at the meeting (with Mr. Baker), which he hopes will succeed in convincing other states to amend their regulations to accommodate Integrated Path to Architectural Licensure programs. He noted that this year's NCARB delegation is composed of members Baker, Feng, Kwan, McGuinness, and himself. Ms. Campos enquired about the candidates for 2017 NCARB officers and directors, and observed a lack of gender and ethnic diversity among candidates competing to serve in these positions. Ms. Serrano requested that the NCARB delegation convey to NCARB at the meeting the need for greater inclusion and diversity amongst its candidates for leadership. Mr. Baker stated that NCARB is engaged in diversity efforts, but has little control over state board appointments. The Board further discussed how to introduce the issue to NCARB in a way that results in greater public member participation.

H. REVIEW AND POSSIBLE ACTION ON 2017/18 INTRA-DEPARTMENTAL CONTRACT WITH OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE) DEVELOPMENT

Mr. Reinhardt informed the Board that its intra-departmental contract with OPES is due to expire on June 30, 2017. He asked the Board to consider a new contract for FY 2017/18 for continued CSE development.

- **Nilza Serrano moved to approve the new \$75,000 Intra-Departmental Contract with OPES for FY 2017/18 CSE development.**

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

Mr. Baker opined that the contract is in the amount of \$150,000.

- **Nilza Serrano amended the motion to approve the new \$150,000 Intra-Departmental Contract with OPES for FY 2017/18 CSE development.**

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

Mr. Reinhardt informed the Board that, in fact, the contract amount is precisely \$75,004.

- **Nilza Serrano amended the motion to approve the new \$75,004 Intra-Departmental Contract with OPES for FY 2017/18 CSE development.**

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

Mr. Baker noted that the 180-day restriction to retake the CSE from the date a candidate fails is still imposed and, therefore, a candidate may only take the CSE twice annually. He asked why the Board cannot shorten the retake timeframe for candidates, to which Mr. McCauley stated he would research the issue.

There were no comments from the public.

**Members Baker, Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President McGuinness voted in favor of the motion. Member Kwan was absent. The motion passed 9-0.**

## I. COMMUNICATIONS COMMITTEE REPORT

Alicia Hegje reported that the Communications Committee met on May 25, 2017, to discuss and consider several potential actions on the following 2017-2018 Strategic Plan objectives:

1. Collect data from candidates related to the licensure process and assess the need of other means (focus groups) to better foster candidate clarity;
2. Work with DCA to collaborate with the Contractors State License Board and the Board for Professional Engineers, Land Surveyors, and Geologists to assess the feasibility of developing a consumer website in order to educate consumers about the design and construction sector and strengthen consumer protection;
3. Promote the Board's revised *Consumer's Guide to Hiring an Architect, Candidate Handbook, and Building Official Information Guide* to keep stakeholders better informed; and
4. Explore the possibility of the Board participating in consumer events as a means of communicating directly with the public.

Ms. Hegje reported that the Communications Committee discussed the concept of attending "home shows" -- events held statewide at a variety of locations that showcase a wide range of products and services for consumers interested in enhancing their homes -- as a means of communicating directly with the public. She also reported that the Committee rejected the concept of utilizing "home shows" as a means of educating consumers because it was deemed an inappropriate use of resources (the vast majority of attendees do not attend for purposes of hiring an architect or designer). Ms. Hegje informed that the Committee made a recommendation for the Board to create a basic newsletter with a link to the Board's website for consumers and send a simple email to every legislator which includes: 1) basic facts about the Board, 2) availability of the consumer publications (i.e., *Consumer's Guide to Hiring an Architect*, design tip card), and 3) a suggestion to forward the publications to their respective building and planning departments in each of their cities. She stated that the Committee also made a recommendation to publish an article in DCA's *California Consumer Connection* magazine.

Ms. Campos commented that the Board has multiple audiences (i.e., consumers, candidates, current architects). Ms. Campos noted that the Committee also discussed and determined there to be a need for a Board Facebook page as a means for communicating directly with the public. Mr. McCauley reported that staff has followed the Committee's recommendation and has created a Facebook page. Mr. Gutierrez also recommended connecting to construction loan institutions to make them aware of the Board's consumer publications. Mr. McCauley endorsed Mr. Gutierrez's recommendation and expressed a need for Board staff to review its list of organizational partners and update its Communications Plan.

- **Denise Campos moved to approve the Communication Committee's recommendation to create a basic newsletter with a link to the Board's website for consumers and send a**

**simple email to every legislator which includes: 1) basic facts about the Board, 2) availability of the consumer publications (i.e., *Consumer's Guide to Hiring an Architect*, design tip card), and 3) a suggestion to forward to their respective building and planning departments in each of their cities, and to publish an article in DCA's *California Consumer Connection* magazine.**

**Tian Feng seconded the motion.**

There were no comments from the public.

**Members Baker, Campos, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President McGuinness voted in favor of the motion. Member Kwan was absent. The motion passed 9-0.**

J. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Brianna Miller updated the Board on the activities of the LATC. Ms. Miller informed the Board that the LATC recently approved a *Consumer's Guide to Hiring a Landscape Architect* publication. She noted that well-attended public forums to discuss the expansion of credit for education experience were recently held to gather feedback on the matter. Ms. Miller reported that the LATC last met on April 18, 2017, when it approved new proposed regulatory language for reciprocity, as well as the draft 2017-2018 Strategic Plan.

Mr. Baker expressed surprise that the LATC does not provide an experience-only pathway to licensure in the same way as the Board. Mr. McCauley explained that LATC was previously a separate body from the Board, and that it has its own standards that are not completely in alignment with the Board. He noted that whenever change in LATC policy is considered, there is an effort to guide that change toward greater alignment with the Board. He reminded the Board that LATC is more flexible than other states, with a major strategic advantage in the existence of two UC extension programs that serve non-traditional students. Mr. Baker stated that the Board argued for years against degree-only pathways to licensure for architects on the national stage, and opined it hypocritical not to extend the non-degree pathway to the Board's landscape architect community. Mr. McCauley shared his view that examination should be the ultimate indicator of whether a candidate possesses sufficient knowledge to practice one's chosen profession. Mr. Bowden recalled there once was an experience-only pathway to licensure for landscape architects, but an LATC Education Subcommittee determined that education was a necessary component of the "three-legged stool" (education, experience, and examination) for candidates seeking licensure. He reported that the LATC is considering additional pathways to licensure and is assessing other states' licensing requirements. Mr. Bowden also stated that the LATC recognizes it may be time to consider additional degree subject areas that can be accepted as meeting the educational requirement. Mr. Baker echoed his concern that an individual who has practiced under a landscape architect for eight years is deemed not eligible for the examination simply because that individual does not possess a degree. He opined that the Board cannot continue to credibly defend its multiple pathways to licensure position, while simultaneously limiting pathways to licensure for landscape architects by not offering an experience-only pathway. Mr. Bowden shared the Council of Landscape Architectural Review Boards' (CLARB) view that an education component to licensure should be required in all states.

Ms. Miller reported that LATC has been discussing reciprocity issues primarily because the Committee receives requests for reciprocal licensure from individuals licensed in jurisdictions

where a degree in landscape architecture or architecture was not a requirement for initial licensure, as it is in California. She explained that staff researched reciprocity requirements in other states and found that 26 states accept any baccalaureate degree when combined with experience (ranging from 3 to 7 years); and 28 allow initial/reciprocal licensure on the basis of experience alone, with an average of 8 years required. Ms. Miller noted that based on the LATC's request, staff prepared proposed regulatory language to amend California Code of Regulations (CCR) section 2615, which includes provisions that require a candidate for reciprocal licensure to either submit verifiable documentation of education and experience equivalent to that required of California applicants at the time of application or submit verifiable documentation that the candidate has been actively engaged as a licensed landscape architect in another jurisdiction for at least 10 of the last 15 years. She reported that, upon approval by the LATC, staff prepared and submitted the required rulemaking package to the Office of Administrative Law. Ms. Miller further explained that, at its April 18, 2017, meeting, the LATC voted to recommend to the Board newly proposed regulatory language to amend CCR § 2615 to allow reciprocity licensure by meeting the practice and experience requirements provided by Business and Professions Code (BPC) section 5651. She asked the Board to review and approve the proposed regulatory language to amend CCR § 2615.

The Board continued discussions about LATC reciprocity requirements for licensure, as well as reciprocity requirements in other states. Mr. Bowden clarified that there are two issues under consideration by the LATC: 1) initial licensure, and 2) reciprocity. He acknowledged there will be some disparity in requirements between candidates who are licensed in other states and new licensees who wish to practice in California. Mr. Bowden stated that there is no pathway for a reciprocity candidate seeking licensure to practice in California who does not meet California's education requirement; however, he said the LATC is attempting to create a pathway that currently does not exist by amending CCR § 2615. Mr. Gutierrez asked if the candidate seeking reciprocity under the proposed changes to CCR § 2615 will be held to a lesser standard than the California licensed landscape architect, to which Mr. Bowden acknowledged that there would indeed be a disparity. Mr. Gutierrez noted that one of the disparities would be that the reciprocity candidate may not be required to have one year of education. Ms. Mayer observed that at least three states (e.g., Georgia, Mississippi, and Utah) allow reciprocity with education only. Ms. Serrano expressed concern about the impact of reciprocity disparities on consumers. Barry Williams suggested that it could be possible for someone to receive licensure if they pass the examination without experience. Mr. Baker shared his view that education and examination both demonstrate what one knows, while experience demonstrates what one is capable of doing.

Marybeth Harasz and Carol Larosia, representing CCASLA, referenced CCASLA's June 8, 2017, letter (contained in the meeting packet), and urged the Board to grant the LATC more time to consider its proposed regulatory language to amend CCR § 2615 before approving any change in licensure reciprocity at this time. Dustin Maxam, Jason Bismo, Shawn Rohrbacker, and John Austin delivered comments in support of LATC's newly proposed regulatory language to amend CCR § 2615 to create a new licensure pathway. They advocated for a more inclusive licensure reciprocity policy.

Mr. Feng asked the CCASLA representatives to clarify its concerns about the LATC proposal to amend CCR § 2615. Ms. Harasz directed the Board's attention to the CCASLA letter dated June 8, 2017, for those specifics, and commented that deeper LATC consideration of the proposal's education requirement and other components is needed. Mr. Feng asked Mr. Bowden how the LATC arrived at its decision to recommend the newly proposed regulatory language, to which Mr. Bowden noted that the decision was based on information presented to the LATC by staff since discussions around the issue of reciprocity began in 2014. Mr. Bowden stated that the

LATC believes conditions have changed since the Education Subcommittee report that specified landscape architecture and architecture as the only acceptable degree subjects to fulfill education requirements. He also cited LATC's desire to bring its policies into greater alignment with the Board. The Board discussed how the licensing requirements in other jurisdictions differ from the LATC's. Mr. Bowden reported that CLARB is currently developing Model Law in an attempt to standardize reciprocity requirements, but it has not yet been adopted.

- **Denise Campos moved to approve the LATC's proposed regulatory language to amend CCR § 2615, and delegate authority to the EO to adopt the proposed changes provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.**

**Nilza Serrano seconded the motion.**

Board members discussed their individual support or opposition to the LATC reciprocity proposal. Messrs. Gutierrez, Pearman, Williams, and Baker opined that LATC's proposed policy on reciprocity should be in greater alignment with the Board's policy in order to avoid the appearance of a double-standard. Ms. Mayer noted the Board's structured internship (practical experience) program as a difference between the Board's and LATC's regulations. Mr. McGuinness opined that approving the proposed regulatory language would be a positive step and would force the LATC into creating multiple pathways. Mr. Baker opined that experience should be a necessary component of licensure requirements, which is not true in all states.

Mr. Maxam echoed his support for LATC's proposal to amend CCR § 2615. Ms. Harasz reiterated CCASLA's view that a vote to approve LATC's proposal would be premature.

**Member Serrano and President McGuinness voted in favor of the motion. Members Baker, Gutierrez, Pearman, and Williams opposed the motion. Members Feng and Lewis abstained. Members Campos and Kwan were absent. The motion failed 2-4-2.**

Mr. Baker offered an alternative motion.

- **Jon Alan Baker moved to return the CCR § 2615 reciprocity item back to the LATC and direct it to provide a revised proposal to the Board at the next meeting (September) that addresses initial licensure and reciprocity requirements that closely align with one another and, where possible, mirror those of the Board (which include an experience-only pathway).**

**Nilza Serrano seconded the motion.**

Mr. Bowden expressed concern that Mr. Baker's motion may conflict with the national approach lead by CLARB.

**Members Baker, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President McGuinness voted in favor of the motion. Members Campos and Kwan were absent. The motion passed 8-0.**

Ms. Miller informed the Board that a draft LATC 2017-2018 Strategic Plan was developed, and was approved by the LATC at its April 18, 2017, meeting. She asked the Board to consider approving the new LATC Strategic Plan.

- **Jon Alan Baker moved to approve the draft 2017-2018 LATC Strategic Plan.**

**Nilza Serrano seconded the motion.**

There were no comments from the public.

**Members Baker, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President McGuinness voted in favor of the motion. Members Campos and Kwan were absent. The motion passed 8-0.**

Ms. Miller reminded the Board of the LATC 2015-2016 Strategic Plan objective to assess whether any revisions are needed to the regulations, procedures, and instructions for expired license requirements. She also reminded the Board that, to this end, it voted to amend BPC §§ 5680.1 and 5680.2, and to repeal CCR §§ 2624 and 2624.1. Ms. Miller reported that SB 800 (Hill), which contains the provisions to amend BPC §§ 5680.1 and 5680.2, is currently on the Assembly floor. She noted that, should SB 800 become law, the LATC will need to pursue a regulatory change to repeal CCR §§ 2624 and 2624.1. Ms. Mayer noted that the provisions will bring LATC's re-licensure procedures into alignment with those of the Board.

- **Robert C. Pearman, Jr. moved to pursue the repeal of CCR §§ 2624 and 2624.1 should SB 800 (Hill) become law.**

**Ebony Lewis seconded the motion.**

There were no comments from the public.

**Members Baker, Feng, Gutierrez, Lewis, Pearman, Serrano, Williams, and President McGuinness voted in favor of the motion. Members Campos and Kwan were absent. The motion passed 8-0.**

#### K. REVIEW OF FUTURE BOARD MEETING DATES

Mr. McCauley explained the need to identify Board meeting dates that can be held on Wednesdays for the remainder of 2017. The Board agreed to have staff survey member availability for Wednesday meetings in September and December.

#### L. CLOSED SESSION

The Board went into closed session to:

1. Consider action on the March 2, 2017, Closed Session Minutes;
2. Deliberate on disciplinary matters; and
3. Conduct an annual evaluation of its EO.

#### M. RECONVENE OPEN SESSION

The Board reconvened open session.

N. ADJOURNMENT

The meeting adjourned at 2:39 p.m.