Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF BOARD MEETING

September 15, 2011
9:30 a.m. – 5:00 p.m.
Department of Consumer Affairs
Sacramento Conference Room (S-306B)
1625 North Market Boulevard
Sacramento, CA 95834

The California Architects Board (CAB) will hold a Board meeting, as noted above. The agenda items may not be addressed in the order noted below. The meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Anthony Lum at (916) 575-7221, emailing *anthony.lum@dca.ca.gov*, or sending a written request to the Board at the address below. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

A live webcast of the meeting will be available at www.cab.ca.gov

AGENDA

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

B. President's Remarks

C. Public Comment Session

D. Approve the June 16, 2011 Board Meeting Minutes

E. Presentation by National Council of Architectural Registration Boards Representatives, Including Information on the Broadly Experienced Foreign Architect (BEFA) Program

F. Executive Officer's Report
   1. Update to August 2011 Monthly Report
   2. Discuss and Possible Action on Legislation: Senate Bill (SB) 543 and SB 706

G. Discuss and Possible Action on Task Force on Committee Procedures Recommendation

(Continued on the Reverse)

2420 Del Paso Road,
Suite 105
Sacramento,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

H. Update and Possible Action on California Supplemental Examination Development and Administration

I. Closed Session – Disciplinary Decisions and Exam Development Issues [Closed Session Pursuant to Government Code Sections 11126(c)(1) and (3)]

J. Professional Qualifications Committee (PQC) Report
   1. Discuss Reciprocity and Social Security Number Requirements (California Code of Regulations [CCR], Title 16, Section 121, Form of Examinations; Reciprocity and Business and Professions Code Section 30) in Relation to BEFA Program and Foreign-Licensed Professionals and Possible Action
   2. Action on Proposed Regulations to Amend CCR, Title 16, Sections 109, Filing of Applications; 116, Eligibility for Examination; 117, Experience Evaluation; and 121, Form of Examinations; Reciprocity (As it Relates to the Repeal of the Comprehensive Intern Development Program Requirement), Including Authority to Add and Amend Documents in the Rulemaking File
   3. Review and Ratify Modifications Regarding Proposed Regulations to Amend CCR, Title 16, Sections 109, Filing of Applications; and 121, Form of Examinations; Reciprocity [As it Relates to Intern Development Program (IDP) Sunset Date]
   4. Review and Ratify Modifications Regarding Proposed Regulations to Amend CCR, Title 16, Sections 109, Filing of Applications; 117, Experience Evaluation; and 121, Form of Examinations; Reciprocity (As it Relates to IDP Guidelines)
   5. Update and Possible Action Regarding The American Institute of Architects, California Council Academy for Emerging Professionals' 2011 Architectural Education Summit

K. Regulatory and Enforcement Committee (REC) Report
   1. Discuss and Possible Action on Enforcement Statistics
   2. Discuss and Possible Action on Strategic Plan Objective to Develop a Strategy for Informing the League of California Cities and the California Chapter American Planning Association of the Architects Practice Act Requirements
   3. Discuss and Possible Action on Strategic Plan Objective Regarding Department of Consumer Affairs' (DCA) Proposal (SB 1111) Concerning Board Delegation to Executive Officer: Stipulated Settlements to Revoke or Surrender License
   4. Discuss and Possible Action on Strategic Plan Objective Regarding DCA's Proposal (SB 1111) Concerning Psychological or Medical Evaluation of Applicants
   5. Adoption of Precedential Administrative Decision for Gaetano Dan Salvo

L. Update on July 28, 2011 Communications Committee Meeting

M. Landscape Architects Technical Committee (LATC) Report
   1. Update on July 19, 2011 LATC Meeting
   2. Review and Approve Draft LATC 2011-12 Strategic Plan

N. Schedule

O. Adjournment

The notice and agenda for this meeting and other meetings of the CAB can be found on the Board's Web site: *www.cab.ca.gov*. Any other requests relating to the Board meeting should be directed to Mr. Lum at (916) 575-7221.

Agenda Item A

CALL TO ORDER -- ROLL CALL -- ESTABLISHMENT OF A QUORUM

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

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

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

BOARD MEMBER ROSTER

Jon Alan Baker

Iris Cochlan

Pasqual V. Gutierrez

Jeffrey D. Heller

Marilyn Lyon

Michael Merino

Fermin Villegas

Sheran Voigt

Hraztan Zeitlian

Agenda Item B

PRESIDENT'S REMARKS

Board President Pasqual Gutierrez, or in his absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

Agenda Item C

PUBLIC COMMENT SESSION

Members of the public may address the Board at this time. The Board President may allow public participation during other agenda items at his discretion.

Agenda Item D

APPROVE THE JUNE 16, 2011 BOARD MEETING MINUTES

The Board is asked to approve the minutes of the June 16, 2011 Board meeting.

MINUTES

REGULAR MEETING

CALIFORNIA ARCHITECTS BOARD

June 16, 2011

Los Angeles, CA

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

Vice President Marilyn Lyon called the meeting to order at 9:40 a.m. Secretary Sheran Voigt called the roll.

Board Members Present
Marilyn Lyon, Vice President
Sheran Voigt, Secretary
Jon Alan Baker
Michael Merino
Fermin Villegas
Hraztan Zeitlian

Board Members Absent
Pasqual Gutierrez, President
Iris Cochlan
Jeffrey Heller

Guests Present
Kurt Cooknick, American Institute of Architects, California Council (AIACC)
Stephanie Landregan, Chair, Landscape Architects Technical Committee (LATC)
Cindy Kanemoto, Chief, Department of Consumer Affairs' (DCA) Strategic Organization, Leadership and Individual Development (SOLID) Training Solutions, (on behalf of DCA Director)
Amy Murphy, BArch., Vice Dean, University of Southern California (USC)

Staff Present
Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Justin Sotelo, Program Manager, Examination/Licensing Unit
Hattie Johnson, Enforcement Officer
Anthony Lum, Administration Analyst
Robert Carter, Architect Consultant
Gary Duke, Legal Counsel, DCA

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

B. PRESIDENT'S REMARKS

Vice President Marilyn Lyon stated that President Pasqual Gutierrez could not attend the meeting and that she would be presiding in his absence. She thanked USC for hosting the Board and stated that Amy Murphy, Vice Dean, would present an update about the school's architecture program later during the meeting. She announced and welcomed the Board's newest member, Fermin Villegas. She introduced Gary Duke, DCA Legal Counsel, who attended the meeting in Don Chang's absence.

C. CLOSED SESSION – DISCIPLINARY DECISIONS AND EXAM DEVELOPMENT ISSUES [CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(1) AND (3)]

The Board went into closed session in order to consider action on two disciplinary cases and the March 17, 2011 Board meeting closed session minutes. The Board: 1) considered the Stipulated Settlement and Disciplinary Order in the Matter of the Statement of Issues against Mark Alan Barlow; and 2) considered the Stipulated Settlement and Disciplinary Order in the Matter of the Accusation against Edward W. Powell.

The Board also approved the March 17, 2011 Board meeting closed session minutes.

D. PUBLIC COMMENT SESSION

Ms. Murphy, Vice Dean and Associate Professor, gave a presentation about the USC School of Architecture after the DCA Director's Report (Agenda Item G).

E. APPROVE THE MARCH 17, 2011 BOARD MEETING MINUTES

Ms. Lyon called for a motion to approve the March 17, 2011 Board Meeting Minutes.

- **Michael Merino moved to approve the March 17, 2011 Board Meeting Minutes.**

  Sheran Voigt seconded the motion.

  The motion passed 6-0.

F. EXECUTIVE OFFICER'S REPORT

Doug McCauley reviewed the Board's meeting schedule and stated that the September meeting will be in Sacramento and the December two-day meeting, including the Strategic Planning session, will be in San Diego.

Mr. McCauley reported that the Legislature approved a State budget on June 15, 2011, but indicated that there were conflicting reports as to whether the Governor would sign it. He reported that for other budgetary issues such as travel and vacant positions, Board staff must obtain approval from DCA for in-state travel and exemption approval from the State and Consumer Services Agency (Agency) and the Governor's Office to fill vacant positions due to the ongoing hiring freeze ordered by the Governor.

Mr. McCauley reported that in May, the Board conducted an Architect Registration Examination (ARE) site visit by members of both Examination and Professional Qualifications (PQC) Committees and members of the Board. He stated that the members were generally satisfied with how the exam operation functioned, and gained insight into what candidates experience when going through the exam process, as well as the level of security that is rendered at testing sites. Mr. Merino commented that the site visit was a phenomenal experience and significantly different than when he pursued his license. He indicated that the exam process seemed fair, but the graphics portion, specifically the computer assisted design (CAD) program, was lacking. He added that the National Council of Architectural Registration Boards (NCARB) is addressing the CAD issues and that the current software program should improve in the future.

Stephanie Landregan announced that she is a candidate for the Council of Landscape Architectural Registration Boards Vice-Presidency and that the election will occur on September 7, 2011.

Jon Baker inquired about NCARB's Broadly Experienced Architect (BEA) program and the Board's position with respect to the BEA program. Mr. McCauley indicated that the Board does accept the BEA for licensure and stated that the NCARB website had noted erroneously that California did not accept the BEA certification for licensure. He continued that NCARB's website has since been corrected.

Mr. McCauley stated that in regard to the Broadly Experienced Foreign Architect (BEFA) program, there is a regulatory issue that would need to be addressed if the Board desired to pursue acceptance of the program for licensure. Justin Sotelo indicated that the regulation affecting the BEFA program was reviewed by DCA Legal Affairs and the current language prohibited the Board from accepting the program for licensure. Mr. Baker requested clarification as to why the Board does not accept the BEFA program for licensure. Vickie Mayer clarified that the language in the regulation that affects the BEFA program does not allow the Board to accept the BEFA program as a means toward licensure since the regulation specifically states what the Board can accept as a requirement for licensure (and the BEFA program is currently not an option for reciprocity). She stated that if the Board decided to pursue the acceptance of the BEFA program for reciprocity, there would need to be an amendment to the regulation.

Mr. Baker inquired as to what specifically within the BEFA program precluded the Board from accepting it for licensure. Ms. Mayer indicated that at the time the Board amended the regulation, there may have been a determination that foreign experience is not comparable to the ARE or to the Board's requirements for licensure. Mr. Baker requested that staff provide the Board with clarity and reasoning of what items or issues the Board does not accept for licensure because if there is a basis for the reasoning of non-acceptance, the information should be shared with NCARB so it has an opportunity to modify its program. He continued that if there were decisions made a decade ago by prior Board members not to accept certain parameters for licensure, they may or may not still be applicable today. Mr. Merino stated that he is going to have an opportunity to serve on the NCARB BEA/BEFA Committee next year and can provide input to the Committee and if the Board's regulation required an amendment, he volunteered to participate in the process. He continued that it is an opportunity to correct the issue, as many of the foreign experiences are equivalent or better than what is completed in the United States, depending upon the country in which the experience was gained.

Mr. Sotelo noted that the main obstacle for these individuals to obtain a license is the examination requirement, as there is currently no exam exception stated in the language of the regulation. He added that the law states that an examination (i.e., ARE) is required for licensure and in order for the Board to accept the BEFA individuals for licensure, there would need to be a provision added to the law.

Mr. Baker clarified that the BEA candidates are substituting the BEA program for the education component and are still taking the ARE; whereas BEFA candidates may have taken an exam in their country, but it may be an exam that the Board does not acknowledge or recognize. Ms. Mayer stated that BEFA candidates go before NCARB and take some form of exam (oral and/or portfolio) and if NCARB approves them, they are certified. However, she continued that the Board's regulations specifically state that candidates for licensure must pass an examination and the BEFA candidates have not passed the ARE. Ms. Lyon inquired whether a candidate who passed the ARE could then come to California to obtain a license and practice. Ms. Mayer clarified that this was correct for the BEA candidates, not the BEFA candidates. Mr. Baker indicated that the BEFA candidates do not take an exam for NCARB, but their certification process involves a thorough review of a candidate's portfolio that exemplifies his/her capabilities in all of the requisite categories to substantiate their credentials, as well as a face-face interview to support their submissions. He stated that if California's requirement for a candidate to pass an examination is the reason why the Board cannot accept a BEFA candidate, then this should be an issue for the Board to address since it has not been discussed in a long time. Ms. Lyon indicated that the Board has given staff direction to review this issue and bring a recommendation back to them at the next meeting.

Mr. McCauley indicated that the last issue for his Executive Officer (EO) Report is on Sunset Review and included in the meeting packet is the legislation [Senate Bill (SB) 543 – Price] that extends the Board's sunset date. He reported that the only holdover issue from the Sunset Review is the license renewal cycle where the Senate Business, Professions and Economic Development Committee (B&P) believed that the reason for the Board's fee increase last year was due to the fluctuating revenue created by the current odd-year renewal cycle, but the actual reason was because the Board had not increased its renewal fees in 20 years and the cost of doing business has increased substantially over that time. He continued that the B&P determined the solution to resolve the revenue issue was to change the Board's renewal cycle from an every odd-year biennial renewal to an ongoing yearly biennial renewal cycle; however, a change to the renewal cycle was proven to not provide any new efficiency.

G. DEPARTMENT OF CONSUMER AFFAIRS DIRECTOR'S REPORT

Cindy Kanemoto presented the DCA Director's Report. She reported that the Governor appointed a new Secretary and Undersecretary at Agency, which is the cabinet agency that provides oversight of DCA. She stated that Anna Caballero was appointed Secretary and Willie Armstrong was appointed as Undersecretary.

Ms. Kanemoto reported on numerous topics which were:

1. Governor's hiring freeze – is continuing and the Department of Finance released a budget letter with details on the procedures to request a hiring exemption. Of the 83 exemption requests submitted from DCA, 76 have been approved by Agency and the Governor's Office.

2. Travel restrictions – the executive order for travel restrictions remains in place and no travel will be permitted unless it meets the definition of "mission critical" under the definition in the order. DCA will work with the boards and bureaus to comply with the order, but also ensured the Board that mission critical travel would continue.
3. BreEZe project – DCA's data program replacement for two of their current data legacy systems, will utilize new technology that will provide an online licensing application system and enforcement tracking. DCA has received the final bid from the vendor; however, it was higher than anticipated, so DCA is currently negotiating with the vendor to reduce the cost of the program. DCA is optimistic that the negotiations will be successful and will submit a proposal to the Legislature to approve the vendor for the contract. The negotiations did accelerate the implementation date and anticipated that all of DCA's boards and bureaus will be using the system by December 2013. The selected vendor for the project is Accenture.
4. EO evaluation form – DCA completed the development of a new EO evaluation form that incorporated executive level competencies into the evaluation process. The process is executed by the board president when he/she contacts the DCA Board/Bureau Deputy Director, who works with the DCA Personnel Office, to provide the president information (i.e., duty statements, prior evaluation documents, vacancy rates, grievances, etc.) to conduct an evaluation of the EO. The process is very confidential and specific access will only be granted to the board president.
5. EO salaries – many boards have been requesting to increase their EO's salaries because many have been at the top of their salary ranges for many years. She stated that one of the criteria the Department of Personnel Administration (DPA) bases an EO's salary on is the number of staff he/she is responsible for. She reported that DCA contracted to conduct an EO salary evaluation study, which should provide results sometime in August, and then with the results of the study, work with DPA to determine a methodology to establish EO salaries. She explained that DPA reviews multiple criteria of an EO position to determine the position's salary, not just number of staffing alone.
6. Consumer Protection Enforcement Initiative (CPEI) – DCA has posted the third set of enforcement performance measures on DCA's website. The performance measures show the time it takes for a complaint to be addressed from receipt to when some type of disciplinary action is taken and could be a useful tool for boards to review their enforcement programs. DCA is encouraging boards to pursue regulations for some of the recommendations that were contained in prior legislation (SB 1111 – McLeod) for CPEI.

Ms. Kanemoto concluded by thanking the Board for posting the meeting materials online and reminded the Board that webcasting of meetings is available, as DCA has a camera team that is allowed to travel throughout the state since board meetings are deemed "mission critical."

*D. PUBLIC COMMENT SESSION

Ms. Lyon requested a break in the meeting for Ms. Murphy, Vice Dean and Associate Professor, to provide an update on USC's School of Architecture. Ms. Murphy welcomed the Board and extended an invitation to host future meetings that fit the Board's needs. She informed the Board that USC's Architecture Program is multi-leveled and disciplined with various specialties from undergraduate to doctorate and also has a landscape architecture program. She stated that currently, there are approximately 850 students, both graduate and undergraduate, in the program. She described the program as one that attempts to integrate its students into each specialty area rather than segregating them by specific programs (i.e., landscape department vs building science department vs. another

discipline). She added that the faculty move between the different degree programs in order to maintain a single all-inclusive discipline (architecture) approach.

Mr. Baker inquired as to how the architecture program works their students with regard to the Intern Development Program (IDP) and any structured internship program with architectural firms. Ms. Murphy stated that one of their faculty members is USC's IDP coordinator and is heavily involved with the program and obtains the latest information every year to convey to their students. She continued that the school prepares the students through three specific course experiences (i.e., legal issues and ethics, contracts and architect responsibilities, and a Building Information Modeling-related course) to prepare for IDP and internship programs.

As for preparation to work for architectural firms, Ms. Murphy stated that USC established an architectural guild, which is a volunteer program designed to assist students in preparation for work experiences. She explained that the process begins by the architectural students completing surveys in order to identify their specific area(s) of interest. Then, she indicated that the surveys are forwarded to the constituency in the guild where they attempt to match the student(s) with an architect mentor working in the student's discipline(s) of interest. She stated that the program has been highly successful due to USC architecture alumni's extensive involvement in the program to maintain the continuity of knowledge within the profession.

Ms. Murphy stated that a second event that the school sponsors is a "firm fair" each spring during career week where graduating students submit their digital resumes to the school for distribution to multiple architectural firms across the country. In addition, she indicated that during career week, the school invites architectural firms for students to submit and review their resumes directly and possibly interview with a firm onsite.

Ms. Voigt asked whether the school encouraged or required its faculty to be licensed. Ms. Murphy indicated that the school does continually monitor which faculty members are licensed, frequently hosts license preparation courses, and sends messages to their faculty about obtaining a license.

Mr. Merino inquired as to whether the school tracked the number of students that actually obtain a license and why the number of architects is diminishing. Ms. Murphy indicated that the school and the guild keep an unofficial track record of the students that obtain licenses and she believed that part of the reason there is a decrease in the number of architects in recent years is that many of the students choose to pursue other alternative career pathways (i.e., real estate) and advanced degrees that may be architectural-related, but not directly in the profession.

H. EXECUTIVE COMMITTEE REPORT

Mr. McCauley reported that for Sunset Review, Board representatives went before B&P on March 21, 2011. He indicated that after the hearing, the Board had 30 days to formally respond to the B&P questions presented at the hearing. He indicated that a copy of the written responses submitted to B&P in April were included in the Board meeting packet. He stated that the legislation (SB 543 – Price) to extend the Board's sunset date was already drafted prior to the hearing; however, there was language included in the bill that required the Board to restructure its renewal cycle. He indicated that there was no measurable benefit to this proposal (i.e., reconfigure the renewal cycle, amend regulations, modify the continuing education requirement system, etc.). He added that he met with

B&P staff and anticipated that the conversation and supporting documentation provided to B&P would persuade them to modify the renewal language in the bill.

Mr. McCauley reported that the second issue discussed at the Executive Committee meeting was the Strategic Plan objective regarding committee appointments. He indicated that it had been many years since the Board had reviewed its process, structure, procedures, etc., and there are provisions in the *Board Member Administrative Procedural Manual* (Manual) which indicate the process for committee appointments. He stated that he drafted a white paper to frame the conversation for the Committee to give them a basis for recommendations to present to the Board and to give staff direction to draft new provisions for the Manual and/or discuss at the Board's next strategic planning session.

Mr. McCauley proceeded to review the contents of the white paper as presented to the Committee. He stated that the current language in the Manual stipulates that the Board president establishes the committees and their composition and that appointment of the members shall be determined by the Board president, in consultation with the Vice President, and EO.

Mr. McCauley indicated that there are a number of issues with regard to committees that have been raised. He stated that the main issues were the appointment process, qualifications of the committee members, committee chairmanships, term limits, and the committee jurisdiction. He continued the discussion by reviewing each of the issues separately.

Mr. McCauley explained that the committee appointments are currently made by the Board President, which is consistent with the practices utilized by other organizations (i.e., NCARB, DCA advisory committees, State Assembly, State Senate, etc.). He stated that new Board members are informed of the committee appointment process when he conducts the new member orientation.

Mr. McCauley continued by reviewing the NCARB committee appointment process and stated that an appointment to one of their committees is important because they influence a number of key programs from the national association. He indicated that the current process is for the Board to respond to NCARB's request on behalf of members that would like to serve on a committee. He stated that the Board normally responds to their request in a single master response informing NCARB of the individuals who would like to serve on a committee so there is no redundant requests. He reported that the consensus of the Committee was that the process should be preserved, as there is value in the process and should be included in the Manual.

Mr. Baker clarified that the NCARB President-elect is the individual who appoints committee members to their respective committees, so that those appointments are in effect during his/her term.

Mr. McCauley moved onto the next issue regarding the qualifications of committee members. He stated that the current Manual does not have any specific qualifications for members of a committee. He indicated that the reason there are no specific qualifications is because there have been many different types of individuals appointed to committees (i.e. public and professional members, attorneys, realtors, engineers, etc.). He outlined the possible philosophies that Board presidents may have utilized in the past to appoint members to committees as noted in the white paper. He stated that the list of the criteria used by President Gutierrez to formulate the 2011 committee and liaison appointments is noted in the white paper as well. He continued that the Committee determined that

having prescriptive requirements could be problematic because of the different situations, different presidents, new Strategic Plan, etc. each year.

Mr. McCauley indicated that the Board's committees have had some chairs serve for a single year and some for multiple years. He stated that there have been discussions suggesting term limits to serve as committee chair. He indicated that an issue related to having committee chairs rotate out annually or biennially is that if the chair is productive for the Board, the Board could lose that individual. Mr. Merino stated he had requested staff to provide a list of the committee chairs over the past eight years and found that two of the committees had the same chair for five or six years of the eight years. He continued that he understood chair experience is invaluable, but having a chair for five or six years may cause problems of stagnation and believed it would be beneficial to have new individuals with new ideas rotate into chairmanships. He added that the Legislature has term limits and the Board members have term limits, which he believed is beneficial because it allows the party that made the appointments periodically review their performance and determine whether they would reappoint them. He suggested implementing a specific maximum number of years a chair could serve on a particular committee (two or three years) and then be rotated to another committee to enhance broadening the experience of the Board. Ms. Lyon agreed with Mr. Merino's suggestion and indicated that some of the committee members had been on their respective committee for over 20 years, so maybe some new individuals on these committees would be a healthy change.

Kurt Cooknick inquired whether there was a specific problem with the committee appointments and chairmanships. Ms. Lyon indicated that the issue had been a discussion topic at prior meetings and was a part of the Board's Strategic Plan. Mr. Cooknick then inquired as to when the changes, if implemented, would take effect. Mr. Merino indicated that it would be a process over a period of time (over the next year) where the Board would review the tenure of committee members to determine their length of service. He continued that the rotational frequency of the committee members would be different than the chairmanships because they bring the experience to the committees. He added that the Board members are given term limits and bring the leadership and communication of the Board; whereas staff and the committee members are the individuals that bring the experience for the Board.

Mr. Baker stated that with the discussions that have taken place, it may be beneficial to develop a new policy for committee structures, committee chairmanship, and the transition into a new system. He suggested that the Board president appoint a subcommittee of two or three members to evaluate any alternatives, and then present their findings to the Board with a recommendation. Ms. Voigt stated that once the actions are determined by the Board, the next Board President could take the Board's recommendation on this issue into consideration when appointing members to committees.

Mr. McCauley stated that the last issue in his white paper was on committee jurisdictions. He indicated that the white paper notes the description of each of the committee's jurisdiction from the Sunset Review Report and suggested that the Board consider streamlining the structure of the committees for the future. Ms. Lyon suggested the possibility of phasing out the Examination Committee and moving its responsibilities to the PQC. She continued that since the change to the CSE format, the Examination Committee has been searching for relevancy and consideration should be given to incorporating its responsibilities to the PQC within the next year or two. Mr. Merino suggested that it could be moved into the PQC as a subcommittee. He continued that by streamlining the committees, it may show the Legislature that the Board is pursuing efficiencies. He added that he

would volunteer to be a part of the subcommittee to discuss the issue of committee structure and appointments.

I. CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

Mr. Sotelo reported that the new computer-based CSE was launched in February 2011 and at the time there were approximately 1,000 candidates eligible to take the exam. He stated that to date, there have been over 500 candidates who have taken the exam, which is lower than the expected numbers after four months of exam administration. He indicated that the Board released the first set of exam results to candidates in early June after the vendor performed a statistical analysis when a sufficient number of candidates completed the new exam. He stated that candidates can schedule their exam date three months ahead, which is the maximum amount of time the computer system can accommodate scheduling dates.

Ms. Lyon inquired whether exam candidates take an exit survey after completing the exam. Mr. McCauley indicated that candidates do take an exit survey that is provided upon the completion of the exam. Sheran Voigt asked whether the Board can obtain the results of the surveys for feedback. Mr. Sotelo indicated that the Board can run reports to obtain the results of the exit surveys. He suggested that for the future, staff could prepare a quarterly CSE report on the information the Board wants to review in regard to the administration of the exam. Mr. McCauley indicated that such a report to the Board may need to be presented in closed session due to the nature and possible confidentiality of the materials that would be discussed.

Mr. Baker commented that the Board for Professional Engineers, Land Surveyors, and Geologists (PELSG), specifically structural engineers eliminated their California examination and only administers the national examination. He stated that one of the primary reasons for the Board to maintain the CSE is because of the special requirements in California to specifically design for earthquakes. Mr. Duke addressed the comment since he is the legal counsel for PELSG. He stated that the National Council of Engineering Examiners has evolved the development of the national structural exam to include many issues faced in California (i.e., earthquakes). He stated that when PELSG reviewed the content of the national exam as compared to the California exam, there was a tremendous amount of overlapping content that candidates were being tested upon (roughly 80-90%), so PELSG determined that it did not make economic sense to continue the California exam since the national exam tested for seismic and other issues contained in the California exam.

Mr. McCauley indicated that when creating an exam, there is a review of the issues that the national exam tests for so that the CSE does not test the same material redundantly. He stated that NCARB is beginning a new occupational analysis (OA) and once the process is complete, the Board will begin to conduct its own OA. He continued that the results from the OA may indicate that the Board should reduce and refine what is tested for in the CSE.

Mr. Baker suggested that the topic of exam redundancy could be an issue for the Examination Committee to review and concurrently, the Board should review the source of enforcement disciplinary issues. He continued that the Board could focus on improving the testing in areas where there is a high frequency of disciplinary issues.

Mr. Zeitlian inquired whether there was a way to improve on the 30 days a candidate must wait for his/her CSE results and the 180 days in order to retake the exam. Mr. Baker inquired as to why a

candidate could not receive the exam results immediately since it is administered via computer. Mr. McCauley stated that the 30-day waiting period is standard procedure with the exam vendor to issue the exam results after this time period. Mr. Sotelo added that there is an exam security issue that is also present, as a candidate who obtains their exam score immediately would have memory of the test items on the exam and could discuss those with other candidates. Ms. Mayer stated that in addition to whether the candidate passes the exam, other information like how the candidate performed in test categories and their total possible points and how many they achieved, is also given to the candidate with their results. She continued that the 30 days is a DCA standard and the DCA Office of Professional Examination Services (OPES) recommended a 30-day waiting period due to the retention factor and the amount of recall for the exam. She explained that the 30-day period does not diminish any time from the 180 days candidates must wait to retake the exam. She added that it only affects candidates who have passed the exam, as they must wait 30 days to receive their results. Mr. Zeitlian indicated that the reason he raised the issue is because candidates organize their lives around the testing dates and may have job offers awaiting them depending upon the results of the exam. Mr. McCauley indicated that staff will review the issue and report their results back to the Board. He stated that in regard to the 180 day wait to retake the exam, it is an established standard and correlated to NCARB's standard to ensure that the exam materials are not over-exposed. He indicated that if a candidate is allowed to retake the exam much sooner than the 180 days, the testing would be on the candidate's memory recall as opposed to his/her competence.

Mr. Villegas inquired as to the length of time it takes for a candidate to apply for licensure, the amount of time until they actually receive the license, and whether the 30-day delay in applying for the license really affect the candidates. Ms. Mayer indicated that it could affect those candidates that pass the exam because they receive the application for licensure in the same notification package with the exam results, so they are losing the 30 days. However, she continued that once the candidate receives the application for licensure and depending upon their birth month, they are given the option to obtain the license for less than one year or almost two years (pay ½ of the license fee or the full license fee). She added that many candidates, depending upon their birth month, hold on to the license application until they can pay the full license fee in order to have it for a longer period. She stated that another issue in regard with informing the candidate of the exam results immediately is that some candidates who do not pass the exam may become irate and that raises a safety issue at the testing center because the exam proctors at the facility would need to deal with that individual. Mr. Merino suggested a possible system where a candidate is given a login number to a website where the candidate could obtain their results at home and away from the testing facility. Mr. Duke indicated that the court system utilizes the same rationale on the 30-day process mentioned by Ms. Mayer where a judge will know the decision immediately, but issue it in 30 days because people's emotions run high, are stressful, and they react differently in these types of situations (referring to both court decisions and exam results).

Mr. Zeitlian inquired whether there could be more time for a candidate to retake a final section of the ARE exam prior to the end of the five-year requirement. Both Messrs. Baker and McCauley indicated that the candidate should start taking the examination earlier and, if only one section remained prior to the end of the five-year eligibility, take that section at least six months prior to the end of the five-year date. Mr. McCauley continued that this way, if the candidate does not pass, there is one more opportunity to retake it after the 180-day waiting period and prior to the end of the five-year eligibility date before having to start the process again. Mr. Baker commented that most of the candidate complaints he has seen on this issue is due to the candidate not taking an exam for two and

a half years, waiting until the last minute to take all of the exam sections, and then complains when there is not enough time to complete all of the sections of the exam prior to the five-year deadline.

Mr. Sotelo reported that the CSE development is an ongoing, annual process and the current cycle will be completed by the end of the month (June). He stated that the current contract has two more development cycles in it and those will be completed by June 2012. He indicated that after the first exam development cycle was completed, the Board reviewed the amount of work involved with the exam development and had discussions with OPES to determine whether additional workshops would be necessary for future development cycles. He stated that the Board and OPES agreed that additional workshops per development cycle would be needed and attached for the Board's review and approval is the amended contract agreement with OPES. He continued that the amended contract adds four workshops to each development cycle over the next two years, but the expiration date and terms of the contract remain the same.

- **Sheran Voigt moved to ratify the Amended Intra-Agency Contract Agreement with OPES for CSE development.**

  Michael Merino seconded the motion.

  The motion passed 6-0.

Mr. Baker inquired as to whether the Board is compelled to use OPES for exam development or could the Board obtain an outside vendor for exam services. Mr. McCauley indicated that an outside vendor could be used, and the Board used one previously for the oral exam. However, he continued that if the exam development contract were opened for bidding by private vendors, the cost would probably be at least double the price that OPES charges. Ms. Lyon asked whether the Board could evaluate OPES' service and what is provided. Mr. McCauley stated that the Board could evaluate OPES at any time. Ms. Lyon commented that she believed the Board should provide oversight of the examination development process. Mr. Duke stated that there may also be civil service issues with regard to exam contracts. He indicated that the state constitution and court rulings preclude state agencies from contracting out when state civil service resources can carry out the function. He added that contracts can be approved for outside vendors; however, it must be justified that the government agency (OPES) cannot provide the service or cannot fulfill the obligations of the services within a reasonable amount of time. Ms. Mayer indicated that the current cost for the CSE exam development is quite a bit less than what was paid for development of the oral exam and appears that OPES is providing their services at a reasonable rate.

J. UPDATE ON MAY 23, 2011 JOINT EXAMINATION COMMITTEE/PROFESSIONAL QUALIFICATIONS COMMITTEE MEETING

Mr. McCauley indicated that this topic was presented and discussed within his EO report, so no further discussion is needed on the joint Examination Committee/Professional Qualifications Committee meeting.

K. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

Mr. McCauley presented the agenda item in Jeffrey Heller and Pasqual Gutierrez's absence. He indicated that the proposal presented to the Board will repeal the Comprehensive Intern Development Program (CIDP) requirement for licensure given the improvements to NCARB's Intern Development Program (IDP).

- **Michael Merino moved to repeal CIDP in light of the changes made to NCARB's IDP and PQC's recommendation regarding CIDP.**

  Jon Baker seconded the motion.

  The motion passed 6-0.

Mr. McCauley inquired as to whether the vote was sufficiently clear for the Board to complete the necessary steps to amend the regulations to repeal the program requirements. Mr. Sotelo indicated that the vote was sufficient and that there will be a regulation amendment proposal repealing CIDP presented to the Board for its approval at a future meeting.

Mr. McCauley indicated that the second PQC issue is in regard to the AIACC's Academy for Emerging Professionals (AEP) 2011 Architectural Education Summit. He explained that the goal of the summit is to create a sustainable, ongoing effort to ensure that the curriculum in the schools reflects professional practice so that the emerging professional's needs are met. He stated that one unresolved issue with the summit is that the academy requested that the Board co-sponsor the event, but the Board wanted clearer goals from the academy.

Ms. Voigt inquired as to who is paying for the Board to participate in the summit and if a payment is made, does it present a conflict issue. Mr. McCauley indicated that it would be difficult for the Board to pay for any portion of the summit and noted the issue of the Board's name being utilized in the same context as sponsors. Mr. Cooknick indicated that the event would be conducted similarly to other Council events where the Council obtained buy-ins from multiple co-sponsors to pay for the event. He stated that an event like the summit usually has multiple co-sponsors that consist of parties with vested interests in the issues that will be discussed. Mr. Baker stated that through his involvement with the Academy, he has not seen any request for a sponsorship, only to participate in the summit. Ms. Mayer clarified that the initial request at the December 2010 meeting was to co-partner with the Academy on the summit. She stated that when the Academy's representative proposed for the Board to co-sponsor the event, the Board requested more defined and formalized goals for the summit to present to the Board at the next meeting. Mr. Cooknick indicated that the request was for a partnership on the summit and the Council realizes that there are limitations as to what a state agency can provide to an event such as the summit. He commented that the Council knows that there may not be any monetary support from the Board, but there could be other Board resources (i.e., staff time and materials allocated for the event) available. Mr. Baker stated that if the Board were to make a decision to participate in the summit, they would need very specific information from the Council as to what they are requesting from the Board before a decision could be rendered.

- **Michael Merino moved to authorize the Board President and/or EO to act on the Board's behalf to, subsequent to the request from AIACC's AEP, provide specific assistance without any monetary action within the parameters of the Board's legal authority.**

  Jon Baker seconded the motion.

  The motion passed 6-0.

L. REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

Ms. Voigt provided a summary of the REC meeting held on May 11, 2011. She reported that virtually all of the Committee members were present for the meeting where she presented the Octavius Morgan Distinguished Service Award to Lawrence Segrue, who is a long time REC member and had served on many of the Board's committees. She added that the REC had discussions on the Strategic Plan objective issues and determined recommendations for them. She continued that the Committee had a discussion regarding the proposals that were present in SB 1111, but each will be discussed as individual items later in the REC report.

Hattie Johnson reported that at the December 2010 meeting, the Board requested enforcement statistics in regards to case aging, which were provided at the March meeting. She stated that the Board further requested DCA benchmarks to be placed within the next enforcement statistical report. She reviewed and discussed the enforcement statistics provided in the meeting packet. Mr. Merino inquired as to why some of the closed case statistics were above the DCA performance measure goal (specifically citations). Ms. Johnson explained that within the total number of cases, there may have been a single case that took an exceptionally long period of time to close, so the average number of days could be skewed for the category. She indicated that staff continues to improve, modify, and streamline the procedures that are utilized for enforcement cases, which should decrease the amount of time for their review. Ms. Mayer indicated that she reviewed the more recent cases as of July 2010, and since the changes were implemented, the number of days for those cases to close has decreased.

Mr. McCauley presented the next item concerning developing a strategy for informing the League of California Cities (LCC) and the California Chapter of the American Planning Association (CCAPA) about the Architects Practice Act. He stated that the Board had an interest in assessing the extent that planning departments identify problems with architectural services being provided early in the entitlement process. He explained that the Board had seen instances where consumers utilized an unlicensed person to complete planning department approvals on a non-exempt project, but when the plans reached the building department, which required an architect, the consumer had to start the project over using an architect. With instances like this, he indicated the Board wanted to educate planning departments about its mission, how it functions, and about the different programs it operates. He continued that the REC recommended an assessment to determine whether the CCAPA perceives this to be an issue.

Mr. Baker inquired as to why planning departments are accepting documents without an architectural stamp, when there is a requirement for a stamp to be on non-exempt projects that go to the building department. Mr. Merino indicated that in the city where he works as a planning commissioner, the director of community services informed him that the license and stamp is not a requirement at the planning department stage of a project. He further elaborated that it was explained to him that a

licensed architect is not required to develop the project through the planning process because it is not specifically stated within a city ordinance. Mr. Baker stated that the Board may need the legal definition of architectural services because when an unlicensed individual is caught performing these functions, it is categorized as practicing architecture without a license. He questioned why these cities would not utilize the same definition of architectural services.

Mr. Merino indicated that the REC recommended addressing the issue utilizing a progressive, collaborative, strategic approach with the planning departments rather than a direct, compliance-type letter. He stated that there could be a legal disconnect because the city ordinance may provide an exception to the statute because it does not specifically indicate that a licensed architect must be utilized for planning services. Mr. Duke indicated that the difficult part of the issue is that the Board now must deal with local jurisdictions that may be aiding and abetting unlicensed activity, which creates many political problems (jurisdictional and authority). Robert Carter commented that where the legal disconnect occurs is in Business and Professions Code section (BPC) 5536.2 which puts the onus on a city or county to inquire whether the individual submitting the documents for a project is appropriately licensed. He indicated that the language in this section is not clear and can be interpreted in different ways. He stated that planning departments have expanded and taken responsibility for issues such as planning review; design review; and participating in architectural design committees, which transcend into architectural practice, but they have not changed their practices and procedures.

Mr. Baker inquired whether the definition of architectural services is clearly defined in statute. He continued that if the legal definition of architectural services are clearly defined in statute, why are these definitions not in alignment with cities' definition of architectural services. He commented that a disconnect exists in the legal definition of architectural services and if the cities are not enforcing the issue, a letter should be sent to them informing them of their responsibilities. He added that the onus is on the cities to enforce the law and not on the Board to coax them to enforce it. Mr. Merino indicated that the problem is that the planning department does not perceive itself in the same manner as the building department. He stated that he raised the question with the planning director of community services and was specifically told that the planning process is exempt from an architect's approval due to the city ordinances.

Mr. McCauley inquired whether a state statute supersedes a city ordinance. Mr. Duke indicated that a statute normally supersedes a city ordinance; however, in this instance, there is some ambiguity on the planning department issue, unlike the specifics detailed in the building permit process. He continued that as planning departments have evolved, it appears that they have been infringing upon the realm of architectural services. He stated that there is a problem with sending a general letter from the Board on this issue, as there are various jurisdictions that have their own specific ordinances and it would be more efficient for the Board to handle these situations on a case-by-case basis (since enforcement is already dealing with it through citations). He added that a more efficient approach of handling the issue is to educate the various planning departments and communicate with them. Mr. Merino indicated that the REC's methodology to resolving the issue was to discuss the issue with the CCAPA, inform them of the Board's position without sending an official letter, and collaborate on a resolution.

Mr. Baker stated that in order to resolve the issue, either the cities must enforce the statute that indicates design work on a nonexempt project is architectural services and an architectural license is required, or the Board needs to change the regulations that allow certain planning and design work to

be exempt. He added that currently, the statute states that non-licensed individuals cannot provide design work for nonexempt projects, but the planning departments are allowing it. Ms. Lyon suggested that the Board develop a combination of ideas to resolve the problem consisting of education for the planning departments and possibly some legal avenues to persuade planning departments to change their procedures. Mr. Duke stated that it would be difficult for the Board to exert its authority over local jurisdictions because they would utilize their legal avenues or city counsel to show ambiguity within the law. He continued that the most efficient method to deal with this issue is to pursue the individuals who are in violation of the statute and then educate the cities about their practices.

Ms. Voigt inquired as to whether the Board had additional direction to pursue a resolution to the issue other than opening dialog with the two organizations (APA and LCC) cited in the meeting packet. She stated that the REC provided the Board with a recommendation and requests further direction to continue the process of resolving the issue.

- **Jon Baker moved to research the definition of architectural services, prepare a letter to local planning department jurisdictions advising them of the requirements for licensure for individuals submitting plans that represent architectural services, and to educate them on the issues.**

  Hraztan Zeitlian seconded the motion.

  The motion passed 6-0.

Mr. Merino commented, for the record, that he voted to support the motion's intent, but is uncomfortable in sending a letter and is relying on staff to devise a diplomatic message because he believed the Board would receive opposition.

Ms. Johnson continued with the REC report and stated that the "Gag (confidentiality) clause" in civil settlement agreements was the next issue. She reported that the Board already has existing language that addresses this issue, which is BPC section 5588.3 (requires an architect to file a report with the Board stating that a licensee shall not be considered to have violated a confidential settlement agreement or other confidential agreement by providing a report to the Board as required by this article); however, it only pertains to architects. She indicated that the REC's recommendation is to amend BPC section 5588.3 to allow other parties (i.e., clients or consumers) to respond to a Board inquiry even though a confidentiality clause is in place.

- **Sheran Voigt moved to approve the REC recommendation to amend BPC section 5588.3 to allow clients/consumers to respond to the Board's inquiry regarding settlement agreements even with a confidentiality clause in place.**

  Michael Merino seconded the motion.

  The motion passed 5-1 (Marilyn Lyon opposed).

Ms. Voigt indicated that the idea to amend BPC section 5588.3 arose from instances where Board staff inquired about a complaint; however, clients/consumers indicated that they could not respond to the request due to the existence of a confidentiality clause in their agreement. She stated that the lack

of response from the client impeded the progress of the investigation. She continued that the new language for the amendment would allow the client or consumer to provide information to the Board despite the existence of the confidentiality clause. Ms. Johnson stated that the amendment would allow a client or consumer an opportunity to express their side of the issue.

Mr. Villegas inquired that if the BPC amendment is approved, what incentive would exist for a licensee to enter into settlement agreements with their clients if all of the case information is disclosed. He stated that the client or consumer benefits, or partially benefits, from a settlement with the licensee, but disclosing the requested information can extend the case for the consumer. Mr. Merino indicated that the REC discussed the issue and stated that the information would only be released to the Board for its enforcement purposes (not released to the public). He clarified that the amendment would give the client or consumer the opportunity to comment to the Board on the complaint despite the confidentiality clause, and they would not be obligated to respond.

Ms. Johnson reported that the next issue the REC reviewed was the Strategic Plan objectives regarding DCA's proposals from prior legislation (SB 1111). She indicated that the legislation was intended to improve DCA healing arts boards' and bureaus' enforcement programs, but did not pass. She stated that DCA encouraged the boards to review the provisions contained in the legislation to assess whether any of the provisions may be useful in improving their enforcement programs. She reported that DCA provided a list of nine issues that were reviewed by the REC and their proposed recommendations are in the meeting packet. She stated that the Board is asked to review the recommendations and provide guidance on how to proceed.

Mr. Merino disagreed with the REC recommendation regarding sex offenders and stated that if an individual is registered as a sex offender, they should not be allowed to practice, as there is potential for interaction with families. Ms. Voigt indicated that the Board is only providing a recommendation to these provisions for DCA and that there are only three (numbers one, three, and six) that the Board should consider, as some of the others are already in statute or are not relevant.

Mr. McCauley indicated that the proposals would be issues that the Board would need to pursue legislation or regulations depending upon the issue to be addressed, not as simple as a letter of support for the proposals.

Mr. Merino requested a bifurcation of the motion into two separate parts for vote. Ms. Voigt agreed.

- **Sheran Voigt moved to ratify the REC recommendations related to delegation to EO regarding stipulated settlements to revoke or surrender license and to authorize the Board to order an applicant for licensure to undergo a psychological or medical evaluation in response to DCA proposals (numbers one and six) regarding SB 1111.**

  Jon Baker seconded the motion.

  The motion passed 6-0.

- **Sheran Voigt moved to approve the REC recommendation to oppose the provision that would require the Board to deny a license to an applicant or revoke the license of a licensee who is registered as a sex offender in response to DCA proposal (number three) regarding SB 1111.**

Jon Baker seconded the motion.

The motion failed (Michael Merino opposed and other member(s) that opposed could not be determined).

Mr. Duke stated that the Board needed to address the remaining DCA proposals regarding SB 1111, as they are recommendations from the REC.

- **Michael Merino moved to approve the remaining REC recommendations (numbers two, four, five, seven, eight, and nine) related to sexual misconduct, confidentiality agreements regarding settlements, failure to provide documentation and 718(d) – failure to comply with court order, sexual misconduct, failure to provide information or cooperate in an investigation, and failure to report an arrest, conviction, etc., indicating that the issues either do not apply to the Board or that there are already existing statutes that pertain to the issue.**

  Sheran Voigt seconded the motion.

  The motion passed 6-0.

Ms. Johnson indicated that the Board's Strategic Plan directed the REC to review a fingerprint requirement for licensees for its potential use by the Board. She reviewed examples of the fingerprint processes of two other boards and indicated that they can be done at different times (i.e., when an applicant applies for licensure or at a license renewal) depending upon how a board implements the program to comply with the requirement. She stated that currently, the Board does not have a fingerprint requirement for licensure; however, the REC recommended monitoring legislation (SB 543 – Price) that required PELSG to implement a fingerprint requirement.

- **Sheran Voigt moved to approve the REC recommendation to monitor the legislation that requires fingerprinting.**

  Michael Merino seconded the motion.

  The motion passed 6-0.

M. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) REPORT

Mr. McCauley reported that the NCARB resolutions to be voted upon at the annual meeting have not changed since the Board reviewed and took positions on them at its March meeting, so no action is needed.

Mr. McCauley reported that NCARB has presented two new issues for public comment, which is new for them to be more collaborative with their work and obtain feedback from the member boards. He indicated that the first issue is a proposed modification to NCARB's Education Standard and, after a review of them, did not find any substantial changes to the standard. He indicated that no action is needed.

He reported that the second issue is a proposed modification to NCARB's IDP 2.0 Experience Settings and, if the Board has no issues, no action is needed.

N. SCHEDULE

Mr. McCauley stated that the next Board meeting is scheduled for September 15, 2011 in Sacramento, and December's meeting will be December 7-8, 2011 in San Diego, where the second day is the Board's Strategic Planning session. Ms. Voigt inquired as to whether the Board will maintain November 18, 2011 as the date for the AIACC's AEP Architectural Education Summit. Mr. McCauley indicated that the November date will be on the Board's schedule.

O. ADJOURNMENT

The meeting adjourned at 2:20 p.m.

**Agenda item for this meeting taken out of order to accommodate the guest speaker. The order of business conducted herein follows the transaction of business.*

Agenda Item E

PRESENTATION BY NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS REPRESENTATIVES, INCLUDING INFORMATION ON THE BROADLY EXPERIENCED FOREIGN ARCHITECT (BEFA) PROGRAM

National Council of Architectural Registration Boards' (NCARB) Director of Executive Office Kathy Hillegas and new Chief Executive Officer Michael Armstrong will provide the Board with a presentation on current NCARB initiatives. Additionally, Assistant Director of Member Board Relations Derek Haese will provide a presentation on NCARB's BEFA Program.

The BEFA Program was developed by NCARB's Broadly Experienced Architect (BEA) Committee and implemented in 2003. The program was created as a result of an expressed interest in a path for foreign architects who, if deemed eligible, could obtain NCARB Certification in support of registration with a Member Board. Applicants who meet the program's eligibility requirements (a professional degree from an accredited/validated/officially recognized architecture program; current credential as an architect in a country that has a formal record-keeping method for disciplinary action for architects; and, a minimum of seven years of comprehensive, unlimited practice as a credentialed architect over which the individual exercised responsible control in the country in which he/she is registered) are allowed to demonstrate competence to practice independently in the United States and meet the NCARB examination requirement, the Architect Registration Examination, through practice experience in a foreign country. The BEFA process requires establishment of an NCARB Record, preparation and submission of a dossier to demonstrate experience/competence, a personal interview with the BEA Committee, and a final evaluation of record. Currently, 36 Member Boards accept an NCARB Certificate granted by satisfaction of the BEFA Program. As of June 30, 2011, 12 applicants have successfully completed the BEFA Program, seven in the last year.

Currently, the Board's regulations (California Code of Regulations, Title 16, section 121) only provide three paths for individuals seeking reciprocal licensure in California (for architects licensed in: another U.S. jurisdiction; a Canadian province; or the U.K.). Additionally, Business and Professions Code section 30 requires that an individual possess a social security number in order to obtain and maintain a professional license in California. Under Agenda Item J.1, the Board will further discuss these requirements in relation to the BEFA Program and other foreign architects.

Attachments:
NCARB website information regarding BEFA Program

NCARB

National Council of Architectural Registration Boards

BEFA

Broadly Experienced Foreign Architect Program

www.ncarb.org/befa

Broadly Experienced Foreign Architect Program

BEFA Process Overview
Experience Dossier
BEFA Interview
BEFA Fees

BROADLY EXPERIENCED FOREIGN ARCHITECT (BEFA) PROGRAM PROCESS

The BEFA Program is a multi-step process. There are many factors that affect the length of time required to complete the BEFA process. In addition to the time it takes to process and review records, evaluations, applications, and dossiers, applicants should factor in their own time requirements to prepare and submit the BEFA Eligibility Verification Form and BEFA dossier. All steps of the process are required (if there are any questions about your professional degree, you may be required to obtain an **EESA-NCARB Education Evaluation** to evaluate your education in relation to the ***NCARB Education Standard***; you will be notifed if you are required to obtain an evaluation).

BEFA Eligibility Verification – Please refer to the **BEFA Eligibility Verification Form (Form 262)** and the **BEFA Credential Verification Form (Form 263)** for detailed eligibility requirements and information and documents required for NCARB to determine if you are eligible. For questions related to the BEFA Program, please contact the Education Directorate at **BEFA@ncarb.org**.

NCARB Record – Applicants are required to establish and maintain an active NCARB Record after NCARB confirms eligibility for the BEFA Program. Applicants who currently hold an NCARB Record should confirm that their Record is active. For information on fees associated with an NCARB Record, **click here**. Contact NCARB for more information. [**more**]

BEFA Dossier – Once the BEFA Eligibility Verification Form and all required supporting documents have been received by NCARB and NCARB has confirmed eligibility, applicants will receive an eligibility confirmation letter with dossier preparation forms and instructions. In their BEFA dossier the applicant must demonstrate competence to independently practice architecture in the United States while protecting the public health, safety, and welfare; describe the nature of their responsible control over each project; and note any modifications of their projects that would be required to comply with U.S. building codes and laws. [**more**]

- Effective 1 July 2011, BEFA applicants will have a window of 18 months from the date of their eligibility confirmation letter to prepare and submit their BEFA dossiers. Applicants who do not submit within this 18-month time period will be required to complete and submit an updated BEFA Eligibility Verification Form (Form 262) and BEFA Credential Verification Form (Form 263) with all required documents. They will also be required to pay the BEFA Eligibility Verification fee for the updated verfication.

Interview – Applicants who have demonstrated in their BEFA dossier competence to independently practice architecture in the United States are invited for an interview. [**more**]

Final Evaluation of Record – Once an applicant successfully completes the BEFA Program, NCARB performs a final evaluation of the applicant's NCARB Record. Applicants will be required to provide any incomplete information. The applicant will also be required to request updated credential information from the credentialing authority (Form 263) of their foreign country prior to issuance of an NCARB Certificate. Documentation of the credential must be submitted directly to NCARB from the credentialing authority.

Please note: Once an NCARB Certificate has been issued, applicants will have one year to obtain registration in a Member Board jurisdiction as a certificate renewal requirement.

RELATED CONTENT

Handbook for Interns and Architects
Updated July 2011! The Handbook for Interns and Architects describes the NCARB organization, services, procedures, and examinations.
[more]

BEFA Eligibility Verification Form (Form 262)
The NCARB Broadly Experienced Foreign Architect (BEFA) Eligibility Verification Form is designed for you to provide information so NCARB can accurately evaluate your eligibility for the BEFA program.
[more]

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Broadly Experienced Foreign Architect Program

BEFA Process Overview
Experience Dossier
BEFA Interview
BEFA Fees

BEFA EXPERIENCE DOSSIER

The BEFA dossier allows the applicant to demonstrate competence to independently practice architecture in the United States, while protecting the public health, safety, and welfare to meet the examination requirement of NCARB certification. The BEFA dossier is distinct from a professional portfolio of work in that it allows the applicant to demonstrate competence to practice architecture independently rather than documentation of registration and professional qualifications; these are eligibility requirements and are not the focus of the dossier.

The specific areas of the BEFA dossier are based on the **Architect Registration Examination®** (ARE®) and outlined in the ***Handbook for Interns and Architects***:

1. Programming, Planning, & Practice
2. Site Planning & Design
3. Building Design & Construction Systems
4. Schematic Design
5. Structural Systems
6. Building Systems
7. Construction Documents & Services

The dossier must include a detailed written description of specific examples of experience as a credentialed architect and provide supporting documentation that is relevant to the experience areas. The projects included in the dossier must be completed projects in the foreign country where the applicant is credentialed.

Comprehensive practice and responsible control must be clearly explained both in the written descriptions and in the supporting documentation. Applicants must also describe the general nature of modifications necessary to comply with U.S. building codes and laws including accessibility laws. Thorough organization of the dossier and thorough annotation of supporting material are required.

Dossiers must conform to specific format requirements and utilize standard forms. These are provided after NCARB has confirmed the applicant's eligibility. Dossiers that do not meet format and submission requirements will be returned to the applicant at the applicant's expense. The Format Review fee is required to submit revised dossiers.

Effective 1 July 2011, BEFA applicants will have a window of 18 months from the date of their eligibility confirmation letter to prepare and submit their BEFA dossiers. Applicants who do not submit within this 18-month time period will be required to complete and submit an updated BEFA Eligibility Verification Form (Form 262) and BEFA Credential Verification Form (Form 263) with all required documents. They will also be required to pay the BEFA Eligibility Verification fee for the updated verification.

Applicants are free to submit dossiers at any time within the 18-month window. Submission dates correspond to committee meetings and determine the potential review and interview schedule.

Current dossier submission dates are:

Dossier submission dates
8 September 2011
8 December 2011
16 February 2012
26 April 2012

There is a minimum six-month review process from the submission date to a potential interview. Forms, program requirements, and fees are subject to change. Applicants are responsible for meeting current program requirements and using current forms at the time of dossier submission.

Dossiers that do not meet format and submission requirements will be returned to the applicant at the applicant's expense. The format review fee is required to submit revised dossiers.

BEFA dossiers are reviewed by the BEA Committee to determine whether the applicant demonstrated knowledge of U.S. building codes and laws in all areas of the ARE and whether the applicant demonstrated competence to practice architecture independently in the United States. Applicants do not attend the dossier review. Dossier review **fees** are due upon dossier submission. Results of the dossier review are announced approximately four weeks after the review.

RELATED CONTENT

BEFA Eligibility Verification Form (Form 262)
The NCARB Broadly Experienced Foreign Architect (BEFA) Eligibility Verification Form is designed for you to provide information so NCARB can accurately evaluate your eligibility for the BEFA program.
[more]

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Broadly Experienced Foreign Architect Program

BEFA Process Overview
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BEFA Fees

BEFA INTERVIEW

Applicants who have demonstrated competence to practice architecture independently in the United States in their BEFA dossier are invited for an interview at a subsequent meeting of the BEA Committee. The purpose of the interview is to verify the applicant's responsibility over the development, management, and implementation of each submitted project; the applicant's understanding of U.S. licensing and professional conduct requirements; and the applicant's knowledge of U.S. building codes and laws.

Interviews are held several times a year in major U.S. cities. Detailed information about the interview location and time is provided once the applicant's dossier has been reviewed and accepted. **Interview fees** are due before the interview. Results are announced approximately four weeks after the interview.

Upon successful completion of the BEFA Program, prior to issuance of an NCARB Certificate, applicants are required to request updated credential information from the credentialing authority of their foreign country (**Credential Verification Form 263**). Documentation of credentials must be submitted directly to NCARB from the credentialing authority.

Once an NCARB Certificate has been issued, the applicant must obtain registration in a Member Board jurisdiction within one year of issuance. NCARB Certificates must be renewed annually. Annual renewal requires that the applicant maintain active registration in at least one **Member Board jurisdiction**. If registration is not obtained within one year, the NCARB Certificate will expire.

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Broadly Experienced Foreign Architect Program

BEFA Process Overview
Experience Dossier
BEFA Interview
BEFA Fees

BEFA FEES

Note: All fees are subject to change, and are non-refundable unless otherwise noted.

Eligibility Verification Fee: $500
This fee is for review of your official documents to verify your eligibility for the BEFA Program is due upon submission of your BEFA Eligibility Verification Form.

> *Effective 1 July 2011, BEFA applicants will have a window of 18 months from the date of their eligibility confirmation letter to prepare and submit their BEFA dossiers. Applicants who do not submit within this 18-month time period will be required to complete and submit an updated BEFA Eligibility Verification form (Form 262) and BEFA Credential Verification Form (Form 263) with all required documents. They will also be required to pay the BEFA Eligibility Verification fee for the updated verification.*

Experience Dossier Review Fee: $5,000
This fee includes one non-refundable format review fee of $500 to verify format and submission requirements have been met. Should you decide to cancel this process before the committee reviews the dossier, $4,500 is refundable.

Format Review Fee: $500
If your dossiers are not approved in the format review and you revise and submit new dossiers this fee is due upon dossier submission.

Interview Fee: $2,000
The interview fee is due approximately six weeks before your scheduled interview.

Click here for information related to other NCARB fees, including certification.

Note: All fees are subject to change, and are non-refundable unless otherwise noted.

RELATED CONTENT

Value of an NCARB Certificate
An NCARB Certificate means you have met the highest professional standards established by the registration boards responsible for protecting the health, safety, and welfare of the public.
[more]

Certification Fees
Learn the fees associated earning and maintaining an NCARB Certificate.
[more]

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Agenda Item F

EXECUTIVE OFFICER'S REPORT

1. Update to August 2011 Monthly Report

2. Discuss and Possible Action on Legislation: Senate Bill (SB) 543 and SB 706

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

MEMORANDUM

DATE: September 1, 2011

TO: CAB Staff

FROM: Doug McCauley, Executive Officer

SUBJECT: Monthly Report - August 2011

The following information is provided as an overview of Board activities and projects as of August 31, 2011.

ADMINISTRATIVE/MANAGEMENT

Board The meetings scheduled for the remainder of 2011 are: September 15, 2011 in Sacramento and December 7-8, 2011 in San Diego. The December meeting will include a strategic planning session to update the Board's Strategic Plan for 2012.

Budget On July 28, 2011, the Board completed a State and Consumer Services Agency (Agency) directive to reduce the Board's budget by five percent. The directive was a result of anticipated ongoing spending reductions outlined in Executive Orders issued in the last fiscal year (FY).

Staff completed the budget schedule documents (i.e., Workload and Revenue Statistics, and Revenue Category) for FY 2012/13 and submitted them to the Department of Consumer Affairs (DCA) Budget Office on August 25, 2011 Staff is currently completing the Major/Minor Equipment Requests which are due on September 16, 2011.

Communications Committee The next Communications Committee meeting has not been scheduled. A "Consumer Tips" card was designed with input and approval from the Committee and will be presented to the Board at the September meeting (attached).

Legislation Senate Bill (SB) 543 (Steinberg and Price) pertains to the Board's Sunset date and further details on the bill are in the Sunset Review section of the report.

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

SB 706 (Price) contains language that requires the Board and the Landscape Architects Technical Committee (LATC) to provide on the Internet information regarding the status of every license issued in accordance with the California Public Records Act and the Information Practices Act of 1977. The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the Board and LATC or other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act. The bill recently cleared the Assembly Appropriations Committee and from there, it will be voted upon on the Assembly Floor. If approved, the bill will be forwarded to the Senate for a concurrence vote and if approved by the Senate, it is forwarded to the Governor, where he has 30 days in which to act upon the bill.

Newsletter The Summer 2011 issue of *California Architects* (Board newsletter) was posted to the website on August 29, 2011. An email was sent to nearly 4,000 subscribers announcing the publication, and as of August 31, 2011, there have been more than 13,000 views. The newsletter will also be provided electronically to the National Council of Architectural Registration Boards (NCARB) Member Board Members and Executives and The American Institute of Architects, California Council (AIACC) chapters to enhance its distribution.

Personnel On February 15, 2011, Governor Brown prohibited all State agencies and departments from filling vacant positions unless an exemption was granted by his office with the exception of internal departmental transfers.

Personnel paperwork was completed and sent to DCA to recruit to fill vacant Office Technician and Staff Services Analyst positions. Currently, only DCA employees are eligible to transfer within DCA and can be considered for the positions. Exemption requests have been submitted to seek approval to hire outside of DCA or from certification lists to fill the Board's vacant positions.

Sunset Review The final Sunset Review Report was submitted to Business, Professions and Economic Development (B&P) Committee on September 30, 2010. The initial hearing for the Board was scheduled for November 10, 2010; however, it was rescheduled to March 21, 2011. The Board went before B&P on March 21, 2011 to present the report and address any concerns. A written response to B&P issues was provided to them by the April 20, 2011 (30 day) deadline.

The Board was updated about Sunset Review at its June meeting. SB 543 extends the Board's sunset date until January 1, 2016. On July 5, 2011, the bill was heard by the Assembly Committee on Business, Professions, and Consumer Protection. On July 12, 2011, the bill was amended with no changes that affect the Board and referred to the Assembly Committee on Appropriations. On August 15, 2011, the bill was amended to include DCA's BreEZe project proposal and authorization for Department of Finance (DOF) to augment the budgets of all the programs involved in the project to cover its cost. The bill recently cleared the Assembly Appropriations Committee and from there, it will be voted upon on the Assembly Floor. If approved, the bill will be forwarded to the Senate for a concurrence vote and if approved by the Senate, it is forwarded to the Governor, where he has 30 days in which to act upon the bill.

Training The following employees have been scheduled for the Safety and Crime Prevention training on September 13, 2011: Arleen, Erin, Nancy, Coleen and Sameen.

Website The notice for the August 30, 2011, Task Force on Committee Procedures meeting was posted to the Board's website during August 2011.

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) ARE passing rates for divisions taken between April 1, 2011, and June 30, 2011, are shown below.

DIVISION	NUMBER OF CANDIDATES	TOTAL PASSED		TOTAL FAILED	
		# Cand	% Passed	# Cand	% Failed
Programming, Planning & Practice	202	115	57%	87	43%
Site Planning & Design	200	153	77%	47	24%
Building Design & Construction Systems	153	79	52%	74	48%
Structural Systems	191	120	63%	71	37%
Building Systems	188	121	64%	67	36%
Construction Documents & Services	237	143	60%	94	40%
Schematic Design	203	144	71%	59	29%

California Supplemental Examination (CSE) Administration Since its launch in February 2011, the new computer-based, multiple-choice format of the CSE has been administered to 729 candidates through the end of August. Of those candidates, 384 (53%) passed and 345 (47%) failed.

CSE Development A new CSE development cycle will begin in September 2011.

Comprehensive Intern Development Program (CIDP) Since the implementation of the CIDP/Intern Development Program (IDP) requirement for California licensure, the Board, through the work of the CIDP/IDP Correlation Task Force and the Professional Qualifications Committee (PQC), has examined updates to IDP in comparison to the CIDP requirement. At its May 22, 2009 meeting, the PQC made a recommendation that CIDP should remain in its current format, but that an alignment document be created for candidate clarity that cross-linked the CIDP skills and application activities and the evidence required with the revised or new IDP skills and application activities. At the September 17, 2009 Board meeting, the Board approved the PQC's recommendation. In light of the recent improvements to IDP, the Board discussed the

future of CIDP at its September 15, 2010, meeting. It was determined that this issue should be re-evaluated by the PQC, that a closer comparison between IDP 2.0 and CIDP be conducted, and that a new recommendation be presented to the Board. The PQC met on February 28, 2011, where it re-evaluated this issue. Harry Falconer, NCARB Director of IDP, provided a comprehensive presentation on IDP 2.0 and responded to questions from the members regarding the improvements to IDP. The PQC considered these improvements (culminating in IDP 2.0) and recommended the suspension and discontinuation of CIDP to coincide with the complete implementation of IDP 2.0 this year. The recommendation was presented to the Board at its March meeting and was ultimately voted upon at its June meeting. The Board voted to repeal CIDP due to the many improvements to IDP and directed staff to initiate a regulatory change package to repeal the CIDP requirement from the regulations (see more information below under Regulation Changes).

Liaison Program The Board's Liaison Program was originally created in 2008, but due to workload issues, was not implemented. The program is designed to ensure that the Board shares information with key constituency groups, like the League of California Cities, American Council of Engineering Companies – California and others and to maintain a line of communication between the Board and the organizations. Phase I of the program was implemented on March 17, 2011, when letters to the respective organizations and assigned liaisons were mailed. At the March 17, 2011 Board meeting, a draft of the Liaison Program purpose and responsibilities was reviewed with the members so they could begin contacting the organizations. Phase II of the program was implemented on August 30, 2011 with contact letters sent to all of the architecture schools in California and a copy of the letter sent to their assigned Board member liaisons. Board members will report on their efforts at the December Board meeting.

Outreach *AIACC and Academy for Emerging Professionals (AEP)* - The AEP is planning an Architectural Education Summit scheduled for November 18, 2011, in San Francisco as a strategic planning session and will launch a five year initiative with specific goals. An experienced facilitator has been secured for this session, and a summit planning committee will be working with the facilitator in June to develop the session's framework and agenda. The intention is to create something sustainable with a valuable outcome and measured results. Thus, the first summit will serve as a vehicle to bring stakeholder groups to the table, take a long view approach to issues at hand, and set in place a multi-year plan to bridge gaps between education, practice, and communication. The Board was asked to participate in the event.

At its June meeting, the Board requested clarification on the Board's participation or partnership in the event and authorized the Board President and/or Executive Officer to act on the Board's behalf, upon requesting additional information from AEP, and provide assistance for the event without any monetary support and within the parameters of the Board's legal authority. It was subsequently clarified that the AEP would also be interested in access to Board staff and records, for purposes of researching licensure patterns (based upon the Board's resources and priorities). Additionally, the Board was contacted in mid August to obtain permission to use its logo as part of the event's invitation material and final marketing, showing all stakeholders involved in the summit. The Board will be provided with an update on the summit at its September meeting.

Professional Qualifications Committee (PQC) The next PQC meeting has not been scheduled.

Regulation Changes *California Code of Regulations (CCR) sections 109, Filing of Applications and 121, Form of Examinations; Reciprocity* – Currently, the regulations specify a sunset provision for NCARB's IDP, Canada's Internship in Architecture (IAP) and the Board's CIDP that is not in alignment with the sunset provision provided in section 5552.5 of the Business and Professions Code (BPC). The regulatory proposal would strike that provision from the regulation, as a sunset provision is provided in the statute. Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR sections 109 and 121:

December 15, 2010	Final Approval by the Board
January 7, 2011	Notice of Proposed Changes in the Regulations published by Office of Administrative Law (OAL)
January 11, 2011	Regulation package to DCA Division of Legislative and Policy Review
January 24, 2011	Regulation package to DCA Budget Office
February 22, 2011	Public hearing, no public comments received at hearing
May 17, 2011	Final rulemaking file to DCA Legal Office
June 3, 2011	Agency approved the regulation package
June 21, 2011	Regulation package to OAL
July 29, 2011	Regulation package withdrawn to modify language
August 3, 2011	Notice of Modified Text mailed
August 19, 2011	No comments received, final rulemaking file resubmitted to DCA Legal Office

CCR sections 109, Filing of Applications, 117, Experience Evaluation, and 121, Form of Examinations; Reciprocity – The regulations reference guideline/handbook editions for IDP, IAP, and CIDP. This proposal would update, clarify, and provide consistency with how these items are referenced in the regulations, as well as strike IDP entry point language, as IDP entry point has been modified by NCARB and is detailed in the current edition of the IDP Guidelines. Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR sections 109, 117 and 121:

December 15, 2010	Final Approval by the Board
January 7, 2011	Notice of Proposed Changes in the Regulations published by OAL
January 11, 2011	Regulation package to DCA Division of Legislative and Policy Review
January 24, 2011	Regulation package to DCA Budget Office
February 22, 2011	Public hearing, no public comments received at hearing

CCR sections 109, Filing of Applications; 116, Eligibility for Examination; 117, Experience Evaluation; and 121, Form of Examinations; Reciprocity – The regulations require the completion of the Comprehensive Intern Development Program (CIDP) as a component to receiving licensure. This proposal would repeal the requirement for CIDP in accordance with the Board's June 16, 2011, vote to eliminate the program based on improvements made to the National Council of Architectural Registration Boards' Intern Development Program since the inception of CIDP. On August 12, 2011, the Notice of Proposed Changes in the Regulations was published by OAL. The public hearing is scheduled for September 28, 2011.

ENFORCEMENT PROGRAM

Architect Consultants

Building Official Contact Program: The architect consultants are available on call to Building Officials and in August, they received six telephone, email, and/or personal contacts. These types of contacts generally include discussions regarding the Board's policies and interpretations of the Practice Act, stamp and signature requirements, and scope of architectural practice.

Education/Information Program: The architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In August, there were 52 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 15 of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

Enforcement Actions On July 19, 2011, the Board issued a citation that included a $7,500 administrative fine to Daniel Garness, for alleged violations of Business and Professions Code (BPC) section 5536(a) (Practice Without License or Holding Self Out as Architect). The citation became final on August 24, 2011.

On July 28, 2011, the Board issued a citation that included a $2,000 administrative fine to Sean D. Rodrigues, for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The citation became final on August 29, 2011.

On August 4, 2011, the Board issued a citation that included a $250 administrative fine to Edward Paul Skibitzke, for an alleged violation of BPC section 5536.22(a) (Written Contract). The citation became final on August 30, 2011. Skibitzke paid the civil penalty, satisfying the citation.

On July 7, 2011, the Board issued a citation that included a $15,000 administrative fine to Johnny Paul Wright, for alleged violations of BPC sections 5536(a) (Practice Without License or Holding Self Out as Architect) and 5536.1(c) (Unauthorized Practice). The citation became final on August 12, 2011.

Enforcement Statistics	Current Month	Prior Month	Prior Year
	August 2011	July 2011	August 2010
Total Cases Received and Opened*:	22	28	31
Complaints with Outside Expert:	0	0	0
Complaints to DOI:	0	3	1
Complaints Pending DOI:	3	4	3
Complaints Pending AG:	2	2	12
Complaints Pending DA:	2	2	2
Total Cases Closed*:	32	37	14
Total Cases Pending*:	113	123	168
Settlement Cases (§5588) Opened:	14	10	
Settlement Cases (§5588) Pending:	27	29	33

Settlement Cases (§5588) Closed:	3	7	1
Citations Final:	4	0	0

*Total Cases categories include both complaint and settlement cases

At the end of each FY, staff reviews the average number of complaints received, pending, and closed for the past three FYs. From FY 2008/09 through FY 2010/11, the average number of complaints received per month is 23. The average pending caseload is 206 complaints and the average number of complaints closed per month is 28.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

LATC ADMINISTRATIVE/MANAGEMENT

Committee The next Committee meeting is scheduled for October 27, 2011 in San Diego.

Committee Members There are currently two vacancies on the LATC to be appointed by the Governor.

Personnel On February 15, 2011, Governor Brown prohibited all State agencies and departments from filling vacant positions unless an exemption was granted by his office with the exception of internal departmental transfers. A freeze exemption was approved by the Governor's office for the vacant Management Services Technician position. LATC is currently recruiting for the Special Projects Coordinator (Associate Governmental Program Analyst) position.

Training John Keidel is scheduled to attend the DCA Enforcement Academy Training on September 19 – 23, 2011 in Sacramento.

Web License Lookup The LATC currently receives a monthly report of licensees from DCA's Office of Information Services (OIS). The LATC is currently working with OIS on adding a licensee search option on the LATC website that will allow anyone to search for licensed landscape architects by a variety of search criteria. The Web license lookup provides public information on a licensed landscape architect, such as the status of the license and the licensee's address of record. Licensee searches will also display all filed accusation documents, as directed by DCA Director Brian Stiger's memorandum sent to all boards and bureaus on May 21, 2010. The LATC will send all licensees a letter notifying them of the transition to a Web License Lookup and allowing them sufficient time to submit a change of address.

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) OPES completed development of the new exam and it was launched in August 2011.

Landscape Architect Registration Examination (LARE) The LARE consists of five sections. Sections A, B, and D are multiple-choice and are administered via computer testing centers through the Council of Landscape Architectural Registration Boards (CLARB) in March and September of each year. Graphic performance sections C and E are administered in June and

December of each year. The March 2011 multiple-choice sections were taken by 127 candidates on March 7-20, 2011. On June 13-14, 2011, 102 candidates took the graphic sections. The results for the March 2011 and June 2011 examinations are listed below:

March and June 2011

SECTION	SECTION FORMAT	NUMBER OF CANDIDATES	TOTAL PASSED	TOTAL FAILED
A – Project and Construction Administration	Multiple Choice	72	60 (83%)	12 (17%)
B – Inventory, Analysis and Program Development	Multiple Choice	99	72 (72%)	27 (28%)
C – Site Design	Graphic	42	31 (74%)	11 (26%)
D – Design and Construction Development	Multiple Choice	99	72 (73%)	27 (27%)
E – Grading, Drainage and Stormwater Management	Graphic	80	26 (33%)	54 (67%)

Regulation Changes *CCR sections 2615 and 2620* – The LATC formed an Education Subcommittee in 2004 in response to the Joint Legislative Sunset Review Committee's recommendation to further evaluate California's eligibility requirements and access to landscape architecture licensure in California. The intent of the evaluation was to ensure that applicants have appropriate educational and training/work experience prior to taking the required examination. Specifically, the Subcommittee was to determine appropriate levels of landscape architecture education and training preparation necessary to protect the public health, safety, and welfare in California and successfully preparing applicants for the examination. The final Education Subcommittee Report identifies and substantiates recommended changes to CCR sections 2615 and 2620. Following is a chronology, to date, of the processing of the regulatory proposal for CCR sections 2615 and 2620:

January 20, 2010	Final Approval by the LATC
February 25, 2011	Notice of Proposed Changes in the Regulations published by OAL
March 18, 2011	Final Approval by the Board
April 11, 2011	Public hearing, no public comments received at hearing

CCR section 2620.5, Requirements for an Approved Extension Certificate Program - The LATC reviewed proposed changes to the current Extension Certificate Program regulation. As part of the review, the LATC elicited input from the University of California Extension Programs. LATC staff is currently working on the regulatory package to submit to the OAL. Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR section 2620.5:

November 22, 2010	Final Approval by the LATC
December 15, 2010	Final Approval by the Board

Note: The next step is for the LATC to address any written concerns received from the 45 day comment period. Due to staff vacancies, and competing priorities, the LATC has identified tasks which will be delayed. This task is on hold until additional resources are available.

LATC ENFORCEMENT PROGRAM

Enforcement Statistics	Current Month	Prior Month	Prior Year
	August 2011	July 2011	August 2010
Complaints Opened:	0	1	4
Complaints to Expert:	0	0	0
Complaints to DOI:	0	0	0
Complaints Pending DOI:	0	0	0
Complaints Pending AG:	1	1	0
Complaints Pending DA:	0	0	0
Complaints Closed:	9	1	12
Complaints Pending:	50	59	73
Settlement Cases (§5678.5) Opened:	0	0	0
Settlement Cases (§5678.5) Pending:	0	0	4
Settlement Cases (§5678.5) Closed:	0	0	0
Citations Final:	0	0	0

*Includes both complaint and settlement cases

DESIGN SUCCESS

A design project can be one of the most significant investments that consumers make. Enhancing your property can have a wide range of benefits. But a project that goes wrong can be costly and frustrating. There are a number of basic steps that consumers can take to help keep their projects on track.

CALIFORNIA ARCHITECTS BOARD

Public Protection Through Examination, Licensure, and Regulation

2420 Del Paso Road, Suite 105
Sacramento, CA 95834

(916) 574-7220

www.cab.ca.gov

Consumer Tips for Design Projects

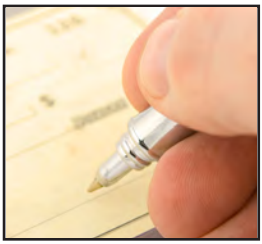
The California Architects Board and the Landscape Architects Technical Committee believe that following these basic tips will help you avoid problems with your project.

Check

Check references from recent clients with similar projects. Check with the Better Business Bureau. And, of course, check with the California Architects Board (Board) and Landscape Architects Technical Committee (LATC) to see if there are any enforcement actions against the architect, landscape architect, or unlicensed individual.

Contract

Any business transaction should be spelled out in a contract. Basic required elements are: a description of services; the basis of compensation; name, address, and license number of the architect or landscape architect, and address of client; procedure to accommodate additional services; and a description of the procedure to terminate services. While these elements are required by law for architects and landscape architects, the Board and LATC recommend that they be utilized for any project.



Costs

Work with the architect or landscape architect to develop a realistic budget for your project. Make sure to account for the specific materials and features noted in your design.

Communicate

If anything seems confusing or inconsistent with your contract, let your architect or landscape architect know immediately. It is important to document every point you communicate so you have a complete record of the project. Save e-mails, invoices, checks, memos, construction documents, etc. These will all help keep the project on track and avoid any discrepancies.

The Board and LATC have a number of publications (including consumers guides) at **www.cab.ca.gov** and **www.latc.ca.gov** that may be helpful. Feel free to call us at (916) 574-7220 (Board) or (916) 575-7230 (LATC) for more information.

DISCUSS AND POSSIBLE ACTION ON LEGISLATION: SENATE BILL (SB) 543 and SB 706

The Board worked through an extensive Sunset Review process that culminated into a comprehensive Sunset Review Report submitted to the Senate Business, Professions and Economic Development Committee (B&P) on September 30, 2010. On March 21, 2011, the Board appeared before B&P to address any concerns. Subsequently, a written response to B&P issues was submitted to B&P by the April 20, 2011 (30 day) deadline.

SB 543 (Steinberg and Price) contains language that extends the sunset date for both the Board and the Landscape Architects Technical Committee (LATC). Below is an outline summary of SB 543:

1) Extends the operation of the Board and the LATC until January 1, 2016.
2) Removes the sunset date on the Board's authority to implement an intern development program, granting authority to the Board by regulation indefinitely.
3) Authorizes the Department of Consumer Affairs (DCA) to enter into a contract with a vendor for the licensing and enforcement BreEZe system (August 15, 2011 amendment).
4) Authorizes the Department of Finance to augment the budgets of all participating DCA programs from non-General Fund moneys to pay for the BreEZe project costs (August 15, 2011 amendment).

The bill cleared the Assembly Appropriations Committee and from there, it should be voted upon on the Assembly floor, returned to the Senate for a concurrence vote, then Governor Brown has 30 days to act upon the bill.

SB 706 (Price) requires specified boards, including the Board and the LATC, to provide on the internet information regarding the status of every license issued in accordance with the California Public Records Act and the Information Practices Act of 1977. The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the Board or LATC or other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act.

The bill cleared the Assembly Appropriations Committee and from there, it should be voted upon on the Assembly floor, returned to the Senate for a concurrence vote, then Governor Brown has 30 days to act upon the bill.

Attachments:
1. Senate Bill 543 (pages 1-19 pertaining to the Board and LATC)
2. Senate Bill 706 (pages 1-6 pertaining to the Board and LATC)

AMENDED IN ASSEMBLY SEPTEMBER 2, 2011

AMENDED IN ASSEMBLY AUGUST 30, 2011

AMENDED IN ASSEMBLY AUGUST 15, 2011

AMENDED IN ASSEMBLY JULY 12, 2011

AMENDED IN ASSEMBLY JUNE 23, 2011

AMENDED IN SENATE APRIL 14, 2011

AMENDED IN SENATE APRIL 6, 2011

SENATE BILL No. 543

Introduced by ~~Senator Price~~ *Senators Steinberg and Price*
(Principal coauthor: Assembly Member Hayashi)

February 17, 2011

An act to amend Sections 144, 205, 210, 5000, 5015.6, 5076, 5076.1, 5510, 5517, 5552.5, 5620, 5621, 5622, 6510, ~~6530,~~ 6710, 6714, 6763.1, 7000.5, 7011, 7200, 7215.6, 7885, 7886, 7887, 8710, 18602, 18613, and 18618 of, ~~and~~ to add ~~Section~~ *Sections 5063.10 and* 6582.2 to, *and to add and repeal Section 2674 of*, the Business and Professions Code, relating to business and professions, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 543, as amended, ~~Price~~ *Steinberg*. Business and professions: regulatory boards.

(1) Existing law authorizes a board to suspend or revoke a license on various grounds, including, but not limited to, conviction of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

Existing law requires applicants to certain boards to provide a full set of fingerprints for the purpose of conducting criminal history record checks.

This bill would make the fingerprinting requirement applicable to the Board for Professional Engineers, Land Surveyors, and Geologists. The bill would also make technical, nonsubstantive changes to those provisions to correct references to the names of various boards and would correct references to the name of a specified fund.

(2) Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement BreEZe system no sooner than 30 days after written notification to certain committees of the Legislature. Existing law requires the amount of contract funds for the system to be consistent with costs approved by the office of the State Chief Information Officer, based on information provided by the department in a specified manner. Existing law provides that this cost provision is applicable to all Budget Act items for the department that have an appropriation for the BreEZe system.

This bill would authorize the Department of Finance to augment the budgets of those boards, bureaus, commissions, committees, programs, and divisions of the Department of Consumer Affairs for expenditure of non-General Fund moneys to pay BreEZe project costs, as specified, thereby making an appropriation.

(3) Existing law, the Physical Therapy Practice Act, creates the Physical Therapy Board of California and makes it responsible for the licensure and regulation of physical therapists. Existing law authorizes the board to discipline licensees, including the suspension and revocation of licenses. Existing law regulating professional corporations provides that certain healing arts practitioners may be shareholders, officers, directors, or professional employees of a professional corporation, subject to certain limitations. A violation of these provisions by a licensee constitutes unprofessional conduct under the act.

This bill would, until January 1, 2013, prohibit the board from taking disciplinary action against a licensee providing physical therapy services as a professional employee of a medical corporation, podiatric medical corporation, or chiropractic corporation.

~~(3)~~

(4) Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of

Consumer Affairs, including the California Board of Accountancy, the California Architects Board, the Landscape Architects Technical Committee, the Professional Fiduciaries Bureau, the Board for Professional Engineers, Land Surveyors, and Geologists, the Contractors' State License Board, the State Board of Guide Dogs for the Blind, and the State Athletic Commission. Existing law requires or authorizes these boards and the State Athletic Commission, with certain exceptions, to appoint an executive officer and existing law authorizes the Governor to appoint the chief of the Professional Fiduciaries Bureau. Existing law repeals these provisions on January 1, 2012. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee.

This bill would extend the operation of these provisions until January 1, 2016, except the State Board of Guide Dogs for the Blind and the State Athletic Commission, which would be extended until January 1, 2014, and except the Professional Fiduciaries Bureau, which would be extended until January 1, 2015. The bill would instead specify that these boards would be subject to review by the appropriate policy committees of the Legislature.

~~(4)~~

(5) With respect to accounting firms, existing law, until January 1, 2014, requires a firm, in order to renew its registration, to have a specified peer review report accepted by a California Board of Accountancy-recognized peer review group. Existing law, until January 1, 2014, requires the board to appoint a peer review oversight committee of certified public accountants to provide recommendations to the board relating to the effectiveness of mandatory peer review. Existing law also requires the board, by January 1, 2013, to provide the Legislature and the Governor with a report regarding specified peer review requirements that includes specified information.

This bill would extend the operation of the peer review report requirement and the peer review oversight committee indefinitely. The bill would require the report to the Legislature and the Governor to be submitted by January 1, 2015, and would require the report to include certain additional information and recommendations.

Existing law requires an accountant licensee to report to the board the occurrence of certain events taking place after January 1, 2003, including any restatement of a financial statement.

This bill would exempt any restatement that is included in any report filed with the United States Securities and Exchange Commission from this requirement.

~~(5)~~

(6) Existing law authorizes the California Architects Board to, by regulation, implement an intern development program until July 1, 2012.

This bill, by deleting that termination date, would instead authorize the board to, by regulation, implement the intern development program indefinitely.

~~(6)~~

(7) Existing law prohibits a person from holding himself or herself out as a professional fiduciary without a license issued by the Professional Fiduciaries Bureau. ~~Existing law exempts from the license requirement a person enrolled as an agent to practice before the Internal Revenue Service, as specified.~~ Under existing law, a license may be suspended, revoked, denied, or other disciplinary action may be imposed for various reasons.

This bill would ~~revise the exemption requirement by additionally requiring that the enrolled agent provide only nonmedical-related, incidental, fiduciary services and that those services be provided at the request of a client with which the enrolled agent has an existing professional relationship. The bill would~~ authorize the bureau, instead of issuing an accusation or statement of issues against a licensee or applicant, to enter into a specified settlement with a licensee or applicant.

~~(7)~~

(8) Existing law authorizes the State Board of Guide Dogs for the Blind to establish an arbitration panel pilot project, until January 1, 2012, for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified.

This bill would instead authorize the arbitration panel pilot project until January 1, 2014.

~~(8)~~

(9) Existing law requires an applicant to use the title "structural engineer" to have successfully passed both a written examination that incorporates a national examination for structural engineers and a supplemental California specific examination, as specified.

This bill would instead require these applicants to pass only a written examination for structural engineering that is administered by a nationally recognized entity approved by the board.

~~(9)~~

(10) Existing law establishes the Professional Engineer's and Land Surveyor's Fund, requires all money received by the Department of Consumer Affairs from the operation of the Professional Engineer's Act and the Professional Land Surveyor's Act to be deposited in the fund, and appropriates the moneys in the fund for the purposes of those acts. Existing law establishes the Geology and Geophysics Fund and requires the Board for Professional Engineers, Land Surveyors, and Geologists to provide all money received by the board under the Geologists and Geophysicists Act to the State Treasury for credit to the Geology and Geophysics Fund.

This bill would abolish the Geology and Geophysics Fund, create the Geology and Geophysics Account within the Professional Engineer's and Land Surveyor's Fund, and require all moneys received by the board under the Geologists and Geophysicists Act to be deposited in that account. The bill would require all moneys paid into the account pursuant to the Geologists and Geophysicists Act to be appropriated to carry out the provisions of the act, thereby making an appropriation.

~~(10)~~

(11) Existing law requires an applicant for registration as a geologist to pay an examination fee fixed by the board at an amount equal to the actual cost to the board to administer the examination, not to exceed $450.

This bill would delete the provisions limiting the examination fee to $450.

~~(11)~~

(12) Existing law requires the State Athletic Commission to provide a report to the Governor and the Legislature by July 30, 2010, regarding the condition of the State Athletic Commission Neurological Examination Account and the Boxers' Pension Fund, as specified.

This bill would require the commission to provide the report to the Legislature by July 30, 2012.

(13) This bill would incorporate additional changes in Section 205 of the Business and Professions Code proposed by SB 933, to be operative only if SB 933 and this bill are both chaptered and become effective January 1, 2012, and this bill is chaptered last.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

(1) California Board of Accountancy.

(2) State Athletic Commission.

(3) Board of Behavioral Sciences.

(4) Court Reporters Board of California.

(5) State Board of Guide Dogs for the Blind.

(6) California State Board of Pharmacy.

(7) Board of Registered Nursing.

(8) Veterinary Medical Board.

(9) Board of Vocational Nursing and Psychiatric Technicians.

(10) Respiratory Care Board of California.

(11) Physical Therapy Board of California.

(12) Physician Assistant Committee of the Medical Board of California.

(13) Speech-Language Pathology and Audiology and Hearing Aid Dispenser Board.

(14) Medical Board of California.

(15) State Board of Optometry.

(16) Acupuncture Board.

(17) Cemetery and Funeral Bureau.

(18) Bureau of Security and Investigative Services.

(19) Division of Investigation.

(20) Board of Psychology.

(21) California Board of Occupational Therapy.

(22) Structural Pest Control Board.

(23) Contractors' State License Board.

(24) Naturopathic Medicine Committee.

(25) Professional Fiduciaries Bureau.

(26) Board for Professional Engineers, Land Surveyors, and Geologists.

(c) For purposes of paragraph (26) of subdivision (b), the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 2. Section 205 of the Business and Professions Code is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

(1) Accountancy Fund.
(2) California Architects Board Fund.
(3) Athletic Commission Fund.
(4) Barbering and Cosmetology Contingent Fund.
(5) Cemetery Fund.
(6) Contractors' License Fund.
(7) State Dentistry Fund.
(8) State Funeral Directors and Embalmers Fund.
(9) Guide Dogs for the Blind Fund.
(10) Home Furnishings and Thermal Insulation Fund.
(11) California Architects Board-Landscape Architects Fund.
(12) Contingent Fund of the Medical Board of California.
(13) Optometry Fund.
(14) Pharmacy Board Contingent Fund.
(15) Physical Therapy Fund.
(16) Private Investigator Fund.
(17) Professional Engineer's and Land Surveyor's Fund.
(18) Consumer Affairs Fund.
(19) Behavioral Sciences Fund.
(20) Licensed Midwifery Fund.
(21) Court Reporters' Fund.
(22) Veterinary Medical Board Contingent Fund.
(23) Vocational Nurses Account of the Vocational Nursing and Psychiatric Technicians Fund.
(24) Electronic and Appliance Repair Fund.
(25) Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's Fund.
(26) Dispensing Opticians Fund.
(27) Acupuncture Fund.

(28) Physician Assistant Fund.
(29) Board of Podiatric Medicine Fund.
(30) Psychology Fund.
(31) Respiratory Care Fund.
(32) Speech-Language Pathology and Audiology Fund.
(33) Board of Registered Nursing Fund.
(34) Psychiatric Technician Examiners Account of the Vocational Nursing and Psychiatric Technicians Fund.
(35) Animal Health Technician Examining Committee Fund.
(36) State Dental Hygiene Fund.
(37) State Dental Assistant Fund.
(38) Hearing Aid Dispensers Account of the Speech-Language Pathology and Audiology Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

SEC. 2.5. Section 205 of the Business and Professions Code is amended to read:

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

(1) Accountancy Fund.
(2) California Architects Board Fund.
(3) Athletic Commission Fund.
(4) Barbering and Cosmetology Contingent Fund.
(5) Cemetery Fund.
(6) Contractors' License Fund.
(7) State Dentistry Fund.
(8) State Funeral Directors and Embalmers Fund.
(9) Guide Dogs for the Blind Fund.
(10) Home Furnishings and Thermal Insulation Fund.
(11) California Architects Board-Landscape Architects Fund.
(12) Contingent Fund of the Medical Board of California.
(13) Optometry Fund.
(14) Pharmacy Board Contingent Fund.
(15) Physical Therapy Fund.

(16) Private Investigator Fund.

(17) Professional ~~Engineers'~~ *Engineer's* and Land ~~Surveyors'~~ *Surveyor's* Fund.

(18) Consumer Affairs Fund.

(19) Behavioral Sciences Fund.

(20) Licensed Midwifery Fund.

(21) Court Reporters' Fund.

(22) Veterinary Medical Board Contingent Fund.

(23) Vocational Nurses Account of the Vocational Nursing and Psychiatric Technicians Fund.

(24) Electronic and Appliance Repair Fund.

(25) Geology and Geophysics *Account of the Professional Engineer's and Land Surveyor's* Fund.

(26) Dispensing Opticians Fund.

(27) Acupuncture Fund.

(28) Physician Assistant Fund.

(29) Board of Podiatric Medicine Fund.

(30) Psychology Fund.

(31) Respiratory Care Fund.

(32) Speech-Language Pathology and Audiology *and Hearing Aid Dispensers* Fund.

(33) Board of Registered Nursing Fund.

(34) Psychiatric Technician Examiners Account of the Vocational Nursing and Psychiatric Technicians Fund.

(35) Animal Health Technician Examining Committee Fund.

(36) State Dental Hygiene Fund.

(37) State Dental Assistant Fund.

~~(38) Hearing Aid Dispensers Account of the Speech-Language Pathology and Audiology Fund.~~

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

SEC. 3. Section 210 of the Business and Professions Code is amended to read:

210. (a) (1) The department may enter into a contract with a vendor for the BreEZe system, the integrated, enterprisewide

enforcement case management and licensing system described in the department's strategic plan, no sooner than 30 days after notification in writing to the chairpersons of the Appropriations Committees of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.

(2) The amount of BreEZe system vendor contract funds, authorized pursuant to this section, shall be consistent with the project costs approved by the office of the State Chief Information Officer based on its review and approval of the most recent BreEZe Special Project Report to be submitted by the department prior to contract award at the conclusion of procurement activities.

(3) Paragraph (2) shall apply to all Budget Act items for the department that have an appropriation for the BreEZe system.

(b) (1) If the department enters into a contract with a vendor for the BreEZe system pursuant to subdivision (a), the department shall, by December 31, 2014, submit to the Legislature, the Senate Committee on Business, Professions and Economic Development, the Assembly Committee on Business, Professions and Consumer Protection, and the budget committees of each house, a report analyzing the workload of licensing personnel employed by boards within the department participating in the BreEZe system.

(2) A report to the Legislature pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(3) This subdivision shall become inoperative on December 1, 2018, pursuant to Section 10231.5 of the Government Code.

(c) (1) Notwithstanding any other provision of law, upon the request of the Department of Consumer Affairs, the Department of Finance may augment the budgets of the boards, bureaus, commissions, committees, programs, and divisions that comprise the Department of Consumer Affairs, as defined in Section 101, for expenditure of non-General Fund moneys to pay BreEZe project costs. The augmentation may be made no sooner than 30 days after notification in writing to the chairpersons of the committees in each house of the Legislature that consider appropriations and the Chairperson of the Joint Legislative Budget Committee, or no sooner than whatever lesser time the chairperson of the joint committee may in each instance determine. The amount of funds augmented pursuant to the authority of this subdivision shall be consistent with project cost increases approved by the Secretary

of California Technology based on the secretary's review and approval of the most recent BreEZe Special Project Report to be submitted at the conclusion of procurement activities. This subdivision shall apply to all Budget Act items for the boards, bureaus, commissions, committees, programs, and divisions that comprise the Department of Consumer Affairs, as defined in Section 101, that have an appropriation for the BreEZe system in the Budget Act of 2011.

(2) This subdivision shall become inoperative upon enactment of the Budget Act of 2012.

SEC. 4. Section 2674 is added to the Business and Professions Code, to read:

2674. (a) Notwithstanding any other provision of law, no physical therapist shall be subject to discipline by the board for providing physical therapy services as a professional employee of a professional corporation as described in subdivision (a), (b), or (k) of Section 13401.5 of the Corporations Code.

(b) Nothing in this section shall be construed to imply or suggest that a physical therapist providing physical therapy services as a professional employee of a corporation as described in subdivision (a), (b), or (k) of Section 13401.5 of the Corporations Code is in violation of or compliance with the law.

(c) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

~~SEC. 4.~~

SEC. 5. Section 5000 of the Business and Professions Code is amended to read:

5000. There is in the Department of Consumer Affairs the California Board of Accountancy, which consists of 15 members, 7 of whom shall be licensees, and 8 of whom shall be public members who shall not be licentiates of the board or registered by the board. The board has the powers and duties conferred by this chapter.

The Governor shall appoint four of the public members, and the seven licensee members as provided in this section. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint two public members. In appointing the seven licensee members, the Governor shall appoint members representing a cross section of the accounting profession with at least two members

representing a small public accounting firm. For the purposes of this chapter, a small public accounting firm shall be defined as a professional firm that employs a total of no more than four licensees as partners, owners, or full-time employees in the practice of public accountancy within the State of California.

This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to reports or studies specified in this chapter and those issues identified by the appropriate policy committees of the Legislature and the board regarding the implementation of new licensing requirements.

~~SEC. 5.~~

SEC. 6. Section 5015.6 of the Business and Professions Code is amended to read:

5015.6. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

SEC. 7. Section 5063.10 is added to the Business and Professions Code, to read:

5063.10. (a) Any restatement of a financial statement that is included in any report filed with the United States Securities and Exchange Commission shall be exempt from the requirement described in paragraph (1) of subdivision (b) of Section 5063.

(b) Nothing in this section shall be construed to require the reporting of any restatement of a financial statement that is not required to be submitted to the board pursuant to the regulations adopted by the board in effect on the date this section becomes operative.

~~SEC. 6.~~

SEC. 8. Section 5076 of the Business and Professions Code is amended to read:

5076. (a) In order to renew its registration, a firm, as defined in Section 5035.1, shall have a peer review report of its accounting and auditing practice accepted by a board-recognized peer review program no less frequently than every three years.

(b) For purposes of this article, the following definitions apply:

(1) "Peer review" means a study, appraisal, or review conducted in accordance with professional standards of the professional work of a firm, and may include an evaluation of other factors in accordance with the requirements specified by the board in regulations. The peer review report shall be issued by an individual who has a valid and current license, certificate, or permit to practice public accountancy from this state or another state and is unaffiliated with the firm being reviewed.

(2) "Accounting and auditing practice" includes any services that are performed using professional standards defined by the board in regulations.

(c) The board shall adopt regulations as necessary to implement, interpret, and make specific the peer review requirements in this section, including, but not limited to, regulations specifying the requirements for board recognition of a peer review program, standards for administering a peer review, extensions of time for fulfilling the peer review requirement, exclusions from the peer review program, and document submission.

(d) The board shall adopt emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) to establish policies, guidelines, and procedures as outlined in subdivision (c). The adoption of the regulations shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health and safety, or general welfare. The emergency regulations shall be submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations, and shall be replaced in accordance with the Administrative Procedure Act.

(e) Nothing in this section shall prohibit the board from initiating an investigation and imposing discipline against a firm or licensee, either as the result of a complaint that alleges violations of statutes, rules, or regulations, or from information contained in a peer review report received by the board.

(f) A firm issued a substandard peer review report, as defined by the board in regulation, shall submit a copy of that report to the board. The board shall establish in regulation the time period that a firm must submit the report to the board. This period shall not exceed 60 days from the time the report is accepted by a board-recognized peer review program provider to the date the report is submitted to the board.

(g) (1) A board-recognized peer review program provider shall file a copy with the board of all substandard peer review reports issued to California-licensed firms. The board shall establish in regulation the time period that a board-recognized peer review program provider shall file the report with the board. This period shall not exceed 60 days from the time the report is accepted by a board-recognized peer review program provider to the date the report is filed with the board. These reports may be filed with the board electronically.

(2) Nothing in this subdivision shall require a board-recognized peer review program provider, when administering peer reviews in another state, to violate the laws of that state.

(h) The board shall, by January 1, 2010, define a substandard peer review report in regulation.

(i) Any requirements imposed by a board-recognized peer review program on a firm in conjunction with the completion of a peer review shall be separate from, and in addition to, any action by the board pursuant to this section.

(j) Any report of a substandard peer review submitted to the board in conjunction with this section shall be collected for investigatory purposes.

(k) Nothing in this section affects the discovery or admissibility of evidence in a civil or criminal action.

(*l*) Nothing in this section requires any firm to become a member of any professional organization.

(m) A peer reviewer shall not disclose information concerning licensees or their clients obtained during a peer review, unless specifically authorized pursuant to this section, Section 5076.1, or regulations prescribed by the board.

(n) (1) By January 1, 2015, the board shall provide the Legislature and Governor with a report regarding the peer review requirements of this section that includes, without limitation:

(A) The number of peer review reports completed to date and the number of reports which were submitted to the board as required in subdivision (f).

(B) The number of enforcement actions that were initiated as a result of an investigation conducted pursuant to subdivision (j).

(C) The number of firms that were recommended to take corrective actions to improve their practice through the mandatory peer review process, and the number of firms that took corrective actions to improve their practice following recommendations resulting from the mandatory peer review process.

(D) The extent to which mandatory peer review of accounting firms enhances consumer protection.

(E) The cost impact on firms undergoing mandatory peer review and the cost impact of mandatory peer review on the firm's clients.

(F) A recommendation as to whether the mandatory peer review program should continue.

(G) The extent to which mandatory peer review of small firms or sole practitioners that prepare nondisclosure compiled financial statements on an other comprehensive basis of accounting enhances consumer protection.

(H) The impact of peer review required by this section on small firms and sole practitioners that prepare nondisclosure compiled financial statements on an other comprehensive basis of accounting.

(I) The impact of peer review required by this section on small businesses, nonprofit corporations, and other entities that utilize small firms or sole practitioners for the purposes of nondisclosure compiled financial statements prepared on an other comprehensive basis of accounting.

(J) A recommendation as to whether the preparation of nondisclosure compiled financial statements on an other comprehensive basis of accounting should continue to be a part of the mandatory peer review program.

(2) A report to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

~~SEC. 7.~~

SEC. 9. Section 5076.1 of the Business and Professions Code is amended to read:

5076.1. (a) The board shall appoint a peer review oversight committee of certified public accountants of this state who maintain

a license in good standing and who are authorized to practice public accountancy to provide recommendations to the board on any matter upon which it is authorized to act to ensure the effectiveness of mandatory peer review.

(b) The committee may request any information from a board-recognized peer review program provider deemed necessary to ensure the provider is administering peer reviews in accordance with the standards adopted by the board in regulations. Failure of a board-recognized peer review program provider to respond to the committee shall result in referral by the committee of the provider to the board for further action. Any information obtained by the board, its representatives, or the peer review oversight committee in conjunction with its review of peer review program providers shall not be a public record, and shall be exempt from public disclosure, provided, however, this information may be disclosed under any of the following circumstances:

(1) In connection with disciplinary proceedings of the board.

(2) In connection with legal proceedings in which the board is a party.

(3) In response to an official inquiry by a federal or state governmental regulatory agency.

(4) In compliance with a subpoena or summons enforceable by court order.

(5) As otherwise specifically required by law.

(c) The members of the committee shall be appointed to two-year terms and may serve a maximum of four consecutive terms.

(d) The board may adopt, as necessary, regulations further defining the minimum qualifications for appointment as a committee member and additional administrative elements designed to ensure the effectiveness of mandatory peer review.

~~SEC. 8.~~

SEC. 10. Section 5510 of the Business and Professions Code is amended to read:

5510. There is in the Department of Consumer Affairs a California Architects Board which consists of 10 members.

Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.

This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that

is enacted before January 1, 2016, deletes or extends that date. Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

~~SEC. 9.~~

SEC. 11. Section 5517 of the Business and Professions Code is amended to read:

5517. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

~~SEC. 10.~~

SEC. 12. Section 5552.5 of the Business and Professions Code is amended to read:

5552.5. The board may, by regulation, implement an intern development program.

~~SEC. 11.~~

SEC. 13. Section 5620 of the Business and Professions Code is amended to read:

5620. The duties, powers, purposes, responsibilities, and jurisdiction of the California State Board of Landscape Architects that were succeeded to and vested with the Department of Consumer Affairs in accordance with Chapter 908 of the Statutes of 1994 are hereby transferred to the California Architects Board. The Legislature finds that the purpose for the transfer of power is to promote and enhance the efficiency of state government and that assumption of the powers and duties by the California Architects Board shall not be viewed or construed as a precedent for the establishment of state regulation over a profession or vocation that was not previously regulated by a board, as defined in Section 477.

(a) There is in the Department of Consumer Affairs a California Architects Board as defined in Article 2 (commencing with Section 5510) of Chapter 3.

Whenever in this chapter "board" is used, it refers to the California Architects Board.

(b) Except as provided herein, the board may delegate its authority under this chapter to the Landscape Architects Technical Committee.

(c) After review of proposed regulations, the board may direct the examining committee to notice and conduct hearings to adopt, amend, or repeal regulations pursuant to Section 5630, provided that the board itself shall take final action to adopt, amend, or repeal those regulations.

(d) The board shall not delegate its authority to discipline a landscape architect or to take action against a person who has violated this chapter.

(e) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

~~SEC. 12.~~

SEC. 14. Section 5621 of the Business and Professions Code is amended to read:

5621. (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.

(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.

(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of his or her successor or until one year shall have elapsed, whichever first occurs. Vacancies shall be filled for the unexpired term.

(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.

(e) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

~~SEC. 13.~~

SEC. 15. Section 5622 of the Business and Professions Code is amended to read:

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.

(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.

(c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.

(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.

(e) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

~~SEC. 14.~~

SEC. 16. Section 6510 of the Business and Professions Code is amended to read:

6510. (a) There is within the jurisdiction of the department the Professional Fiduciaries Bureau. The bureau is under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief of the bureau, who is responsible to the director. Every power granted or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy director or by the chief, subject to conditions and limitations as the director may prescribe.

(b) The Governor shall appoint, subject to confirmation by the Senate, the chief of the bureau, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

(c) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

AMENDED IN ASSEMBLY AUGUST 26, 2011

AMENDED IN ASSEMBLY AUGUST 15, 2011

AMENDED IN ASSEMBLY JULY 12, 2011

AMENDED IN ASSEMBLY JUNE 27, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL No. 706

Introduced by Senator Price

February 18, 2011

An act to amend Sections 27, 10004, 10166.02, 10166.12, 10175.2, 10236.2, 10450.6, 10470, 10470.1, 10471, 10471.1, 10471.3, 10471.5, 10472, 10472.1, 10473, 10473.1, 10474, 10474.5, 10475, 10476, 10477, 10479, 10481, and 11318 of, to amend, repeal, and add Section 11360 of, and to add Sections 10050.1, *10083.2*, 10100.4, 10106, 10186, 10186.1, 10186.2, ~~10186.8,~~ 10186.9, 11310.1, 11313.2, *11317.2*, and 11319.2 to, the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 706, as amended, Price. Business and professions.

(1) Existing law provides for the licensure, endorsement, and regulation of real estate brokers, real estate salespersons, and mortgage loan originators by the Real Estate Commissioner of the Department of Real Estate in the Business, Transportation and Housing Agency. The Office of Real Estate Appraisers within the Business, Transportation

and Housing Agency is under the supervision and control of the Secretary of Business, Transportation and Housing. Existing law provides for the licensure, certification, and regulation of persons who engage in specified real estate appraisal activity by the Director of the Office of Real Estate Appraisers, who is responsible to the Secretary of Business, Transportation and Housing.

This bill would state that protection of the public shall be the highest priority for the department and the office in exercising their licensing, regulatory, and disciplinary functions.

The bill would authorize the department to enter into a settlement with a real estate licensee or applicant instead of the issuance of an accusation or statement of issues against the licensee or applicant and would require the settlement to identify the factual basis for the action being taken and the statutes or regulations that have been violated. The bill would authorize an administrative law judge to order a licensee in a disciplinary proceeding to pay, upon request of the commissioner, the reasonable costs of investigating and prosecuting the disciplinary case against the licensee.

Following an administrative proceeding, or in connection with a stipulation, when the commissioner grants the right to a real estate license applicant or a licensee to apply for or obtain a restricted license or restricted mortgage loan originator license endorsement, the bill would authorize the commissioner to require the restricted licensee to pay the monetary costs associated with monitoring the licensed activities conducted pursuant to the restricted license or restricted mortgage loan originator license endorsement.

The bill would provide that a license, endorsement, or certificate shall be suspended by the department or the office if the licensee or registrant is incarcerated after the conviction of a felony and would require the department or the office to notify the licensee or registrant of the suspension and of his or her right to a specified hearing. The bill would specify that no hearing is required, however, if the conviction was for a violation of federal law or state law for the use of dangerous drugs or controlled substances or specified sex offenses.

The bill would require a licensee and registrant to report to the department or the office when there is an indictment or information charging a felony against the licensee or registrant or when he or she has been convicted of a felony or misdemeanor. The bill would make a violation of this reporting requirement a cause for discipline.

The bill would require costs recovered pursuant to these disciplinary proceedings to be deposited in either the Real Estate Fund or the Real Estate Appraisers Regulation Fund, as specified, and would make the funds available upon appropriation by the Legislature.

~~The bill would require the State Auditor to conduct an audit of the Department of Real Estate, as specified, to be funded by moneys from the Real Estate Fund, subject to appropriation by the Legislature.~~

The bill would require the secretary to review and evaluate the office, and make recommendations to the Legislature by October 1, 2014, regarding whether the office should be, among other things, consolidated within the department or another state entity.

The bill would provide that, on and after January 1, 2015, the department and the office shall be subject to review by the appropriate policy committees of the Legislature.

(2) Existing law authorizes the director to adopt regulations relating to the license renewal process that include, among other things, continuing education requirements. Existing law authorizes renewal applicants to certify that they have read and understand specified state and federal laws instead of being required to take a course relating to federal and state appraisal laws.

This bill would, commencing January 1, 2013, require these renewal applicants to take that course.

(3) Existing law establishes in the Real Estate Fund the Recovery Account, which is continuously appropriated for purposes of funding the Real Estate Recovery Program. The account is funded by crediting a specified percentage of any real estate license fee collected unless the balance in the Recovery Account is at least $3,500,000. Existing law provides that when an aggrieved person obtains a final judgment in a court of competent jurisdiction or an arbitration award against a defendant based upon specified misconduct by the defendant, the aggrieved person may file a claim application with the Department of Real Estate for payment from the Recovery Account of the amount unpaid on the judgment which represents an actual and direct loss to the claimant in the transaction. Existing law requires the commissioner to render a final written decision on the application within 90 days, except as specified, after a completed application has been received. Under existing law, if the commissioner fails to render a written decision in response to the claim within a specified timeframe, the claim shall be deemed to have been denied by the commissioner on the final day for rendering the decision.

This bill would rename the Recovery Account as the Consumer Recovery Account and would delete the provision specifying that the claim shall be deemed to have been denied in the circumstances described above.

(4) Existing law provides for the regulation of various profession and vocation licensees by boards within the Department of Consumer Affairs. The department is under the control of the Director of Consumer Affairs. Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Existing law requires certain boards within the department to disclose on the Internet information on their respective licensees.

This bill would require the California Board of Accountancy, the California Architects Board, the State Athletic Commission, the State Board of Barbering and Cosmetology, the State Board of Guide Dogs for the Blind, the State Board of Chiropractic Examiners, the Department of Real Estate, and the Office of Real Estate Appraisers to disclose on the Internet information on their respective licensees, as specified.

(5) The bill would make other conforming and technical changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Each entity specified in subdivisions (c), (d), ~~(e), (f), and (g)~~ *and (e)* shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or

regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs Guidelines for Access to Public Records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with

Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, and registered psychologists.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

~~(e) The Department of Real Estate shall disclose information on its licensees.~~

Agenda Item G

DISCUSS AND POSSIBLE ACTION ON TASK FORCE ON COMMITTEE PROCEDURES RECOMMENDATION

The Board's 2011 Strategic Plan charges the Executive Committee with reviewing committee appointment and membership procedures and charges, and making recommendations for improvement, including training.

In preparation for the Committee's discussion of this issue, staff researched the committee procedures for related organizations and drafted a "white paper" on the subject. The paper covered issues such as: appointment process; qualifications of committee members; chairmanships; term limits; and committee jurisdiction.

At the April 15, 2011 Committee meeting, the paper was discussed and the Committee largely agreed with its contents. Minor edits were suggested for the document.

At the June 16, 2011 Board meeting, the revised white paper was presented. The Board agreed with its contents, but there was discussion regarding term and chair limits. One suggestion was that committee chairs not serve more than two or three years as a chair. The Board agreed to refer the issue to a task force to discuss the issue further and develop a recommendation for the Board's consideration.

Board President Pasqual Gutierrez appointed Marilyn Lyon, Michael Merino, and himself as members of the Task Force on Committee Procedures. The Task Force met via teleconference on August 30, 2011 and approved a recommendation on this issue for the Board's consideration. The Board is asked to review and approve the Task Force's recommendations (attachment). If approved by the Board, the language will be incorporated into the *Board Member Administrative Procedure Manual*.

Attachment:
Task Force on Committee Procedures Recommendations

TASK FORCE ON COMMITTEE PROCEDURES RECOMMENDATIONS

1. Committee Procedures

- **Proposal to Set Maximum Lengths and Limits of Terms on Committee Appointments**

Proposed Language: An individual may serve a term of up to four years on a standing committee(s) (Professional Qualifications, Regulatory and Enforcement, and Communications Committee or any new standing committee formed by the Board in the future). After serving four years on a committee(s), a member may submit a Request for Reappointment for an additional four years on the same committee. The request should address the following statements of purpose:

- How many times the committee met during the member's term and how many meetings the member attended;
- What the committee accomplished during the member's term and what were his or her contributions; and
- Why the member wishes to continue to serve.

A committee member may not serve more than eight consecutive years on a committee. If the member wants to be appointed to the same committee after eight years, the member is required to be removed from the committee no less than one year before being appointed back to the committee. The member may serve on another committee after eight years without a one year break in service.

- **Proposal for Chairmanship Term Limits on Committees**

Proposed Language: The chairmanship of committees shall consist of three positions (chair, vice-chair and advising chair) with terms of one year each. The appointments and rotations of chairmanship positions are as follows:

- A new vice-chair shall be appointed by the Board President to each standing committee each year.
- The vice-chair shall serve one year and then advance to chair.
- The chair shall serve one year and then advance to advising chair (exception: if vice-chair terms off the Board, the standing chair shall serve a second one year term).
- The advising chair shall serve one year and be eligible for appointment to another committee's chairmanship, but not as vice-chair for the same committee until after one year (exception: if chair terms off the Board during their term as chair, the standing advising chair shall serve as chair for the remainder of that year, followed by one more year as advising chair).

- **Proposal for Rotation of Membership on Committees**

Proposed Language: Should a committee member reach the maximum consecutive number of years of service on a committee, that member shall not be reappointed to the same committee unless they have been off the committee for a minimum of one year. However, the member may be appointed to any other committee of the Board for a length of time subject to these policies. Except where otherwise provided by the Board, length of service on individual committees shall be determined independently and only be subject to the limitations of service for that committee.

2. Proposal to Consolidate the Examination Committee into the Professional Qualifications Committee

Proposed Language: Examination Committee shall be consolidated into the Professional Qualifications Committee and formalized at the next Strategic Planning session as an organizational restructuring.

Agenda Item H

UPDATE AND POSSIBLE ACTION ON CALIFORNIA SUPPLEMENTAL EXAMINATION DEVELOPMENT AND ADMINISTRATION

Since its launch in February 2011, the new computer-based, multiple-choice format of the California Supplemental Examination (CSE) has been administered to 729 candidates (through the end of August).

At the June meeting, the Board was provided with an update on CSE development and administration. Members requested additional information regarding the candidate exit surveys and the release of examination scores.

Upon completing an examination, candidates are asked a series of survey questions regarding their examination scheduling and testing experience and how they prepared for the CSE. The first set of questions are standard examination vendor (Psychological Services, LLC - PSI) questions, while the remaining questions are Board-specific and are based on questions that were utilized for the prior oral CSE. Of the 729 candidates who tested through August, 707 candidates responded to the survey questions. The survey results are attached for the Board's review.

The results for examinations taken between February and August are: 384 (53%) passed and 345 (47%) failed. Results are currently mailed to candidates less than 30 days after the date of their examination. Periodically, the release of results may exceed this timeframe due to the Board's examination vendor performing a psychometric quality assurance assessment on the examination items. Staff have recently worked with the Office of Professional Examination Services (OPES) to implement a change to ensure that the release of results does not exceed 60 days while a quality assurance assessment is being conducted. Staff will provide additional information on the release of examination results at the meeting.

A new cycle of examination development workshops began in early September and will continue through the fall. Examination development is conducted with OPES throughout the year and on an annual basis in order to continue generating new items and examination forms. Additionally, per the Department of Consumer Affairs' recent directive, the Board is now required to process and have delegated authority to approve individual contracts for each subject matter expert who participates in examination development workshops

Staff can address any additional inquiries from the Board regarding CSE development and administration.

Attachment:
1. CSE Exit Survey Results

CSE Exit Survey Results (February - August 2011 - 729 Exams Taken)

Question:	Excellent	Good	Average	Poor
Location of the test center	25%	45%	23%	7%
Computer testing system overall	28%	49%	20%	3%
Registration & scheduling procedures	44%	40%	11%	5%
Conditions of the test center	24%	44%	25%	7%
Convenience of your exam date & time	53%	37%	7%	3%
Test center staff	55%	35%	9%	1%
Information in the Candidate Information Brochure	22%	51%	20%	7%
Clarity of the computer tutorial	28%	53%	15%	4%

Question:	Yes	No
Did you use the CSE Test Plan to prepare?	95%	5%
Did you use the CSE reference materials to prepare?	96%	4%
Did you attend a seminar/training class to prepare?	37%	63%
Did you utilize exam preparation materials from a private organization (not a seminar or training class) to prepare?	80%	20%
Did you study with a licensee or other CSE candidate to prepare?	34%	66%
Did you rely solely on your education and/or experience to prepare?	13%	87%

Agenda Item I

CLOSED SESSION – DISCIPLINARY DECISIONS AND EXAM DEVELOPMENT ISSUES
[CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(1) and (3)]

Agenda Item J

PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

1. Discuss Reciprocity and Social Security Number Requirements (California Code of Regulations [CCR], Title 16, Section 121, Form of Examinations; Reciprocity and Business and Professions Code Section 30) in Relation to BEFA Program and Foreign-Licensed Professionals and Possible Action

2. Action on Proposed Regulations to Amend CCR, Title 16, Sections 109, Filing of Applications; 116, Eligibility for Examination; 117, Experience Evaluation; and 121, Form of Examinations; Reciprocity (as it Relates to the Repeal of the Comprehensive Intern Development Program Requirement), Including Authority to Add and Amend Documents in the Rulemaking File

3. Review and Ratify Modifications Regarding Proposed Regulations to Amend CCR, Title 16, Sections 109, Filing of Applications; and 121, Form of Examinations; Reciprocity [as it Relates to Intern Development Program (IDP) Sunset Date]

4. Review and Ratify Modifications Regarding Proposed Regulations to Amend CCR, Title 16, Sections 109, Filing of Applications; 117, Experience Evaluation; and 121, Form of Examinations; Reciprocity (as it Relates to IDP Guidelines)

5. Update and Possible Action Regarding The American Institute of Architects, California Council Academy of Emerging Professionals' 2011 Architectural Education Summit

Agenda Item J.1

DISCUSS RECIPROCITY AND SOCIAL SECURITY NUMBER REQUIREMENTS (CALIFORNIA CODE OF REGULATIONS [CCR], TITLE 16, SECTION 121, FORM OF EXAMINATIONS; RECIPROCITY AND BUSINESS AND PROFESSIONS CODE SECTION 30) IN RELATION TO BEFA PROGRAM AND FOREIGN-LICENSED PROFESSIONALS AND POSSIBLE ACTION

As noted earlier, the Board's regulations (CCR section 121 – summary and regulation attached) provide three paths for individuals seeking reciprocal licensure in California (for architects licensed in: another U.S. jurisdiction; a Canadian province; or the U.K.). Additionally, Business and Professions Code section (BPC) 30 (attached) requires that an individual possess a social security number in order to obtain and maintain a professional license in California.

As part of its strategic planning objectives, the Board has sought legislation to facilitate the licensure of foreign professionals in California and efforts to improve international reciprocity and commerce. In 2008, the Board raised this issue with the Department of Consumer Affairs' (DCA) Chief Deputy Director and received DCA's support. However, the State and Consumer Services Agency rejected the issue at the time and no feedback was provided.

More recently, it was noted that the State Bar of California (Bar) passed legislation (Assembly Bill [AB] 664 – Jones, Chapter 610, Statutes of 2005 - attached) which authorizes the Bar to accept for registration an application from an individual "containing a federal tax identification number, or other appropriate identification number as determined by the State Bar, in lieu of a social security number, if the individual is not eligible for a social security account number at the time of application and is not in noncompliance with a judgment or order for support pursuant to section 17520 of the Family Code." The Board has again brought this issue to DCA's attention, specifically to the DCA Division of Legislative & Policy Review (letter attached). It has been conveyed that the social security number requirement can preclude candidates from countries like Canada from becoming licensed in California and that since architecture is an increasingly global practice, the ability to hire architects from other countries is invaluable. Additionally, it was noted that the Franchise Tax Board (FTB) had previously reviewed a proposal to recognize Individual Taxpayer Identification Numbers (ITIN) in lieu of social security numbers and stated that such a proposal would not impede FTB's efforts. The letter also references the Bar's legislation and that BCP 30 remains an issue for all boards and bureaus under DCA. This proposal has now been presented to the Senate Committee on Business, Professions and Economic Development and the Board is awaiting further feedback.

Also, pertinent to the topic are the current CCR 121 reciprocity requirements and the possible consideration of recognizing NCARB's BEFA Program as a means of obtaining NCARB Certification.

The Board may discuss the CCR 121 and BPC 30 requirements in relation to the BEFA Program and other foreign architects.

Attachments:

1. CCR 121 Reciprocity Requirements – Summary and Regulation
2. Business and Professions Code Section 30
3. AB 664 – Jones, Chapter 610, Statutes of 2005 (chaptered bill)
4. July 18, 2011 letter to Richard Woonacott, Deputy Director – Division of Legislative & Policy Review regarding BPC 30 - Reciprocity

CCR 121 Reciprocity Requirements - Summary

U.S. Candidates Must:

a) Hold a current and valid license or registration as an architect in another U.S. jurisdiction (i.e., state, territory or possession of the United States)
b) Have passed a written architectural licensing examination administered by that U.S. jurisdiction on or before January 1, 1966 ***and*** have engaged in the practice of architecture as a licensed architect for five or more years in one or more U.S. jurisdiction **OR** have passed an examination prepared by NCARB, comparable to the ARE (as determined by the Board)
c) Have completed IDP of NCARB or IAP of Canada; **OR** submit a) proof of licensure in another U.S. jurisdiction, b) 3 years of documented architectural practice as a licensed architect in another U.S. jurisdiction, and c) documentation of five years of education equivalents; **OR** hold a current and valid Certification by NCARB
d) Pass the CSE

Canadian Candidates Must:

a) Hold a current and valid registration as an architect in a Canadian province
b) Hold a current and valid Certification by NCARB
c) Pass the CSE

U.K. Candidates Must:

a) Hold a current and valid registration as an architect in the U.K.
b) Hold a current and valid Certification issued on or before December 31, 1996 by NCARB
c) Pass the CSE

§ 121 Form of Examinations; Reciprocity

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 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 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 for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

(2) Effective January 1, 2005, such candidate shall prior to licensure (1) complete the Intern Development Program (IDP) of the National Council of Architectural Registration Boards (NCARB), as defined in the most recent edition of NCARB's Intern Development Program Guidelines (currently the 2003-2004 edition), or the Internship in Architecture Program (IAP) of Canada (currently the 1999 edition); 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/CIDP 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 registered as an architect in a Canadian province and who holds a current and valid Certification issued 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.

(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.

Subdivision (a)(2), which contains provisions for the IDP/IAP/CIDP requirement, shall become inoperative on January 1, 2011, and, as of January 1, 2011, is repealed, unless a later enacted regulation, which becomes operative on or before January 1, 2011, deletes or extends the date on which it becomes inoperative and is repealed.

§ 30 Federal Employer Identification Number or Social Security Number Required of Licensee

(a) Notwithstanding any other provision of law, any board, as defined in Section 22, and the State Bar and the Department of Real Estate shall at the time of issuance of the license require that any licensee provide its federal employer identification number, if the licensee is a partnership, or his or her social security number for all others.

(b) Any licensee failing to provide the federal identification number or social security number shall be reported by the licensing board to the Franchise Tax Board and, if failing to provide after notification pursuant to paragraph (1) of subdivision (b) of Section 19528 of the Revenue and Taxation Code, shall be subject to the penalty provided in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code.

(c) In addition to the penalty specified in subdivision (b), a licensing board may not process any application for an original license unless the applicant or licensee provides its federal employer identification number or social security number where requested on the application.

(d) A licensing board shall, upon request of the Franchise Tax Board, furnish to the Franchise Tax Board the following information with respect to every licensee:

(1) Name.

(2) Address or addresses of record.

(3) Federal employer identification number if the entity is a partnership or social security number for all others.

(4) Type of license.

(5) Effective date of license or a renewal.

(6) Expiration date of license.

(7) Whether license is active or inactive, if known.

(8) Whether license is new or a renewal.

(e) For the purposes of this section:

(1) "Licensee" means any entity, other than a corporation, authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(2) "License" includes a certificate, registration, or any other authorization needed to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(3) "Licensing board" means any board, as defined in Section 22, the State Bar, and the Department of Real Estate.

(f) The reports required under this section shall be filed on magnetic media or in other machine-readable form, according to standards furnished by the Franchise Tax Board.

(g) Licensing boards shall provide to the Franchise Tax Board the information required by this section at a time that the Franchise Tax Board may require.

(h) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, the social security number and federal employer identification number furnished pursuant to this section shall not be deemed to be a public record and shall not be open to the public for inspection.

(i) Any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a), or any former officer or employee or other individual who in the course of his or her employment or duty has or has had access to the information required to be furnished under this section, may not disclose or make known in any manner that information, except as provided in this section to the Franchise Tax Board or as provided in subdivision (k).

(j) It is the intent of the Legislature in enacting this section to utilize the social security account number or federal employer identification number for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 17520 of the Family Code and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.

(k) If the board utilizes a national examination to issue a license, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the social security number, any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a) may release a social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.

(l) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other provision of law, any board, as defined in Section 22, and the State Bar and the Department of Real Estate shall at the time of issuance of the license require that each licensee provide the social security number of each individual listed on the license and any person who qualifies the license. For the purposes of this subdivision, "licensee" means any entity that is issued a license by any board, as defined in Section22, the State Bar, the Department of Real Estate, and the Department of Motor Vehicles.

Assembly Bill No. 664

CHAPTER 610

An act to add Section 6060.6 to the Business and Professions Code, and to amend Section 1161.2 of the Code of Civil Procedure, relating to the State Bar of California.

[Approved by Governor October 6, 2005. Filed with Secretary of State October 6, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 664, Jones. Administration of the State Bar.

(1) Existing law requires that an applicant for the issuance or renewal of a license to practice law, supply his or her social security number or, if a partnership, its federal employer identification number.

This bill would authorize, in specified circumstances, submission of a federal tax identification number or another identification number, as determined by the State Bar of California, in place of the applicant's social security number.

(2) In a summary proceeding for the possession of real property, existing law requires the court clerk to mail a specified notice to each defendant named in the eviction action. This notice is required to include, among other things, the name and telephone number of the county bar association and the name and telephone number of an office funded by the federal Legal Services Corporation that provides legal services to low-income persons in the county in which the action is filed.

This bill would permit that notice to include the name and telephone number of qualified legal services projects that receive specified funds distributed by the State Bar of California, in lieu of a legal services office funded by the federal Legal Services Corporation.

The people of the State of California do enact as follows:

SECTION 1. Section 6060.6 is added to the Business and Professions Code, to read:

6060.6. Notwithstanding Section 30 of this code and Section 17520 of the Family Code, the Committee of Bar Examiners may accept for registration, and the State Bar may process for an original or renewed license to practice law, an application from an individual containing a federal tax identification number, or other appropriate identification number as determined by the State Bar, in lieu of a social security number, if the individual is not eligible for a social security account number at the time of application and is not in noncompliance with a judgment or order for support pursuant to Section 17520 of the Family Code.

SEC. 2. Section 1161.2 of the Code of Civil Procedure, as amended by Chapter 75 of the Statutes of 2005, is amended to read:

1161.2. (a) The clerk may allow access to limited civil case records filed under this chapter, including the court file, index, and register of actions, only as follows:

(1) To a party to the action, including a party's attorney.

(2) To any person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises, including the apartment or unit number, if any.

(3) To a resident of the premises who provides the clerk with the name of one of the parties or the case number and shows proof of residency.

(4) To any person by order of the court, which may be granted ex parte, on a showing of good cause.

(5) To any other person 60 days after the complaint has been filed, unless a defendant prevails in the action within 60 days of the filing of the complaint, in which case the clerk may not allow access to any court records in the action, except as provided in paragraphs (1) to (4), inclusive.

(b) For purposes of this section, "good cause" includes, but is not limited to, the gathering of newsworthy facts by a person described in Section 1070 of the Evidence Code. It is the intent of the Legislature that a simple procedure be established to request the ex parte order described in subdivision (a).

(c) Upon the filing of any case so restricted, the court clerk shall mail notice to each defendant named in the action. The notice shall be mailed to the address provided in the complaint. The notice shall contain a statement that an unlawful detainer complaint (eviction action) has been filed naming that party as a defendant, and that access to the court file will be delayed for 60 days except to a party, an attorney for one of the parties, or any other person who (1) provides to the clerk the names of at least one plaintiff and one defendant in the action and provides to the clerk the address, including any applicable apartment, unit, or space number, of the subject premises, or (2) provides to the clerk the name of one of the parties in the action or the case number and can establish through proper identification that he or she lives at the subject premises. The notice shall also contain a statement that access to the court index, register of actions, or other records is not permitted until 60 days after the complaint is filed, except pursuant to an order upon a showing of good cause therefor. The notice shall contain on its face the name and telephone number of the county bar association and the name and telephone number of an office or offices funded by the federal Legal Services Corporation or qualified legal services projects that receive funds distributed pursuant to Section 6216 of the Business and Professions Code, that provide legal services to low-income persons in the county in which the action is filed. The notice shall state that these numbers may be called for legal advice regarding the case. The notice shall be issued between 24 and 48 hours of the filing of the complaint, excluding weekends and holidays. One copy of the notice shall be addressed to "all occupants" and mailed separately to the subject

premises. The notice shall not constitute service of the summons and complaint.

(d) Notwithstanding any other provision of law, the court shall charge an additional fee of fifteen dollars ($15) for filing a first appearance by the plaintiff. This fee shall be added to the uniform filing fee for actions filed under this chapter.

(e) This section does not apply to a case that seeks to terminate a mobilehome park tenancy if the statement of the character of the proceeding in the caption of the complaint clearly indicates that the complaint seeks termination of a mobilehome park tenancy.

O

Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

July 18, 2011

Mr. Richard Woonacott, Deputy Director - Division of Legislative & Policy Review
California Department of Consumer Affairs
1625 North Market Boulevard, Suite S204
Sacramento, CA 95834

RE: Business and Professions Code section (BPC) 30 - Reciprocity

Dear Richard:

I am writing to follow up on our conversation regarding Business and Professions Code section (BPC) 30 and its impact on candidates from other nations seeking licensure in California.

Our national association has informed us that BPC 30 is precluding candidates from Canada from becoming licensed as architects in California. Our research indicates that this contention is accurate, and is also an issue for all boards and bureaus under the Department of Consumer Affairs (DCA).

Since architecture is an increasingly global practice, and due to the shortage of architects that California firms encounter during robust economic conditions, the ability to hire architects from Sweden, Japan, etc. is invaluable. Being able to operate at maximum capacity enables California firms to export architectural services to other states and nations (rather than having to outsource functions outside of California or miss opportunities for new business all together).

The remedy would be to amend BPC 30 to permit applicants to provide an Individual Taxpayer Identification Number in lieu of a Social Security Number. Doing so provides the identifier needed for purposes of BPC 30, which is to have a means to find candidates in the event they have unpaid family support and/or tax obligations. I have asked the Franchise Tax Board to review the proposal and have been assured they have not identified any problems that would impact its legislative potential.

I should note that our research has discovered that the State Bar of California (Bar) has a specific statute to address BPC 30. BPC 6060.6 authorizes the Bar to process an application from an individual "containing a federal tax identification number, or other appropriate identification number as determined by the State Bar, in lieu of a social security number, if the

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

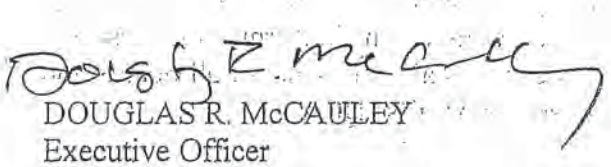
cab@dca.ca.gov
www.cab.ca.gov

individual is not eligible for a social security account number at the time of application and is not in noncompliance with a judgment or order for support pursuant to Section 17520 of the Family Code."

I raised this issue previously when Scott Reid was Chief Deputy Director and received DCA's support. Mr. Reid raised the issue to the State and Consumer Services Agency, where it was rejected, but no feedback was provided. I am hopeful that under the Brown Administration this issue can be reconsidered and sponsored by the DCA on behalf of all the boards and bureaus.

I have attached some background from legal counsel to the National Council of Architectural Registration Boards. I would be pleased to discuss this with you further so that a legislative remedy can be pursued in 2012.

Sincerely,



DOUGLAS R. McCAULEY
Executive Officer

cc: Brian Stiger, Director – Department of Consumer Affairs
Bill Gage, Chief Consultant – Senate Business, Professions and Economic Development Committee
G. V. Ayres, Consultant - Senate Business, Professions and Economic Development Committee
Ross Warren, Chief Consultant – Assembly Business and Professions Committee
Julie D'Angelo Fellmeth, Administrative Director – Center for Public Interest Law

Attachment

MEMORANDUM

TO: Daniel Taylor

FROM: Jarrett Barrios JB

DATE: September 25, 2000

RE: Access to Social Security Numbers for the Licensing of Foreign Architects

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Massachusetts, among other states, requires architects and other professionals to provide a social security number to obtain licenses to practice within the Commonwealth.[1] Historically, a foreign architect -- someone living abroad or residing here temporarily with no intent of emigrating -- could apply for a social security number to satisfy this requirement.

In May of 1996, the Internal Revenue Service introduced a new type of taxpayer identification number called the Individual Taxpayer Identification Number ("ITIN"). The ITIN was instituted for issuance to non-immigrant aliens as a means of distinguishing them from citizens, lawful permanent residents and others legally authorized to work in the United States.

The introduction of the ITIN was not coordinated with state agencies. Many of these agencies had incorporated the words "social security number" into their licensure statutes. Accordingly, the inability of non-immigrant licensees to obtain -- or retain -- their social security numbers meant these licensees could no longer fulfill the requirements of these states. The ITIN did not satisfy the plain language of state statutes which required "social security numbers."

It was suggested to you, Carl Sapers and Charlie Baker of this firm that recent legislative activity may have corrected this unintended consequence of the IRS reform. I was asked to research the scope and impact of such legislation, and particularly to determine whether this "fix" actually "fixed" our problem.

The legislation which Hill & Barlow's AIA contact referenced is titled "Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998." P.L. 105-306 (Oct. 28, 1998). Section 5 of this Act, "Eligibility of Nonresident Aliens to Renew Professional Licenses," amends relevant sections of the 1996 Welfare Reform Act which, when passed in 1996, explicitly banned, inter alia, the issuance of professional licenses to foreign nationals.[2]

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[1] Most notably, California requires this social security number. The California Board of Architectural Examiners recently denied a Canadian architect renewal of his license to practice in California because he could no longer comply with Section 30 of the state's business code, requiring him to provide a "social security number".

[2] Title IV of the Welfare Reform Act bans any alien "who is not a qualified alien" from receiving any Federal public benefit. P. L. 104-193 § 401(a). Federal benefit explicitly includes professional license issued by the United States or by appropriated funds of the United States. Id. at § 401(c)(1)(A).

Legislative history on the Welfare Reform Act made this intent manifest. "Noncitizens who are 'not qualified aliens' (generally illegal immigrants and students) are ineligible for all Federal public benefits [which] include professional license[s]." H. Conf. Rpt. 104-725.

The 1998 corrective legislation amended the Welfare Reform Act to permit "the issuance of a professional license to, or the renewal of a professional license by a foreign national not physically present in the United States." P.L. 105-306 §5(a) & (b). The intent of Congress, described in the House Way & Means Committee Report, was to "allow such nonresidents to obtain or renew professional licensure while abroad...It is the intent of the Committee that this amendment provide clarification for States that issue professional licenses [in light of the fact that].several professional societies have complained that States are misapplying the 1996 law by restricting access by foreign nationals to professional licenses in the United States." H. Rpt. 105-735 § II(5)(described in "Reason for Change").

Clearly, this legislation remedies one problem facing foreign architects: the ban on federal professional licenses. Nonetheless, by amending the Welfare Reform Act and not reaching the related, but separate, question of access to social security numbers, this remedy does not appear to solve the problem identified in the Haeryung Shin memorandum: the problem of architects' accessing a social security number, or persuading a state agency to accept an ITIN.[1] Accordingly, foreign architects would continue to need assistance in the state legislature or administration to authorize acceptance of ITINs, or to permit these workers to obtain a social security number.

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[1] This concern would appear to persist. Despite the admonition of the House Ways & Means Report that the 1998 law intends to "provide clarification for States that issue professional licenses," it fails to clarify or even mention the ancillary problem of the social security numbers.

Agenda Item J.2

ACTION ON PROPOSED REGULATIONS TO AMEND CCR, TITLE 16, SECTIONS 109, FILING OF APPLICATIONS; 116, ELIGIBILITY FOR EXAMINATION; 117, EXPERIENCE EVALUATION; AND 121, FORM OF EXAMINATIONS; RECIPROCITY (AS IT RELATES TO THE REPEAL OF THE COMPREHENSIVE INTERN DEVELOPMENT PROGRAM REQUIREMENT), INCLUDING AUTHORITY TO ADD AND AMEND DOCUMENTS IN THE RULEMAKING FILE

At its June 16, 2011 meeting, the Board voted to repeal the Board's Comprehensive Intern Development Program (CIDP) as a requirement for licensure in light of numerous improvements to the National Council of Architectural Registration Boards' Intern Development Program (IDP) and the Professional Qualifications Committee's recommendation. Based on the action taken, staff initiated a regulatory change proposal to repeal the CIDP requirement. The regulatory notice was published by the Office of Administrative Law on August 12, 2011 and the public hearing is scheduled for September 28, 2011.

The Board is asked to review and approve the proposed regulations to amend CCR, Title 16, sections 109, Filing of Applications; 116, Eligibility for Examination; 117, Experience Evaluation; and 121, Form of Examinations; Reciprocity (as it relates to the repeal of the CIDP requirement) and delegate authority to the Executive Officer (EO) to adopt the originally proposed language provided no adverse comments are received during the public comment period and make minor technical changes to the language, if needed. Additionally, the Board is asked to delegate authority to the EO to add and amend documents in the rulemaking file, as necessary, and to adopt these documents provided no adverse comments are received during a 15-day public comment period and make minor technical changes to the language, if needed.

Attachments:
1) Notice of Proposed Changes
2) Initial Statement of Reasons
3) Initial Statement of Reasons (amended; to be added to rulemaking file)
4) Originally Proposed Regulatory Language
5) IDP Comparison Document (to be added to rulemaking file)
6) NCARB IDP Guidelines - July 2011 (to be added to rulemaking file)

TITLE 16. CALIFORNIA ARCHITECTS BOARD
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California, at 2:00 p.m. on September 28, 2011. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office at the above address not later than September 27, 2011 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Section 5526, 5550, and 5552.5 of the Business and Professions Code, and to implement, interpret or make specific Sections 5550, 5552, and 5552.5 of said Code, the California Architects Board is considering changes to Division 2 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 109 – Filing of Applications

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Sections 5550 and 5552.5 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations and authorizes the Board to implement an intern development program.

The existing regulation language in CCR section 109 subdivisions (b)(2) and (b)(3) specifies that a new or inactive candidate applying for eligibility shall, prior to licensure, complete a board-specified documentation requirement, the Comprehensive Intern Development Program (CIDP) and submit such CIDP documentation to the Board as specified within subdivision (b)(3). This proposal removes the 1) requirement to complete CIDP and submit documentation related to CIDP to the Board; and 2) reference to CIDP in subdivision (b)(7).

Amend Section 116 – Eligibility for Examination

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Sections 5550 and 5552.5 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations and authorizes the Board to implement an intern development program.

The existing regulation language in CCR section 116 subdivision (b)(2) specifies that a candidate must, as a condition of eligibility for the California Supplemental Examination (CSE), complete CIDP. This proposal removes the requirement to complete CIDP as a condition of eligibility for the CSE.

Amend Section 117 – Experience Evaluation

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Sections 5550, 5552, and 5552.5 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations and authorizes the Board to implement an intern development program.

The existing regulation language in CCR section 117 includes references to CIDP in the Table of Equivalents definition and column headings related to the granting of experience equivalents for education and training experience. This proposal removes such references.

Amend Section 121 – Form of Examinations; Reciprocity

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Sections 5550, 5552, and 5552.5 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations and authorizes the Board to implement an intern development program.

The existing regulation language in CCR section 121 subdivision (a)(2) exempts persons who hold a certification from the National Council of Architectural Registration Boards from the CIDP requirement. This proposal removes the reference to CIDP in the exemption.

Documents Incorporated by Reference

National Council of Architectural Registration Boards Intern Development Program Guidelines, October 2010 Edition

Internship in Architecture Program of Canada (2001 edition)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None

Nondiscretionary Costs/Savings to Local Agencies

None

Local Mandate

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Requires Reimbursement

None

Business Impact

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only architect applicants.

Impact on Jobs/New Businesses

The Board has made an initial determination that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it affects only architect applicants.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

None

Effect on Small Business

The proposed regulatory action will not affect small businesses because it affects only architect applicants.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California, 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Marccus Reinhardt
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7216
(916) 575-7283 (FAX)
Marccus.Reinhardt@dca.ca.gov

The backup contact person is:

Timothy Rodda
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7217
(916) 575-7283 (FAX)
Timothy.Rodda@dca.ca.gov

Website Access

Materials regarding this proposal can be found at www.cab.ca.gov.

State of California
Department of Consumer Affairs
California Architects Board

INITIAL STATEMENT OF REASONS

Hearing Date: September 28, 2011

Subject Matter of Proposed Regulations: Comprehensive Intern Development Program (CIDP)

Section(s) Affected: Title 16, California Code of Regulations (CCR), sections 109, 116, 117, and 121

Specific Purpose of each adoption, amendment, or repeal:

§ 109 – Filing of Applications

The existing regulation language in CCR section 109 subdivisions (b)(2) and (b)(3) specifies that a new or inactive candidate applying for eligibility shall, prior to licensure, complete a board-specified documentation requirement, the Comprehensive Intern Development Program and submit such CIDP documentation to the Board as specified within subdivision (b)(3). This proposal removes the 1) requirement to complete CIDP and submit documentation related to CIDP to the Board; and 2) reference to CIDP in subdivision (b)(7).

§ 116 – Eligibility for Examination

The existing regulation language in CCR section 116 subdivision (b)(2) specifies that a candidate must, as a condition of eligibility for the California Supplemental Examination (CSE), complete CIDP. This proposal removes the requirement to complete CIDP as a condition of eligibility for the CSE.

§ 117 – Experience Evaluation

The existing regulation language in CCR section 117 includes references to CIDP in the Table of Equivalents definition and column headings related to the granting of experience equivalents for education and training experience. This proposal removes such references.

§ 121 – Form of Examinations; Reciprocity

The existing regulation language in CCR section 121 subdivision (a)(2) exempts persons who hold a certification from the National Council of Architectural Registration Boards (NCARB) from the CIDP requirement. This proposal removes the reference to CIDP in the exemption.

Factual Basis/Rationale

The Board is mandated to protect the public health, safety, and welfare. Like all other regulatory programs under the Department of Consumer Affairs, the Board is allowed to make a determination on what is required of applicants to become eligible for a professional license. Currently, CCR sections 109, 116, 117, and 121 reference CIDP as a requirement to be eligible for licensure. Changes and updates to the NCARB Intern Development Program (IDP) since 2005 indicate IDP will now achieve the objectives that were established for CIDP. Furthermore, the Board voted at its June 16, 2011, to eliminate CIDP as a requirement for licensure. Therefore, removal of the associated language that requires and references CIDP is necessary.

Underlying Data

The Board relied on the following document in its proposal:

- NCARB IDP Guidelines (October 2010)

Business Impact

The proposed regulatory action will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only architect applicants.

Specific Technologies or Equipment

This proposed regulatory action does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

State of California
Department of Consumer Affairs
California Architects Board

AMENDED INITIAL STATEMENT OF REASONS

Hearing Date: September 28, 2011

Subject Matter of Proposed Regulations: Comprehensive Intern Development Program (CIDP)

Section(s) Affected: Title 16, California Code of Regulations (CCR), sections 109, 116, 117, and 121

Specific Purpose of each adoption, amendment, or repeal:

§ 109 – Filing of Applications

The existing regulation language in CCR section 109 subdivisions (b)(2) and (b)(3) specifies that a new or inactive candidate applying for eligibility shall, prior to licensure, complete a board-specified documentation requirement, the Comprehensive Intern Development Program and submit such CIDP documentation to the Board as specified within subdivision (b)(3). This proposal removes the 1) requirement to complete CIDP and submit documentation related to CIDP to the Board; and 2) reference to CIDP in subdivision (b)(7).

§ 116 – Eligibility for Examination

The existing regulation language in CCR section 116 subdivision (b)(2) specifies that a candidate must, as a condition of eligibility for the California Supplemental Examination (CSE), complete CIDP. This proposal removes the requirement to complete CIDP as a condition of eligibility for the CSE.

§ 117 – Experience Evaluation

The existing regulation language in CCR section 117 includes references to CIDP in the Table of Equivalents definition and column headings related to the granting of experience equivalents for education and training experience. This proposal removes such references.

§ 121 – Form of Examinations; Reciprocity

The existing regulation language in CCR section 121 subdivision (a)(2) exempts persons who hold a certification from the National Council of Architectural Registration Boards (NCARB) from the CIDP requirement. This proposal removes the reference to CIDP in the exemption.

Factual Basis/Rationale

The Board is mandated to protect the public health, safety, and welfare. Like all other regulatory programs under the Department of Consumer Affairs, the Board is allowed to make a determination on what is required of applicants to become eligible for a professional license. ~~Currently, CCR sections 109, 116, 117, and 121 reference CIDP as a requirement to be eligible for licensure. Changes and updates to the NCARB Intern Development Program (IDP) since 2005 indicate IDP will now achieve the objectives that were established for CIDP. Furthermore, the Board voted at its June 16, 2011, to eliminate CIDP as a requirement for licensure. Therefore, removal of the associated language that requires and references CIDP is necessary.~~

In January 2005, the Board implemented a structured internship requirement for all candidates establishing eligibility to take the Architect Registration Examination (ARE), the national licensing examination. This requirement included the adoption of the national Intern Development Program (IDP), which was developed by the National Council of Architectural Registration Boards (NCARB) and required by a majority of the U.S. jurisdictions, and the development and adoption of the Board's evidence-based overlay program, the Comprehensive Intern Development Program (CIDP). Both programs are structured around core competencies, Training Categories/Areas, and Skills and Application Activities (SAA). Completion of both programs is required prior to becoming eligible to take the Board's California Supplemental Examination and obtaining an architect license in California.

The need for an overlay program (CIDP) arose from the Board's concerns about NCARB's national IDP pertaining to: the limited role of the IDP supervisor and mentor; competency assessment; experience alternatives; training areas and settings; IDP entry point (eligibility); duration requirements; and IDP reporting. These concerns are noted on the Underlying Data document (IDP Comparison Chart). CIDP was therefore developed in order to address these concerns, enhance and strengthen the internship experience, and improve the intern/supervisor relationship through discussions about evidence documentation.

Since 2005, the Board has actively monitored updates and improvements to the national program (including NCARB's new IDP 2.0), considered how these changes could impact the Board's overlay program (CIDP), and analyzed the potential for an update to CIDP based on the ongoing changes to IDP. Additionally, with changes to the required IDP Skills and Application Activities (SAA), the removal or merging of SAAs, and/or the reassignment of SAAs under the given IDP Training Categories/Areas, the continual alignment of CIDP with IDP was a concern.

In 2011, the Board and its Professional Qualifications Committee further examined all of the updates and improvements to IDP since 2005 (minutes and summary report [draft] of meetings are referenced within this document – Underlying Data) and additionally determined that the changes made to IDP addressed all of the Board's original concerns, which had resulted in the development and adoption of CIDP. Ultimately, at its June 16, 2011 meeting, the Board voted to repeal CIDP as a requirement for licensure.

The IDP Comparison Chart referenced within this document (Underlying Data) identifies the Board's original concerns with NCARB's IDP and how they have been addressed under the current version of IDP.

Underlying Data
The Board relied on the following document in its proposal:

- NCARB IDP Guidelines (~~October~~ July 20~~10~~11)
- IDP Comparison Chart
- Draft Professional Qualifications Committee Meeting Summary Report (February 28, 2011)
- Board Meeting Minutes (June 16, 2011)

Business Impact
The proposed regulatory action will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only architect applicants.

Specific Technologies or Equipment
This proposed regulatory action does not mandate the use of specific technologies or equipment.

Consideration of Alternatives
No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Article 2. Applications

Amend Section 109 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

Text in gray highlight is proposed changes in pending regulations proposals Z-2010-1228-05 (pending at OAL) and Z-2010-1228-06.

Section 109, Filing of Applications

* * *

(b) Application Process:

* * *

(2) Effective January 1, 2005, a new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall prior to licensure complete the IDP of the NCARB, as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the ~~2007-2008~~October 2010 edition), or the Internship in Architecture Program (IAP) of Canada (currently the 2001 edition)~~, plus a Board-specified documentation requirement and the Comprehensive Intern Development Program (CIDP) of the Board, as described defined in the most recent edition of the Board's *Comprehensive Intern Development Program (CIDP) Handbook* (currently the 2005 edition)~~. ~~All three~~Both documents referred to in the preceding sentence are hereby incorporated by reference.

The IDP/IAP~~/CIDP~~ requirement does not apply to a candidate who (A) was determined by the Board to be eligible on or before December 31, 2004 and who is active in the examination process; or (B) has completed all of the necessary education equivalents prior to January 1, 2005, who has submitted a completed application for eligibility evaluation to the Board that is postmarked on or before December 31, 2004, and who has been determined by the Board to be eligible.

(3) A new or inactive candidate shall submit an Application for Eligibility Evaluation, 19C-1 (9/2006), as provided by the Board and certified under penalty of perjury, and accompanied by such supporting documents required herein. Such supporting documents may include the candidate's current and valid IDP file transmitted by NCARB or current and valid verification of completion of the requirements of Canada's IAP, ~~CIDP Evidence Verification Forms,~~ certified original transcripts sent directly to the Board by the college or university, Employment Verification Form(s), 19C-12 (9/2006), and, if appropriate, proper foreign education evaluations and self-employment documentation. Applications for Eligibility Evaluation shall be accepted

on a continuous basis throughout the year. For a candidate applying for eligibility for the ARE, the eligibility review fee specified in Section 144(a) shall be required.

* * *

(7) Effective January 1, 2005, a new or inactive candidate who is a licensed architect in a qualifying foreign country, as defined in Section 117 (c)(2), shall prior to licensure (A) complete ~~NCARB's~~ IDP or IAP, as referenced in subdivision (b)(2),~~as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the 2007-2008 edition), or the Internship in Architecture Program of Canada (currently the 2001 edition), plus a Board-specified documentation requirement as described in the Board's *Comprehensive Intern Development Program Handbook* (currently the 2005 edition) and CIDP, as referenced in subdivision (b)(2)~~; or (B) submit to ~~the~~ the Board 1. proof of licensure in the qualifying foreign country, 2. an Employment Verification Form on his or her own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country, 3. an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect licensed 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, and 4. documentation of five years of education equivalents. ~~All three~~Both documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.

* * *

~~Subdivisions (b)(2), (b)(7), and (b)(8), which contain provisions for the IDP/IAP/CIDP requirement, shall become inoperative on January 1, 2011, and, as of January 1, 2011, are repealed, unless a later enacted regulation, which becomes operative on or before January 1, 2011, deletes or extends the date on which they become inoperative and are repealed.~~

Note: Authority cited: Sections 5526 and 5552.5, Business and Professions Code. Reference: Sections 5550 and 5552.5, Business and Professions Code.

Article 3. Examinations

Amend Section 116 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

Section 116, Eligibility for Examination

* * *

(b)

* * *

(2) To be eligible for a California Supplemental Examination administered on or after January 1, 2005, a candidate shall have been granted Board credit for all required divisions of the ARE and have at least eight (8) net years of educational and/or experience credits as evaluated by the Board, of which at least one year of experience shall have been under the direct supervision of an architect(s) licensed 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, including completion of the IDP/IAP~~/CIDP~~ requirement if applicable pursuant to Section 109.

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 5550, Business and Professions Code.

Article 3. Examinations

Amend Section 117 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

Section 117, Experience Evaluation

The Board's evaluation of candidates' training and educational experience is based on the Board's Table of Equivalents as listed below.

The Table is comprised of four columns. Column A lists the types of experience for which credit may be granted. Columns B and C specify the maximum credit that may be granted to a candidate 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~~/CIDP~~ 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~~/CIDP~~ requirement.

TABLE OF EQUIVALENTS

(a) Experience Equivalents:

COLUMN A	COLUMN B	COLUMN C	COLUMN D
Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP~~/CIDP~~ Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP~~/CIDP~~ Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP~~/CIDP~~ Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed

* * *

Note: Authority cited: Sections 5526, 5550, and 5552 Business and Professions Code. Reference: Sections 5550 and 5552, Business and Professions Code.

Article 3. Examinations

Amend Section 121 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

Text in gray highlight is proposed changes in pending regulations proposals Z-2010-1228-05 (pending at OAL) and Z-2010-1228-06.

Section 121, Form of Examinations; Reciprocity

* * *

(a)

* * *

(2) Effective January 1, 2005, such candidate shall prior to licensure (1) complete ~~the Intern Development Program (~~IDP~~) of the National Council of Architectural Registration Boards (NCARB), as defined in the most recent edition of NCARB's Intern Development Program Guidelines (currently the 2003-2004 edition)~~, or ~~the Internship in Architecture Program (~~IAP~~) of Canada (currently the 1999 edition)~~, 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~~/CIDP~~ 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.

* * *

~~Subdivision (a)(2), which contains provisions for the IDP/IAP/CIDP requirement, shall become inoperative on January 1, 2011, and, as of January 1, 2011, is repealed, unless a later enacted regulation, which becomes operative on or before January 1, 2011, deletes or extends the date on which it becomes inoperative and is repealed.~~

Note: Authority cited: Sections 5526, ~~and~~ 5550, and 5552.5, Business and Professions Code. Reference: Sections 5550, ~~and~~ 5552, and 5552.5, Business and Professions Code.

Comparison of IDP at the time of Board Adoption vs. IDP 2.0 (2011)

IDP (2003-2004)	IDP 2.0 (2011)
Duration Requirements: Interns must work full-time (35 hours per week) for a minimum of 10 consecutive weeks or part-time (20 hours per week) for a minimum of six consecutive months	**More Flexible Duration Requirements** (introduced 2008): Interns must work full time (32 hours per week) for a minimum of eight consecutive weeks or part-time (15 hours per week) for a minimum of eight consecutive weeks
IDP Training Areas: 16 areas; same since 2000	**Updated Training Areas & Mapped to 2007 Practice Analysis**; for the first time, the findings from this study were used to determine the requirements for IDP (rolled out as IDP 2.0) to help ensure interns acquire comprehensive training
Training Settings: Seven, including three different levels of architectural practice	**Updated/Simplified Experience (Work) Settings – IDP 2.0 (Phase 3)**: Three new Experience Settings to replace the current seven Work Settings
Experience Alternatives (Supplementary Education): • AIA Supplementary Education Handbook activities • AIA-approved continuing education resources and programs • Post-professional degree in architecture <u>after</u> earning a professional degree in architecture from a program accredited by NAAB or CACB	**New Experience Alternatives:** **Supplementary Education (Core)**: • The Emerging Professional's Companion (EPC)*: Activities - must be reviewed and approved by IDP supervisor or mentor • NCARB's Professional Conduct Monograph • CSI Certifications: Certified Construction Specifier (CCS) & Certified Construction Contract Administrator (CCCA)** • Community-Based Design Center/Collaborative (volunteer service) - experience must be approved by "designated IDP supervisor" • Design Competitions - must be completed under the supervision of a mentor • Site Visit With Mentor **Supplementary Education (Elective)**: • The Emerging Professional's Companion (EPC)*: Exercises - must be reviewed and approved by IDP supervisor or mentor • Green Building Certification Institute (GBCI) LEED AP Credential** • Advanced Degrees • AIA Continuing Education (and NCARB Monographs and Mini-monographs)** • CSI Continuing Education Network Approved Program • CSI Certificate Program: Construction Documents Technologist (CDT) * Earn core/elective hours for completing EPC activities/exercises whether or not employed (introduced 2010) **Earn elective units whether or not employed (introduced 2009)

IDP (2003-2004)	IDP 2.0 (2011)
Supervisor Roles and Responsibilities: Limited description	**More Defined Supervisor Roles and Responsibilities:** i.e., *IDP Supervisor Guidelines* (introduced 2008) - developed in conjunction with the *IDP Guidelines* to assist the IDP supervisor in their critical role
IDP Training/Experience Assessment: Supervisor verifies IDP training - "seat time" (quantitative)	**Improved Assessment:** Enhanced role of supervisor, including: adhering to core guidelines and supervisor expectations in *IDP Supervisor Guidelines*; regular meetings with intern; providing constructive feedback; reviewing and discussing work samples; providing feedback between scheduled meetings; maximizing all learning possibilities for intern; providing timely and fair assessment of intern's work; fostering leadership opportunities, etc.
Direct Supervision Training Requirement	**Modified "Direct Supervision" Definition:** To allow IDP supervisors to supervise their interns through a mix of personal contact and remote communication (2010)
Mentor Role: Limited	**Enhanced Mentor Role:** i.e., Certifying supplementary education opportunities (site visits, design competitions, Emerging Professional's Companion)
IDP Eligibility Dates: Must have completed part of a NAAB/CACB accredited program, or for CAB, three years of work experience	**New IDP Eligibility Dates** (for experience earned on or after October 1, 2010): Enrollment in a NAAB/CACB accredited program, or employed in work setting A after obtaining a high school diploma, GED, or comparable foreign degree
IDP Reporting: • Periodic submittal of IDP training reports; personal record-keeping system or NCARB's Excel Workbook; retroactive record-keeping acceptable, but discouraged • Paper-based reporting	**Enhanced IDP Reporting:** • **Six-Month Rule:** Reporting periods limited to six-months duration and submittals must be with two months of completion of each reporting period – to encourage timely and accurate reporting of experience; facilitate better communication; receive timely feedback on IDP progress; and identify and target training areas deficiencies early (introduced 2009) • **Electronic Experience Verification Reporting (e-EVR) System:** Electronic submission of IDP experience reports and supervisor approval (introduced 2008)
IDP Experience: Measured in training units (one training unit equals eight hours of acceptable experience)	**Improved Measuring of IDP Experience:** Measured in training hours (instead of training units) for simpler reporting - no hour to unit converting required (introduced 2010)

NCARB

INTERN DEVELOPMENT PROGRAM GUIDELINES

July 2011

IDP GUIDELINES

This document, effective July 2011, supersedes all previous editions of the *IDP Guidelines* and provides a general overview of policies and procedures of the IDP.

Please check NCARB's website, www.ncarb.org, regularly for updates to this publication and for the most current information regarding the IDP. © July 2011

The July 2011 guidelines publish the implementation dates that apply to interns currently completing the IDP. For architects documenting IDP for the purpose of certification, please refer to the appendices for historical implementation dates.

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IDP OVERVIEW

The Intern Development Program (IDP) is a comprehensive training program created to ensure that interns in the architecture profession gain the knowledge and skills required for the independent practice of architecture.

The IDP was created jointly in the 1970s by the National Council of Architectural Registration Boards (NCARB) and the American Institute of Architects (AIA) and is administered by NCARB.

As a professional membership organization, the AIA supports emerging professionals by facilitating a mentorship program and providing supplementary education opportunities.

What is an Intern?

Webster's New Collegiate Dictionary defines an intern as: "an advanced student or graduate in a professional field." In the architecture profession, an "intern" is any person who by means of their education or experience has qualified to enter the Intern Development Program.

In this document, the term intern refers to any individual in the process of satisfying a registration board's training requirements. This includes graduates from NAAB-accredited programs, architecture students who acquire acceptable training prior to graduation, and other qualified individuals identified by a registration board.

NCARB *Model Law* allows the use of the terms Intern Architect or Architectural Intern.

Only individuals who are licensed by a board of architecture may call themselves architects.

What is IDP?

The Intern Development Program is an essential step in the path to become an architect. Your journey typically begins in a school of architecture; however, it does not end there. Ultimately, through the IDP you will apply your formal education to the daily realities of architectural practice, acquire comprehensive experience in basic practice areas, explore specialized areas of practice, develop professional judgment, and refine your career goals. IDP is designed to help you realize those goals.

State registration requirements establish the criteria for legally practicing architecture independently. In most jurisdictions, completion of the IDP is a requirement for initial registration. Participation in the IDP targets the comprehensive training that is essential for competent practice. The Intern Development Program is structured to prepare you to practice architecture independently upon initial registration. Make your IDP experience work for you!

What is NCARB?

The National Council of Architectural Registration Boards, a nonprofit organization, is a federation of the architectural licensing boards in each of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. These 54 boards constitute NCARB's membership.

The National Council of Architectural Registration Boards 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. NCARB is responsible for establishing, interpreting, and enforcing national standards for architectural licensure.

The U.S. Constitution has established that the individual states have the actual power to regulate the profession of architecture, including the registration of practitioners. Each of NCARB's 54 Member Boards has instituted a set of registration requirements that, when satisfied, results in the granting of a license to practice architecture within their jurisdiction.

NOTE: The term "licensure" is often used to denote the actual issuance and maintenance of an architectural license. Since licensure is part of the registration process, this document will primarily use the terms "registration" and "registered" in lieu of "licensure" and "licensed."

Online Resources:

- Handbook for Interns & Architects (www.ncarb.org/forms/handbook.pdf)
- IDP Workbook
- NCARB Record (https://my.ncarb.org/login)
- IDP section on the website (www.ncarb.org/idp/)

Know Your Jurisdictional Requirements

Each Member Board sets its own education, training, and examination requirements for initial and reciprocal registration in their jurisdiction. Most Member Boards have adopted the standards specified in NCARB's *Legislative Guidelines and Model Law/Model Regulations*. You can get an overview of each jurisdiction's registration requirements on the NCARB website at www.ncarb.org/Reg-Board-Requirements. However, since each jurisdiction may change its rules, statutes, and regulations at any time, it is always advisable to check with the individual board to verify registration and practice requirements.

Education Requirement

Most of NCARB's Member Boards have established as their education requirement a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) or a professional degree in architecture from a Canadian program accredited by the Canadian Architectural Certification Board (CACB).

NAAB- and CACB-accredited professional degree programs include Bachelor of Architecture (B.Arch), Master of Architecture (M.Arch), and Doctor of Architecture (D.Arch). NAAB and CACB do not accredit four-year "pre-professional" degree programs in architecture (e.g., Bachelor of Arts in Architecture, Bachelor of Science in Architecture, Bachelor of Environmental Design, etc.).

Pre-professional degree programs are typically components of Bachelor of Architecture and Master of Architecture programs. Not all Master of Architecture programs offered within a school are accredited by NAAB or CACB. For a list of NAAB-accredited programs, go to http://naab.org/architecture_programs/

Some registration boards requiring a professional degree in architecture from a NAAB-accredited program also accept other education assessed as equivalent. For a guide to equivalency requirements, refer to NCARB's Education Standard. The Education Standard is available in the *Education Guidelines* at www.ncarb.org.

Training Requirement

Every jurisdiction requires that interns acquire experience under a registered architect's direct supervision for some period of time.

Most of NCARB's 54 jurisdictions have adopted the IDP as their training requirement for initial registration.

Compare the IDP training requirements with any additional specific training your board may require. Where differences exist, you must first comply with your jurisdiction's requirement; however, satisfaction of the IDP training requirement may be required to facilitate future registration in other jurisdictions. Some jurisdictions also have employment duration requirements.

Many jurisdictions accept some experience acquired under the direct supervision of other professionals (e.g., professional engineer, interior designer, landscape architect, planner, or general contractor).

You can view your board requirements at www.ncarb.org/Reg-Board-Requirements.

Examination Requirement

Every jurisdiction requires interns to pass the Architect Registration Examination® (ARE®) to satisfy its examination requirement.

The ARE is a practice-based exam administered on a year-round basis that covers:

- Programming, Planning & Practice
- Site Planning & Design
- Building Design & Construction Systems
- Schematic Design
- Structural Systems
- Building Systems
- Construction Documents & Services

The content of the ARE is based on the knowledge and skills required of a recently licensed architect, practicing independently, to provide architectural services.

The ARE evaluates an applicant's competence in the provision of architectural services to protect the public health, safety, and welfare.

For more information concerning the ARE, refer to the "Next Steps" in this publication, or NCARB's *ARE Guidelines*, available at www.ncarb.org.

Verify that you are enrolled in a NAAB-accredited program

A list of NAAB-accredited programs can be found at www.naab.org.

- Individual degree *programs* are accredited by NAAB and CACB.
- Universities, colleges, and schools/colleges of architecture are not accredited by NAAB and CACB.

What does IDP do for me?

The IDP has six objectives:

1. Maintain a relevance to current architectural practice;
2. Define areas of architectural practice in which interns should acquire basic knowledge and skills;
3. Encourage additional training in the broad aspects of architectural practice;
4. Provide the highest quality information and advice about educational, internship, and professional issues and opportunities;
5. Provide a uniform system for documentation and periodic assessment of internship activity; and
6. Provide greater access to educational opportunities designed to enrich training.

The IDP is designed to make your internship a meaningful experience by exposing you to many aspects of the profession so that you are prepared to practice architecture independently.

What does it cost?

TOTAL INTERN APPLICATION FEE: $350
Includes three years of service and one free transmittal of your Record.

STUDENT or RECENT GRADUATE (within six months): $100 to start.

If you are a student or have graduated within six months of when you establish an NCARB Record, you may split the $350 into two payments. You may pay $100 when you start your Record and wait to pay the rest ($250) when you are ready to have your Record transmitted to a jurisdiction or when you request an Authorization to Test for the Architect Registration Examination (ARE).

INTERN ANNUAL RENEWAL FEE: $75
There is an annual renewal fee assessed after the first three years of service. It costs $75 each year to maintain your Record until you become registered.

Fees subject to change, please refer to the *current fees* on NCARB's website.

When can I start?

Your **"IDP eligibility date"** is the date after which you are able to earn IDP experience. Qualifying experience must be earned on or after your IDP eligibility date. Once your IDP eligibility date has been established, it is set for all experience earned on or after that date.

You may report experience through the electronic Experience Verification Reporting (e-EVR) without establishing an IDP eligibility date. However, once your IDP eligibility date is established, any experience you have submitted that was earned prior to your eligibility date will not be accepted.

Under the IDP eligibility dates effective 1 October 2010, the earliest eligibility date you can obtain is 1 October 2010. For experience earned prior to 1 October 2010, you must comply with the eligibility dates in effect prior to 1 October 2010.

For experience earned prior to 1 October 2010:
For experience earned prior to 1 October 2010, you must comply with the IDP eligibility dates and documentation outlined in Appendix A.

For experience earned on or after 1 October 2010:
For experience earned on or after 1 October 2010, you can earn IDP experience[1] once you have successfully established:

1. Enrollment in a NAAB/CACB-accredited degree program. [link to form1]
2. Enrollment in a pre-professional architecture degree program at a school that offers a NAAB/CACB-accredited degree program. [link to form 2]
3. Employment in work setting A after obtaining a U.S. high school diploma, General Education Degree (GED) equivalent, or comparable foreign degree. [link to form 3]

[1] *No experience used to meet your academic program's graduation requirement may be used to earn IDP experience.*

To establish your NCARB Record, go to https://my.ncarb.org and click on Establish Record.

Effective 1 October 2010
Documenting your IDP eligibility date:

To establish your IDP eligibility date, you must determine which eligibility date you are documenting and then complete the following steps:

- Download the related form.
- Fill out your name and your NCARB Record number.
- Submit the form for completion by the responsible party.

IDP Eligibility Date 1 will be submitted to your IDP educator coordinator

If you graduated from a NAAB-accredited degree program, your final transcript can be used as documentation of your IDP eligibility date. Please refer to "Step 6: Document Your Education."

IDP Eligibility Date 2 will be submitted to your IDP educator coordinator.

IDP Eligibility Date 3 will be submitted to your IDP supervisor in work setting A. You will need to provide proof of your high school diploma or equivalent.

The completed form must be returned directly to NCARB by the responsible party identified on the form. All signatures as indicated on the form are required. NCARB will not accept IDP eligibility date forms submitted by an intern.

IDP STEPS

This section outlines the steps you must take to participate in IDP.

1. Establish Your NCARB Record
2. Document Your IDP Eligibility Date
3. Identify Your IDP Supervisor
4. Identify Your Mentor
5. Document Your Experience
6. Document Your Education

Step 1: Establish Your NCARB Record

Go to www.ncarb.org and click "Create New Account." Skip to the new account information and enter the required fields. Verify your account.

Once you are logged into "My NCARB," add the NCARB Record service. Fill out all of the required information, including the payment method.

If you are interrupted or need additional information to complete the application, you can save the information and return later to complete the process.

Once you click "Submit," you will receive two e-mails. The first e-mail will confirm acceptance of your payment. The second e-mail will assign your NCARB Record number and provide further instructions.

In order to establish an NCARB Record, you must complete the application and submit payment. You will not receive your NCARB Record number until you have completed the application including payment.

Step 2: Document Your IDP Eligibility Date

Your "IDP eligibility date" is the date after which you are able to earn IDP experience.

Refer to the "When Can I Start?" section of these guidelines to understand how your IDP eligibility date is determined and documented.

Step 3: Identify Your IDP Supervisor

Your IDP supervisor is the individual who supervises you on a daily basis and has control over and professional knowledge of your work. Your IDP supervisor is required to certify that the information you submit on your experience report is true and correct.

Your IDP Supervisor is Responsible for:

- providing reasonable opportunities for you to gain adequate experience in each IDP training area;
- meeting regularly with you to review progress and verify your IDP experience report;
- encouraging you to participate in seminars and utilize other supplementary education resources; and
- conferring, if needed, with your mentor.

IDP supervisors are usually registered architects; however, in certain work settings your IDP supervisor may be a professional from another discipline.

What is Direct Supervision?

- Your IDP supervisor must have control over and detailed professional knowledge of the work you prepare under his or her direct supervision.
- Your IDP supervisor must hold a current license in the jurisdiction where their office is located.

Managing Expectations

- You are the prime beneficiary of the IDP. To gain the greatest benefit from participation, you should pursue it as a cooperative arrangement with your employer.
- Recognize that your employer cannot charge clients for IDP training costs.

Note: Many supervisors have not participated in the IDP, and may need some help understanding the process. To learn more about this crucial role in an intern's career, read the *IDP Supervisor Guidelines*.

Step 4: Identify Your Mentor

A mentor is defined as a loyal advisor, teacher, or coach. You should select an IDP mentor who you feel will make a long-term commitment to your professional growth. You should choose a mentor outside of your office so that you can gain insight and perspective independent of your daily work experience.

Your mentor must hold a current license to practice architecture in a U.S. Jurisdiction or Canadian Province; however, your mentor does not have to be registered in the jurisdiction where you are located.

The Mentor's Role Includes:

- certifying supplementary education opportunities you may complete including site visits, design competitions, and the Emerging Professionals Companion (EPC);
- meeting periodically with you to review training progress;
- suggesting additional training and supplementary education activities;
- providing guidance to enhance your professional growth; and
- conferring, if needed, with your IDP supervisor.

Managing Expectations

- You and your mentor should discuss expectations and come to an agreement on such issues as: the length of the relationship, frequency and types of meetings and other activities, and how to give each other feedback.
- Confidentiality is an absolute requirement, for both mentor and intern, with regard to personal and professional issues.

Refer to www.aia.org for more information about the AIA mentorship program.

Step 5: Document Your Experience

The electronic Experience Verification Reporting (e-EVR) system allows you to document your experience in various training areas directly into your online NCARB Record.

Log into "My NCARB" to access your Record and to document your experience regularly.

In IDP, your experience is measured in training hours. One training hour equals one hour of acceptable work experience in an acceptable work setting.

Effective 1 July 2008:
To earn training hours in most work settings, you must meet the following requirements:

FULL TIME:
32 hours per week for a minimum period of eight consecutive weeks

PART TIME:
At least 15 hours per week for a minimum period of eight consecutive weeks

Verify Your Experience

Upon submission of your experience report through the e-EVR, your supervisor will receive an e-mail notification that you have submitted an experience report for review.

You and your supervisor should meet to review your experience.

Your supervisor must approve your experience report, thereby certifying the information furnished by you is true and correct.* Under no circumstances can you verify your own experience.

All training experience is subject to review and evaluation by NCARB for compliance with the program.

Remember: You can monitor your NCARB Record status at www.ncarb.org through "My NCARB."

* Mentors may certify experience earned through some supplementary education opportunities. Please see the supplementary education sections for more information.

Review Your Experience

Review your work experience with your mentor. Within the e-EVR, you may e-mail your mentor copies of submitted experience for review.

Repeat Step 5 Often

You must submit your experience report to NCARB at intervals no longer than every six months. Maintaining your documentation:

- assures you know where you stand in the program and which training areas you need to focus on;
- guides your IDP supervisor in providing training opportunities;
- identifies areas where supplementary education may enhance training; and most importantly
- allows you to get more out of your internship.

Step 6: Document Your Education

Upon graduation, you must provide a copy of your final transcript to NCARB.

Download and mail the transcript request forms and any associated fee to your school(s).

Each transcript must be returned directly to NCARB by the school. NCARB will only accept official transcripts submitted by the school.

You can monitor your NCARB Record status at www.ncarb.org through "My NCARB."

Helpful Hints

- Fill out your forms completely and accurately.
- Know your work setting.
- Make sure you're working under "direct supervision."
- Document your experience often.
- Be aware of your current tally.
- Ask for what you need, as soon as you need it.

IDP REPORTING

An essential part of the program requires interns to complete experience reports that document their experience in specific training areas and have them certified by their supervisors. This section explains how and when you should submit your experience reports.

1. The Six-Month Rule
2. Changing Employment
3. The e-EVR

The Six-Month Rule

NCARB's Member Boards passed a rule requiring interns to submit their experience in reporting periods of no longer than six months and within two months of completion of each reporting period.

Effective 1 July 2010
All interns must comply with the Six-Month Rule when reporting work experience or supplementary education.

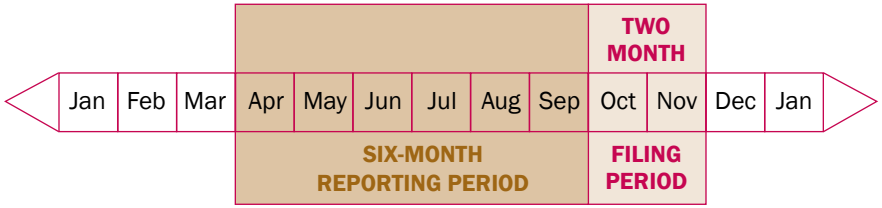
Clarification 1 October 2010
The word "interns" as used herein applies to anyone not registered to practice architecture in a U.S. or Canadian jurisdiction. Architects registered in a U.S. or Canadian jurisdiction documenting experience for the purpose of obtaining the NCARB Certificate are not subject to the Six-Month Rule.

Why is there a Six-Month Rule?

- To facilitate better and more frequent communication between interns and IDP supervisors.
- To receive timely feedback on the progress being made toward professional development.
- To identify and target training area deficiencies as early as possible so that the intern can request exposure to such experience promptly.

How does the Six-Month Rule work?

- Each reporting period can be no longer than six-months duration.
- The report to NCARB must be entered no later than two months after the end of the period being reported.
- For each day past the two-month filing period, a day of acceptable experience will be lost at the beginning of the reporting period.
- A provision has been made to accommodate a reasonable extension of the two-month filing period in circumstances where filing is prevented by a serious medical condition, military service, or the birth or adoption of a child. Other like causes may be considered on a case-by-case basis. For more information on extensions: www.ncarb.org/idp/SixMonRul.html.



Reporting

- All experience reports must be submitted electronically through the e-EVR system.
- Once interns have **submitted** their training hours to their supervisor through the electronic Experience Verification Reporting (e-EVR) system in their NCARB Record, those hours are protected while under review.
- To be protected, an experience report must be "submitted," "pending," or "approved."
- A report that has a "saved" status is not protected.
- You must click "submit" at the bottom of the e-EVR to protect your report.
- A supervisor can return a report for edits and still have the report be safe from the Six-Month Rule.
- Submitted training hours can be lost if they are deemed invalid by a supervisor, or if they are not earned in accordance with the rules of the IDP.

For more information on the Six-Month Rule, go to:
www.ncarb.org/idp/SixMonRul.html

The Six-Month Rule: Examples

The following examples are provided to illustrate some of the basic methodology of the Six-Month Rule, to outline some extensions that might be requested, and to describe how these would be handled.

Example 1

Standard

An intern taking maximum advantage of the reporting and filing periods would have through August 31 to report experience earned during the six-month period starting January 1 and ending June 30. While the reporting period is a maximum of six months, the filing period could be any time on or after June 30 through August 31.

Example 2

Administrator or Supervisor Delay

Same example as above, but there is an incidental problem with the report or supplementary information is required and it takes additional time for NCARB and the intern to resolve. The intern may still count the time between January 1 and June 30 once the problem is resolved and accepted by NCARB.

Example 3

Reporting Period Less Than Six Months

An intern chooses to report every three months, rather than every six months. Therefore, experience earned between January 15 and April 14 must be reported by June 14, two months after the end of the period being reported.

If, for any reason, the intern missed his or her intended filing date of June 14, the intern could extend the reporting period to anytime up until July 14 (the full six months available) and not lose any experience.

The new filing deadline will be two months from the new end date selected.

Example 4

Missed Filing Deadline for Reporting Period of Six Months

If an intern attempts to file an experience report on October 3 for a period covering January 15 through July 14, the report will not be accepted. The intern must recalculate and resubmit the report.

In this example, February 4 is the earliest possible start date for an experience report submitted on October 3 and any experience accumulated from January 15 through February 3 would be lost. If February 4 was used as the start date, then the reporting period would end on August 3, six months later, and the intern could file his or her report on October 3.

Example 5

Birth or Adoption of a Child

An intern has become a new parent or adopted a child on January 15. Before taking a leave of absence on January 1, the intern had completed six months of work (July 1 through December 31). Whereas the intern would normally be expected to file the experience report by February 28, following a documented and approved request the intern would be given until August 31 to file this report.

Example 6

Active Military Duty

An intern has been called to active military duty on January 15. Before this event, the intern had worked until December 31, having completed six months of work (July I through December 31) that could be reported. Whereas the intern would normally be expected to submit the experience report by February 28, following a documented and approved request, the intern would be given a reasonable extension for filing this report following the end of the intern's active military duty.

Example 7

Serious Medical Condition

Similar to Example 6, an intern who has experienced a serious medical condition could, with appropriate and approved documentation from a licensed medical doctor overseeing the intern's care, be allowed a reasonable extension of the two-month filing period.

Extensions

Extensions apply only to the experience filing period. There are no exceptions or extensions granted for missing the deadline to establish an NCARB Record in accordance with the requirements of the Six-Month Rule.

Changing Employment

During the course of IDP participation, personal circumstances or external factors can result in new employment opportunities. If you change employers, the following procedures apply:

1. Record all activity occurring prior to leaving your current employer on an IDP experience report—your report for training hours earned at your current employer must be certified by that IDP supervisor.
2. Identify your IDP supervisor at your new employer.
3. Record your next reporting period at your new employer (after meeting the **minimum duration** requirements) on a new IDP experience report—this report must be certified by your new IDP supervisor.

The e-EVR

The electronic Experience Verification Reporting (e-EVR) system was developed to enhance the delivery of experience reports to NCARB in support of the IDP. This system allows interns to document their experience in various training areas directly into their online NCARB Record. In this system, an intern will identify his/her supervisor in each report. When a report is submitted, a notification will be sent to the supervisor at the e-mail address provided by the intern.*

1. Log into "My NCARB" from NCARB's home page.
2. If you do not have a record, select "Establish Record." If you already have an NCARB Record number, click "Update Accounts."
3. If you have an NCARB Record, enter your Record number or your e-mail address and password, and update your account (if necessary).
4. Once in My NCARB, select the NCARB Record Service.
5. Click on "e-EVR, the electronic Experience Verification Reporting system" in your Record.
6. Read and agree to the terms in the disclaimer.
7. Click the "My Experience" section. There you will see a list of all the experiences currently entered in your NCARB Record, including past paper submissions.
8. To add a new experience, click the "add new experience" button.
9. Enter your employment and training information for the reporting period on the following pages. Each time you select "continue," the information on that page will be saved.
10. Read all warnings and correct errors. Click "submit" to send the report to your supervisor or "Return to My Experience" to submit the report at a later date.

* Mentors may certify experience earned through some supplementary education opportunities. Please see the supplementary education sections for more information.

IDP BASICS

The IDP is designed to help you achieve comprehensive exposure to architectural practice. To understand how the IDP works, it is important to be familiar with the program's work settings, training requirements, and supplementary education activities.

1. Definitions
2. Work Settings
3. Training Requirements

Definitions

The IDP Training Requirement

In order to satisfy the IDP training requirement, you must earn 5,600 hours of experience. You earn training hours when you are employed in **work settings** recognized by your state registration board. Of the 5,600 hours required for completion of IDP, 3,720 hours are considered core minimum hours. Core minimum hours are earned in four training categories that include 16 training areas. The additional 1,880 hours required are considered elective hours.

Core Hours

Experience earned in IDP training categories and areas. **Core minimum hours** are the minimum number of hours you must earn in a given training category or area.

Elective Hours

Experience earned through core hours or supplementary education to satisfy the elective training requirement of 1,880 elective hours.

Supplementary Education

Opportunities to earn training hours outside of a traditional work setting, whether or not employed.

Supplementary Education for Core Hours

You may earn a maximum of 40 core hours in each of the IDP training areas 1-16 by completing any combination of qualifying supplementary education opportunities.

You may not earn more than 600 core hours through any combination of qualifying supplementary education opportunities.

Supplementary education activities that qualify as core minimum hours are not considered in the maximum 1,880 training hours allowed in supplementary education.

You may earn core hours through the following NCARB-recognized supplementary education opportunities:

Emerging Professional's Companion (EPC): Activities
NCARB's *Professional Conduct* Monograph
CSI Certification: CCS & CCCA
Community-Based Design Center/Collaborative
Design Competitions
Site Visit With Mentor

Supplementary Education for Elective Hours

You may earn a maximum of 1,880 elective hours through supplementary education opportunities.

Elective hours earned through supplementary education are not applied to any specific IDP training area.

You may earn elective hours through the following NCARB-recognized supplementary education opportunities:

Emerging Professional's Companion (EPC): Exercises
GBCI LEED AP Certification
Advanced Degrees
AIA Continuing Education
CSI Certificate Program: CDT

Professional and Community Service

You must complete 80 core minimum hours in Professional and Community Service. Qualifying professional and community service is performed pro bono in support of an organized activity or organization. There must be an individual who can certify to NCARB that you have performed services in support of the organization.

You may satisfy your professional and community service requirement in any combination of the following categories:

- Design Industry related (construction, arch services, planning & development)
  ex: Habitat for Humanity, mediator at City Planning charrettes
- Education related
  ex: critic at design review, ESOL teacher, participation in high school career day
- Strengthening of community
  ex: volunteering for food drives or soup kitchens
- Regulatory or professional organization
  ex: volunteering for AIA or USGBC, Boy/Girl Scouts

Reporting for Professional and Community Service

If you are employed in work settings A-F and your IDP supervisor is willing to certify your professional and community service, then you may include your hours on an experience report to be certified by your IDP supervisor.

Or you may report your professional and community service in work setting FF and have an individual at the organization certify your experience.

Work Settings:

Maximum Training Hours Allowed & Conditions Affecting IDP Training

You earn training hours when you are employed[1] in work settings recognized by your state registration board. The following table sets forth those work settings recognized by NCARB, the maximum number of training hours that can be acquired in each setting, and the related IDP training conditions.

	WORK SETTING	MAXIMUM TRAINING HOURS ALLOWED
A	Training under the direct supervision[2] of a registered architect[3], and when the organization's practice (a) is in the charge of a person practicing as a principal[5] and (b) encompasses the comprehensive practice of architecture, including each of the training areas found in the IDP Training Requirements. **You must earn at least 1,880 training hours in Work Setting A.**	No limit
B	Training under the direct supervision[2] of a registered architect[3], but when the organization's practice does not encompass the comprehensive practice of architecture, including each of the training areas found in the IDP Training Requirements.	3,720 training hours
C	Training in a firm engaged in the practice of architecture outside the United States or Canada, under the direct supervision[2] of a person credentialed[4] to practice architecture who is not registered in a U.S. or a Canadian jurisdiction.	1,880 training hours
D	Experience directly related to architecture under the direct supervision[2] of a registered engineer (practicing as a structural, civil, mechanical, or electrical engineer in the field of building construction) or a registered landscape architect.	1,880 training hours in Training Categories B, C, and D
E	Experience (other than that noted above) in activities involving the design and construction of the built environment (such as analysis of existing buildings, planning, programming, design of interior space, review of technical submissions, engaging in building construction activities, and the like) when under the direct supervision[2] of a person experienced in the activity.	936 training hours in Training Categories C and D
F	Full-time teaching or research in a NAAB-accredited or CACB-accredited professional degree program.	1,960 training hours in Training Category D
FF	Performing professional and community service when not in settings described in A through F.	80 training hours in Training Area 16

[1] Unpaid internships are not eligible to earn experience hours with the exception of the approved community-based design center/collaborative as defined in Supplementary Education.

[2] **"Direct supervision"** of interns shall occur either through personal contact or through a mix of personal contact and remote communication (e.g. e-mail, online markups, webinars, internet) such that the IDP supervisor has control over the work of the intern and has sufficient professional knowledge of the supervised work so that the IDP supervisor can determine that the intern understands and is performing his or her work experience within the professional standard of care.

To earn training hours in workplace settings described in this document, the intern must work under the direct supervision of an IDP supervisor. The supervisor shall verify the training activities of the intern and foster a professional relationship that is grounded in a direct professional association between the intern and the supervisor.

[3] A **"registered architect"** is a person registered to practice architecture in the jurisdiction in which they practice.

[4] A **"person credentialed"** is a person credentialed to practice architecture in the country in which they practice.

[5] A person practices as a **"principal"** by being (a) a registered architect as defined above and (b) the person in charge of the organization's architectural practice, either alone or with other registered architects.

Note: No experience may be earned for foreign training in work settings B, D, E, and F.

IDP Training Requirements

Interns must acquire 5,600 training hours to satisfy the IDP Training Requirement. One training hour equals one hour of acceptable training in an acceptable work setting. The following chart lists the IDP training categories and areas and the required training hours for each.

Category A: Design and Construction Documents

Training Area	Minimum Training Hours Required
1. Programming	80
2. Site and Environmental Analysis	80
3. Schematic Design	120
4. Engineering Systems Coordination	120
5. Building Cost Analysis	80
6. Code Research	120
7. Design Development	320
8. Construction Documents	1,080
9. Specifications and Materials Research	120
10. Document Checking and Coordination	80
Core Minimum Hours Required	**2,200**
Additional Core Hours required in Training Areas 1-10	600
Core Minimum Hours Required	**2,800**

Category B: Construction Contract Administration

Training Area	Minimum Training Hours Required
11. Bidding and Contract Negotiation	80
12. Construction Phase—Office	120
13. Construction Phase—Observation	120
Core Minimum Hours Required	**320**
Additional Core Hours required in Training Areas 11-13	240
Core Minimum Hours Required	**560**

Note: Prior to 1 January 2010, IDP experience was documented in training units. Eight training hours equal one training unit. Some jurisdictions may still reference training units in their requirements.

Category C: Management

Training Area	Minimum Training Hours Required
14. Project Management	120
15. Office Management	80
Core Minimum Hours Required	**200**
Additional Core Hours required in Training Areas 14-15	80
Core Minimum Hours Required	**280**

Category D: Related Activities

Training Area	Minimum Training Hours Required
16. Professional and Community Service	80
Core Minimum Hours Required	**80**
Additional Core Hours required in Training Area 16	0
Core Minimum Hours Required	**80**

Category A: Design and Construction Documents	2,800
Category B: Construction Contract Administration	560
Category C: Management	280
Category D: Related Activities	80
Total Core Minimum Hours Required from Categories A, B, C, and D	**3,720**
Elective Hours From Any Category (including supplementary education hours)	1,880
TOTAL IDP TRAINING HOURS REQUIRED	**5,600**

For a detailed description of IDP training categories and supplementary education criteria, see the Core Competencies section on page 58.

Note: The required minimum in Categories A, B, C, and D totals 3,720 hours. The additional 1,880 training hours may be acquired in any of the listed categories or supplementary education.

SUPPLEMENTARY EDUCATION (CORE)

1. The Emerging Professional's Companion (EPC): Activities
2. NCARB's *Professional Conduct* Monograph
3. CSI Certification: CCS & CCCA
4. Community-Based Design Center/Collaborative
5. Design Competitions
6. Site Visit With Mentor

You may earn a maximum of 40 core hours in each of the IDP training areas 1-16 by completing any combination of qualifying supplementary education opportunities.

You may not earn more than 600 core hours through any combination of qualifying supplementary education opportunities.

The Emerging Professional's Companion (EPC): Activities

Completing activities provided in the Emerging Professional's Companion (EPC), located at www.epcompanion.org. An IDP training enrichment resource, the EPC provides free web-based training opportunities outside of the studio environment.

- The EPC chapters are aligned with the IDP training areas 1-16.
- Each chapter includes practice exercises and application activities.
- Each activity is worth eight training hours.
- Only activities can be applied to your core minimum hours required.
- Interns can earn a maximum of 600 core minimum hours through EPC with no more than 40 core minimum hours earned in any one of the IDP training areas 1–16.
- If an intern has already completed the maximum allowable of 40 core minimum hours in a given training area through any combination of supplementary education, than EPC activities completed in that training area will be credited as elective hours.
- A maximum of 1,800 training hours may be earned through the EPC in any combination of core minimum and elective hours.
- EPC activities completed for IDP credit may not receive academic credit.

Effective 1 January 2010
Interns whether or not employed in qualified work settings can earn up to 40 training hours toward the core minimum hours in each training area by completing qualified activities in the Emerging Professional's Companion 2009 (EPC 2009).

Interns whether or not employed, can complete EPC activities for IDP credit under the supervision of their mentor. Interns who are employed in a qualified work setting may have either their IDP supervisor or their mentor review and certify satisfactory completion of EPC activities.

Work Product
It is recommended that interns retain copies of all documentation related to EPC activities completed for IDP credit for a period of at least three years beyond the date the experience is approved by their mentor or IDP supervisor.

Reporting EPC

- Interns must have an AIA customer number to report EPC activities. Interns may obtain a temporary AIA customer number by completing the webform at http://info.aia.org/aia/freeTranscriptsforInterns.cfm. Contact the AIA at idp@aia.org with any additional questions.
- EPC activities must be reviewed by your IDP supervisor or mentor.
- Report completed activities through the e-EVR in "My Supplementary Education."
- The e-EVR will apply the credits automatically to either your core minimum hours or elective hours as appropriate.
- Each completed activity must be submitted as a separate report in the e-EVR.
- Your IDP supervisor or mentor must certify and approve each activity through the e-EVR.

NCARB's *Professional Conduct* Monograph

NCARB monographs are written by experts in their fields and explore topics relevant to architectural practice. NCARB monographs may be completed by architects to satisfy their continuing education requirements, or by interns for IDP credit. Interns completing NCARB monographs for IDP training hours will not be eligible to repeat the monograph for continuing education credit.

Effective 1 July 2009
Interns, whether or not employed in a qualified work setting, may earn 16 core minimum hours in "Training Area 15 – Office Management" by reading the NCARB *Professional Conduct* Monograph and passing the related quiz.

Access to the NCARB *Professional Conduct* Monograph
Interns may access a downloadable version of the NCARB *Professional Conduct* Monograph at no charge through your NCARB Record.

How to Take the Quiz

- Log into "My NCARB" and the NCARB Record to request a quiz password.
- Click "Get Your Quiz Password!" Your password will be e-mailed to you.
- Click "Take Your Quiz" in your NCARB Record when you are ready to take the quiz.
- Interns who do not pass the quiz may repeat the quiz as necessary.
- Upon passing the quiz, "My Supplementary Education" in the e-EVR will be updated immediately to reflect the training hours earned.

CSI Certification: CCS & CCCA

Information regarding the Construction Specifications Institute Certificate Programs is available at www.csinet.org.

Effective 1 July 2009
Interns, whether or not employed in a qualified work setting, may earn core minimum hours for completing the following CSI certifications:

- CSI Certified Construction Specifier (CCS): 40 core minimum hours in "Training Area 9 - Specifications & Materials Research" for passing the CCS certification.
- CSI Certified Construction Contract Administrator (CCCA): 40 core minimum hours in "Training Area 12 - Construction Phase—Office" for passing the CCCA certification.

Reporting CSI Certification

- Passage of the certification shall be reported through the e-EVR in "My Supplementary Education."
- The CSI certificate documenting completion of the program must be uploaded into the e-EVR.
- Once reported through the e-EVR, CSI certification is reviewed and approved by NCARB.

Community-Based Design Center/Collaborative

Effective 1 October 2010
Interns may earn up to 40 core hours in each IDP training area 1-15 for volunteer service in support of a pre-approved charitable organization outside of a recognized work setting or academic requirement.

Community-Based Design Center/Collaborative organizations must apply to NCARB to be recognized for the purpose of IDP credit.

The organization must be pre-approved by NCARB before the experience occurs. For the list of qualifying Community-Based Design Center/Collaborative organizations currently recognized by NCARB, please check our website.

Organizations interested in applying to NCARB should contact idp@ncarb.org.

To be considered as a recognized organization, the Community-Based Design Center/Collaborative must meet the following criteria:

- The organization must have 501(c)(3) status as a charitable organization.
- The work must be in support of "building" or "planning" projects.
- The organization must have an established ongoing relationship with an architect who can exercise "direct supervision" over the work of the intern. This individual will be considered the "designated IDP supervisor" for the organization.
- The work performed by the organization must be documented as related to the IDP training areas and certified by the "designated IDP supervisor" as directly related to the practice of architecture.

To qualify for IDP credit, the experience must:

- Not receive academic credit
- Be completed outside of a recognized work setting

Reporting Community-Based Design Center/Collaborative Experience:

- Experience earned shall be reported through the e-EVR in "My Supplementary Education."
- You must create a profile for the Community-Based Design Center/Collaborative under the "My Employer " tab in the e-EVR.
- Experience earned in each training area shall be reported as separate reports.
- The "designated IDP supervisor" for the organization must approve your experience.

Design Competitions

Effective 1 October 2010
Interns may earn up to 40 core hours in each IDP training area 1-15 for completion and submission of a design competition entry outside of a recognized work setting or academic requirement. Competitions completed for a firm while employed count for IDP credit under the related work setting.

The design competition must be completed under the supervision of a mentor and meet the following criteria:

- Align to at least one of the IDP training areas 1-15
- Be for a "building" or "planning" project
- Be a formally structured competition with specified submission requirements
- Sponsored by a recognized business entity, governmental agency, or professional association
- The intern must be appropriately credited on the competition entry.
- Not receive academic credit
- Be completed outside of a recognized work setting

Work Product
It is recommended that interns retain copies of all documentation related to design competitions completed for IDP credit for a period of at least three years beyond the date the experience is approved by their mentor.

Required Documentation
- You must complete a Design Competition Verification Form.
- To qualify for IDP credit, the competition entry must be completed and submitted in compliance with the published design competition requirements.

Reporting Design Competitions:
- Completion and submission of a design competition shall be reported through the e-EVR in "My Supplementary Education."
- Experience earned in each training area shall be reported as separate reports.
- Upload your completed Design Competition Verification Form to the e-EVR.

Expectations

Intern
- Research and identify possible design competitions
- Select appropriate competition with mentor approval
- Determine and document a schedule for the work
- Develop competition entry
- Review work with mentor on a regular basis
- Submit competition entry
- Complete the verification form
- Document experience through the e-EVR and upload the verification form

Mentor
- Review possible competitions with intern
- Approve competition selection
- Review proposed schedule of work
- Review competition work with intern on a regular basis
- Review final competition entry prior to submission
- Review and certify experience through the e-EVR including the verification form

Site Visit With Mentor

Effective 1 October 2010
Interns may earn up to 40 core hours in "Training Area 13 - Construction Phase—Observation" for visiting construction sites with their mentor.

- The site visit must be outside of a recognized work setting.
- May not received academic credit.

Reporting Site Visit With Mentor:

- Completion of a site visit with a mentor shall be reported through the e-EVR in "My Supplementary Education."
- Each day of a site visit shall be a separate report.

Expectations

- Opportunities where an intern can see the progress of a job over time are ideal; however, single visits to a site are acceptable.
- It is beneficial to be able to review and discuss the project relative to the drawings
- The experience should be interactive with opportunities to discuss how issues related to the specific project were resolved.
- The discussion should include why particular design decisions were made.
- Interaction with members of the design and construction industry involved in the project is encouraged.
- The site visit should include a level of learning consistent with what an intern could expect to learn if their firm was working on the project.

SUPPLEMENTARY EDUCATION (ELECTIVE)

1. The Emerging Professional's Companion (EPC): Exercises
2. GBCI LEED AP Credential
3. Advanced Degrees
4. AIA Continuing Education
5. CSI Certificate Program: CDT

You may earn a maximum of 1,880 elective hours through supplementary education opportunities. Elective hours earned through supplementary education are not applied to any specific training area.

The Emerging Professional's Companion (EPC): Exercises

Completing exercises provided in the Emerging Professional's Companion (EPC), located at www.epcompanion.org. An IDP training enrichment resource, the EPC provides free web-based training opportunities outside of the studio environment.

- The EPC chapters are aligned with the IDP training areas 1-16.
- Each chapter includes practice exercises and application activities.
- Completion of exercises will be credited as elective hours in supplementary education.
- Exercises are not applied to any specific training area.
- Each exercise is worth eight training hours.
- A maximum of 1,800 training hours may be earned through the EPC in any combination of core minimum and elective hours.
- EPC exercises completed for IDP credit may not receive academic credit.

Effective 1 January 2010
Interns, whether or not employed in a qualified work setting, can earn elective hours through completion of EPC exercises under the supervision of their mentor. Interns who are employed in a qualified work setting may have either their IDP supervisor or their mentor review and certify satisfactory completion of EPC exercises.

Work Product
It is recommended that interns retain copies of all documentation related to EPC exercises completed for IDP credit for a period of at least three years beyond the date the experience is approved by their mentor or IDP supervisor.

Reporting EPC
- Interns must have an AIA customer number to report EPC exercises. Interns may obtain a temporary AIA customer number by completing the webform at info.aia.org/aia/freeTranscriptsforInterns.cfm. Contact the AIA at idp@aia.org with any additional questions.
- EPC exercises must be reviewed by your IDP supervisor or mentor.
- Report completed exercises through the e-EVR in "My Supplementary Education."
- Each completed exercise must be submitted as a separate report in the e-EVR.
- Your IDP supervisor or mentor must certify and approve each exercise through the e-EVR.

GBCI LEED AP Credential

Information regarding the Green Building Certification Institute (GBCI) LEED AP Credential is available at www.gbci.org.

Effective 1 July 2009*
**Clarifications added 1 October 2010 to align with GBCI credentialing program*

Interns, whether or not employed in a qualified work setting, may earn 40 elective hours by obtaining the GBCI LEED AP credential on or after 1 July 2009.

- Obtaining the GBCI LEED AP credential with or without specialization qualifies for IDP credit.
- Obtaining the GBCI LEED Green Associate credential does not qualify for IDP credit.
- An intern may only receive IDP credit for one GBCI LEED AP credential.

Reporting GBCI LEED AP Credential
- Obtaining the GBCI LEED AP credential shall be reported through the e-EVR in "My Supplementary Education."
- The GBCI LEED AP Certificate or a passing score report confirming the credential must be uploaded into the e-EVR.
- Once reported through the e-EVR, the GBCI LEED AP Credential is reviewed and approved by NCARB.

Advanced Degrees

Interns may earn IDP credit for advanced degrees in architecture that meet the following criteria:

- The advanced degree must be conferred after the first professional degree (dual degrees do not qualify)
- The conferring institution must have a college/school of architecture/design that has a NAAB/CACB-accredited program.
- The advanced degree must be conferred within the college/school of architecture/design.
- The advanced degree must be documented as related to the IDP training areas and certified by the institution as directly related to the practice of architecture.

NCARB publishes a list of acceptable degrees on its website. Programs identified by NAAB as "post-professional" degrees are automatically included on the list.

The advanced degree must be on the list at the time the degree is conferred. For a list of degrees currently recognized by NCARB as qualifying advanced degrees, please check our website.

Qualifying advanced degrees are submitted directly to NCARB by the school in order to be on the list.

Effective 1 July 2002
Interns may earn 936 elective hours in IDP training category D for earning an advanced degree in architecture after earning a professional degree in architecture from a program accredited by NAAB or CACB.

Reporting Advanced Degrees

- Download and mail the transcript request forms and any fee to your school(s).
- Each transcript must be returned directly to NCARB by the school. NCARB will only accept official transcripts submitted by the school.
- In addition to requesting an official transcript, you are required to report your advanced degree through the e-EVR in "My Supplementary Education" by selecting "Post-Professional Degree."
- You will be required to upload a copy of your transcript or diploma to the e-EVR.
- NCARB will not be able to approve your advanced degree until after the official transcript from your school has been received.
- You can monitor your NCARB Record status at www.ncarb.org through "My NCARB." You will also receive an e-mail notification confirming receipt of your official transcript from your school.

AIA Continuing Education

Information regarding the American Institute of Architects (AIA) continuing education programs is available at www.aia.org.

Effective 1 January 2010
Interns, whether or not employed in a qualified work setting, may earn elective hours by completing AIA-approved continuing education resources and programs. Self-reported continuing education is not eligible for IDP credit.

- One AIA learning unit earns one elective IDP hour.

Required Documentation

- Interns must have an AIA customer number to report AIA Continuing Education. Interns may obtain a temporary AIA customer number by completing the webform at info.aia.org/aia/freeTranscriptsforInterns.cfm. Contact the AIA at idp@aia.org with any additional questions.
- Completion of AIA continuing education must be reflected on your AIA transcript.
- Your AIA transcript is available at www.aia.org/education

Reporting AIA Continuing Education

- Report completed AIA continuing education programs through the e-EVR in "My Supplementary Education."
- Upload a copy of your AIA transcript documenting completion of AIA continuing education into the e-EVR.
- Each completed AIA continuing education program must be submitted as a separate report in the e-EVR.
- Once reported through the e-EVR, AIA continuing education is reviewed and approved by NCARB.

NCARB'S Monographs and Mini-monographs

NCARB monographs are written by experts in their fields and explore topics relevant to architectural practice. NCARB monographs may be completed by architects to satisfy their continuing education requirements or by interns for IDP credit. Interns completing NCARB monographs for IDP training hours will not be eligible to repeat the monograph for continuing education credit. NCARB monographs are available at www.ncarb.org. Interns, whether or not employed, may earn elective hours by completing NCARB monographs and mini-monographs.

- Completion of the monographs must be documented on an AIA transcript, and reported through "My Supplementary Education" as AIA continuing education.
- All applicable fees for monographs and quizzes apply.

CSI Certificate Program: CDT

Information regarding the Construction Specifications Institute certificate programs is available at www.csinet.org.

Effective 1 July 2009

Interns, whether or not employed in a qualified work setting, may earn elective hours for completing the following CSI certificate program:

- CSI Certified Construction Documents Technologist (CDT): 40 elective hours for passing the CDT certificate program.

Reporting CSI Certificate Programs

- Passage of the certificate program shall be reported through the e-EVR in "My Supplementary Education."
- The CSI certificate documenting completion of the program must be uploaded into the e-EVR.
- Once reported through the e-EVR, CSI certificate programs are reviewed and approved by NCARB.

CORE COMPETENCIES

The activities in this section enable you to acquire the knowledge, understanding, and skills that form core competencies related to architectural practice. You should use the activities as a tool to enhance the quality of your training.

Don't forget to check out the Supplementary Education section for opportunities to earn credit outside of a recognized work setting.

1. Programming

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 80

Definition

Programming is the process of discovering the owner/client's requirements and desires for a project and setting them down in written, numerical, and graphic form. For a project to be successful, all participants, including the owner/client, must understand and agree on the program at the outset.

Core Competencies

At the completion of your internship, you should be able to:

- use information gathering and data collection techniques to organize and evaluate programming data
- establish the scope, design objectives, limitations, and criteria that reflect the owner/client's requirements and needs for a project
- set forth the program requirements in written, numerical, and graphic form
- research and assess information from post-occupancy evaluations of similar building types
- assess a project's feasibility

Skills and Application Activities

- Identify the qualitative and quantitative requirements for the project, and develop questions and a checklist for an owner/user survey including sustainability issues.
- Investigate and document the work process for a particular user.
- Prepare functional relationship/adjacency diagrams.
- Calculate net and gross area requirements.
- Relate the budget and schedule to the program.
- Determine owner/client needs for phasing the project and for future growth and development.
- Analyze owner-supplied data and document programmatic implications.

2. Site & Environment Analysis

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 80

Definition

Site and environmental analysis involves research and evaluation of a project's context and may include environmental evaluation, land planning or design, and urban planning.

Core Competencies

At the completion of your internship, you should be able to:

- provide a coherent, logical, well-designed site plan for a specific program
- demonstrate the ability to integrate elements that influence the site's design
- justify the site plan design based on your research

Skills and Application Activities

- Building location options on the site including efforts to minimize site impact and energy consumption.
- Regulatory restrictions (e.g., parking, zoning, building codes, ADA) for the site.
- Natural conditions (e.g., topography, vegetation, climate considerations, orientation, ecology, energy) on the site.
- Constructed conditions (e.g., infrastructure, building foundation).
- Access to utilities.
- Environmental hazards.
- Input from consultants (e.g., landscape architect, geotechnical engineer).
- Input from groups with community interest (e.g., community organizations, historic preservation organizations).
- Information from public agencies with jurisdictional authority (e.g., zoning, planning, building, fire).
- Feasibility of alternate sites.

3. Schematic Design

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 120

Definition

Schematic design is the development of graphic and written conceptual design solutions to the program for the owner/client's approval.

Core Competencies

At the completion of your internship, you should be able to:

- develop alternative solutions to a specific program
- document and present your solutions to an owner/client for selection and approval

Skills and Application Activities

- Develop alternative conceptual design proposals that address the program and minimize long-term impact on the environment.
- Evaluate engineering systems appropriate to the project and their environmental impact.
- Prepare volume and area calculations and evaluate the cost of alternative design proposals.
- Prepare a presentation package, including drawings and models, to show the owner/client.
- Prepare verbal and graphic presentation to communicate the intent of the designs to the owner/client.
- Review the selected schematic design with the owner/client and revise the design based on the owner/client's feedback.
- Coordinate consultants' activities in an integrated and collaborative design process relative to the schematic design.
- Incorporate relevant code requirements into the schematic design.

4. Engineering Systems Coordination

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 120

Definition

Engineering systems coordination involves selecting and specifying structural, mechanical, electrical, and other systems, and integrating them into the building design. These systems are normally designed by consultants in accordance with the client's needs.

Core Competencies

At the completion of your internship, you should be able to:

- work with consultants to incorporate engineering systems into building designs and resolve any building system conflicts
- coordinate inclusion of engineering systems design in all project documents

Skills and Application Activities

- Research and assist in the selection of appropriate engineering systems.
- Assess sustainability issues.
- Evaluate the types of consultants required.
- Coordinate and verify the availability of adequate utilities.
- Evaluate engineering proposals and fee structures.
- Coordinate project information with consultants.
- Coordinate engineering system documents.
- Evaluate space requirements and costs for engineered systems.

5. Building Cost Analysis

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 80

Definition

Building cost analysis involves estimating the probable construction cost of a project.

Core Competencies

At the completion of your internship, you should be able to:

- analyze and evaluate site and building construction costs
- prepare a building cost analysis that meets the program's requirements and provides alternatives for the owner/client

Skills and Application Activities

- Prepare preliminary cost analysis using:
  - unit cost/building type basis (cost/square foot),
  - unit cost basis (material labor), and
  - standard references such as RSMeans Construction Cost Estimating Guides and Cost Data.
- Investigate and prepare quantity calculations for selected materials
- Evaluate life-cycle cost information in relation to specifications and sustainability.
- Research value analysis opportunities.
- Evaluate and document scope/quantity/cost in comparison to materials selection and the preparation of specifications.
- Factor the current inflation rated and other economic variables into the cost estimates.
- Understand non-construction project costs, including land acquisition, design, government approvals, project financing, and marketing, and how they impact building cost.

6. Code Research

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 120

Definition

Code research involves evaluating a specific project in the context of relevant local, state, and federal regulations that protect public health, safety, and welfare.

Core Competencies

At the completion of your internship, you should be able to:

- provide the owner/client with an analysis of how a project will respond to local, state, and federal regulations and other relevant code issues
- develop a code compliance plan

Skills and Application Activities

- Evaluate design alternatives based on code requirements.
- Research all applicable codes.
- Participate in preliminary meetings with code officials and make design adjustments to reflect compliance with relevant codes.
- Develop a list of required agency approvals during final project reviews.

7. Design Development

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 320

Definition

In design development, a project's schematic design is refined, including designing details and selecting materials. This step occurs after the owner/client has approved the schematic design.

Core Competencies

At the completion of your internship, you should be able to:

- provide drawings and documents for the owner/client that detail the project's scope, quality, and cost
- select and develop details for specific materials, components, and systems to be incorporated into the design

Skills and Application Activities

- Prepare design development documents from the approved schematic design, incorporating appropriate levels of detail in drawings and outline specifications. Be sure to coordinate and cross-reference documents.
- Participate in discussions with the owner/client regarding project scope, quality, sustainability, and life-cycle cost. It would be desirable to have the Design Development section include appropriate material and system selections based on the environmental impact as well as to include Energy Modeling and embodied energy as a basis for material and system choices.
- Document decisions reached during owner/client meetings and evaluate their impact on the design program.
- Review the design development documents for conflicts between building systems. If any are identified, coordinate the work of consultants to resolve them.
- Review the design development documents to ensure they conform to previously established requirements and meet applicable codes.

8. Construction Documents

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 1,080

Definition

Construction documents are the written and graphic instructions used for construction of the project. These documents must be accurate, consistent, complete, and understandable.

Core Competencies

At the completion of your internship, you should be able to:

- prepare an accurate, consistent, and complete set of architectural construction documents for a project
- explain construction documents to a client
- check and coordinate the integration of structural, mechanical, electrical, and plumbing systems with the building and site
- based on the specifications, prepare a production sequence flow chart to illustrate the relationship between construction documents and the construction process
- when applicable, prepare phasing documents to illustrate the construction sequence

Skills and Application Activities

- Create mock-ups of project drawing sets.
- Prepare a schedule for preparation of construction documents that includes milestone markers and reviews as appropriate.
- Prepare plan, elevation, and section drawings that clearly convey the design development documents. Coordinate and cross-reference the documents, including the work of consultants.
- Document decisions reached, including sustainability issues, at relevant project team meetings, and evaluate their impact on the development and production of the construction documents.
- Review the program to check for discrepancies between the design development and construction documents.
- Help the owner/client obtain required approvals and permits.
- Using the owner/client's operational requirements, develop a construction phasing plan.

9. Specifications & Material Research

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 120

Definition

Specifications and materials research leads to analysis and selection of building materials and systems for a project. The materials specified for a particular project communicate the requirements and quality expected during construction. Specifications are included in a project manual that is used during bidding and construction.

Core Competencies

At the completion of your internship, you should be able to:

- prepare specifications in accordance with CSI standards by translating the construction requirements into a specifications format
- research and select appropriate building materials based on performance criteria and program requirements

Skills and Application Activities

- Investigate product literature or question manufacturers' representatives to acquire information about materials for use in preparing specifications.
- Prepare specifications for a project.
- Document how energy modeling and sustainability issues influence specifications and material choices.

10. Document Checking & Coordination

CATEGORY A: Design and Construction Documents — Core Minimum Hours Required: 80

Definition

Document checking and coordination is the means by which quality assurance is established and maintained throughout a project's development.

Core Competencies

At the completion of your internship, you should be able to:

- verify that information produced by the various disciplines involved in the design/construction process is coordinated throughout the project documents
- apply standard document-checking procedures for a project, and revise and correct construction documents, as required

Skills and Application Activities

- Develop a list of all drawings and other documents required for the project, including brief descriptions of their contents.
- Assist in cross-checking products and materials called for in the specifications for consistency with corresponding terminology and descriptions in the construction documents.
- Coordinate all project drawings for accuracy of dimensions, notes, and abbreviations.
- Assist in developing a schedule of lead times required for proper coordination with other disciplines.
- Cross-check all consultants' drawings with architectural drawings for possible conflicts and interference of plumbing lines, ductwork, electrical fixtures, etc.
- Assist in final documents review for compliance with applicable codes, regulations, building rating systems, etc.
- Make revisions and corrections to project documents based on the results of project document checks.

11. Bidding & Contract Negotiation

CATEGORY B: Construction Contract Administration — Core Minimum Hours Required: 80

Definition

Bidding and contract negotiation involves the establishment and administration of the bidding process, issuance of addenda, evaluation of proposed substitutions, review of bidder qualifications, analysis of bids, and selection of the contractor(s).

Core Competencies

At the completion of your internship, you should be able to:

- understand the difference between the bidding and contract negotiation processes
- follow appropriate procedures during the bidding process
- complete bidding and contract forms

Skills and Application Activities

- Prepare bidding documents and maintain the distribution register.
- Research and prepare an addendum to the bidding documents and write a notice announcing the change.
- Attend a bid opening and observe the bidding process.
- Assess requests for substitutions.
- Develop and illustrate a comparative analysis of bids.
- Compare bids with final project estimate.

12. Construction Phase - Office

CATEGORY B: Construction Contract Administration — Core Minimum Hours Required: 120

Definition

Construction contract administration tasks carried out in the architect's office include facilitating project communication, maintaining project records, reviewing and certifying amounts due contractors, and preparing change orders (also see Training Area 13, Construction Phase-Observation).

Core Competencies

At the completion of your internship, you should be able to:

- understand the relationship between construction documents and the construction contract administration process
- organize and manage contract administration tasks during the construction phase
- follow appropriate administrative procedures during the construction phase
- facilitate communication among all participants in the construction process, including the owner/client

Skills and Application Activities

- Obtain information and submittals required for the notice to proceed.
- Manage, review, and coordinate the shop drawings, samples, and other items submitted by the contractor.
- Attend a preconstruction conference with emphasis on sustainability and the construction process.
- Process change orders, requests for information (RFI's), and requests for clarification.
- Document conflicts that occur during the construction process, and propose at least two alternative resolutions to each conflict.
- Review and approve applications for payment.
- Participate in verifying the punch list submitted by the contractor.

13. Construction Phase - Observation

CATEGORY B: Construction Contract Administration — Core Minimum Hours Required: 120

Definition

Construction contract administration tasks carried out in the field include observing construction for conformance with drawings and specifications and reviewing and certifying amounts due to contractors (also see Training Area 12, Construction Phase-Office).

Core Competencies

At the completion of your internship, you should be able to:

- understand the relationship between construction documents and the construction contract administration process
- manage field observation and documentation tasks
- evaluate completed construction for compliance with the construction documents and specifications

Skills and Application Activities

- Take minutes at a regular job site meeting.
- Review progress of work and attend meetings when appropriate to assess quality and performance.
- Document unforeseen conditions that arise during construction, and develop several alternative solutions to resolve these problems.
- Verify completion of work itemized in monthly applications for payment.
- Verify the completion of punch list tasks.
- Document a post-occupancy evaluation.

14. Project Management

CATEGORY C: Management — Core Minimum Hours Required: 120

Definition

Project management includes planning, organizing, and staffing; budgeting and scheduling; leading and managing the project team; documenting key project information; and monitoring quality assurance.

Core Competencies

At the completion of your internship, you should be able to:

- coordinate communication among all parties involved in a given project
- manage contracts, personnel, schedule, and budget throughout all phases of a small project
- administer agreements with the owner/client and consultants
- maintain project quality during design and construction

Skills and Application Activities

- Assess time requirements for all project tasks.
- Develop a project work plan that identifies tasks, responsibilities, personnel requirements, sustainability goals, schedule, and budget.
- Manage consultants and review all contracts and billing approvals.
- Evaluate project work progress.
- Manage project reviews and coordination through participation in meetings.
- Prepare schedule of client billings, and establish initial client invoices according to project contracts.
- Participate in and document the project closeout process.
- Help resolve any disputes that arise.

15. Office Management

CATEGORY C: Management — Core Minimum Hours Required: 80

Definition

Office management involves allocation and administration of office resources to support the goals of the firm.

Core Competencies

At the completion of your internship, you should be able to:

- identify and articulate the activities required to maintain a successful and healthy office environment in an architecture firm

Skills and Application Activities

- Review economic trends, forecasts, and indicators in relation to the firm's markets.
- Study the firm's statement of principles, strategic plan, and organization.
- Participate in selected marketing activities.
- Assist in interviewing potential project team members including consultants.
- Help develop opportunities for professional collaboration, team building, consensus building, and conflict resolution.
- Prepare interview questions for prospective employees, and participate in the interview process.
- Understand the difference between compensation, overhead, and direct personnel expense.

16. Professional & Community Service

CATEGORY D: Related Activities — Core Minimum Hours Required: 80

Definition

Interns will find that voluntary participation in professional and community activities enhances their professional development. Such activities will increase your understanding of the people and forces that shape society, as well as augment your professional knowledge and skills. ***Community service does not have to be limited to architecturally related activities for you to receive these benefits.***

Core Competencies

At the completion of your internship, you should be prepared to:

- contribute your talents responsibly in a traditional or nontraditional community-based organization with the goal of helping to improve the quality of life in the community

Skills and Application Activities

- Participate in a professional association by serving on committees and engaging in related service activities. Training hours cannot be earned by attending seminars, meetings, or conferences.
- Provide career counseling or mentorship for high school and college students.
- Conduct educational programs about the profession in elementary and secondary schools.
- Participate in civic organizations, neighborhood groups, museum programs, and other activities that address such issues as homelessness, natural disasters, historic preservation, resource conservation, and environmental awareness.
- Participate as a member or advisor to a local zoning board, planning committee, fine arts review board, or similar community-based organization.

NEXT STEPS

Once you have started the Intern Development Program the next step to becoming a licensed architect is taking the Architect Registration Examination® (ARE®). Once you attain state licensure, an NCARB Certificate will allow you to be more "mobile" throughout North America. The following gives you an overview of the steps required to take the ARE and to receive an NCARB Certificate.

1. Applying for the ARE®
2. NCARB Certification

Applying for the ARE®

Each jurisdiction establishes its own application procedures for examination. As soon as you determine where you will seek initial registration you should request application materials from your jurisdiction.

Review your jurisdictional training requirement and conditions such as:

- Does your jurisdiction allow you to take the ARE before completion of the IDP?
- What is your board's required training period? Can this period be reduced if you satisfy the IDP training requirement in less time?
- How many years in "the office of a registered architect" are required?
- Must you satisfy your board's education and training requirements prior to the examination? After the examination?
- Are references required? Who can be used as a reference?

If you started your NCARB Record before you completed your education requirement, you must request a final transcript verifying that you have satisfied your jurisdiction's education requirement.

You must notify NCARB of your intent to apply for examination. You may make the request from "My NCARB" at www.ncarb.org.

For more information about the ARE, check out the "Getting Started with the ARE" web page.

For more information about the Architect Registration Examination (ARE) go to:
http://www.ncarb.org/are

NCARB Certification

Satisfying the IDP training requirements and passing the ARE are critical steps toward licensure. Once you receive your initial license, the next important step in your career is to get an NCARB Certificate.

An NCARB Certificate provides verification that you have met the professional standards established by the registration boards responsible for protecting the health, safety, and welfare of the public. It also makes it easier to obtain reciprocal registration—in fact many registration boards require an NCARB Certificate as the primary method for reciprocal registration.

When you are looking for a job, an NCARB Certificate will distinguish you when employers review your qualifications. Many architectural firms consider certification an important factor in hiring and promotion because they know that an architect with an NCARB Certificate provides the firm with greater flexibility when pursuing opportunities outside their jurisdiction.

With certification, you'll be prepared to look for employment or new clients in other jurisdictions if there is a downturn in your local economy or a boom in another jurisdiction. Even if you plan to work solely on projects within the jurisdiction where you hold licensure, your NCARB Certificate will enable you to meet your clients' needs if they decide to move or expand across state lines.

You've put a lot of hard work into completing your education. No doubt you are now focusing on completing the IDP, passing the ARE, and obtaining your license. Keeping your NCARB Record active during this time will make it faster, easier, and less expensive to get your NCARB Certificate. It is a sound investment in your career.

Save money by keeping your NCARB Record active:
http://www.ncarb.org/idp/idptocert.html

For more information on the NCARB Certificate go to:
http://www.ncarb.org/certification

APPENDICES

1. Appendix A: When Can I Start?
2. Appendix B: Documenting IDP for Certification
3. Appendix C: Supplementary Education for Certification

Appendix A: When Can I Start?

For Experience Earned Prior to 1 October 2010:

You can earn IDP experience[1] once you have successfully completed:

1. Three years[2] in an NAAB-accredited professional degree program;
2. The third year[2] of a four year pre-professional degree program in architecture accepted for direct entry to a two-year NAAB accredited professional master's degree program;
3. One year[2] in NAAB-accredited professional master's degree program following receipt of a nonprofessional degree;
4. Ninety-six semester credit hours as evaluated in accordance with the *NCARB Education Standard*, of which no more than 60 hours can be in the general education category; or
5. A number of years[2] equivalent to the periods set out in 1., 2., or 3. above, in a CACB-accredited professional degree program, or in a Canadian university professional degree program certified by CACB.

To document one of the IDP eligibility dates above, you must submit a copy of your transcript.

To submit your transcript:
Download and mail the transcript request forms and any associated fee to your school(s). Each transcript must be returned directly to NCARB by the school. NCARB will only accept transcripts submitted by the school. You can monitor your NCARB Record status at www.ncarb.org through "My NCARB."

[1] no experience earned to meet your academic program's graduation requirement may be used to earn IDP Experience.
[2] Note that 32 semester credit hours or 48 quarter credit hours equal one year in an academic program.

Appendix B: Documenting IDP for Certification

As an architect documenting IDP retroactively for the purpose of certification, you must comply with the duration requirement and the definition of direct supervision that was required at the time the experience took place.

Duration Requirement Prior to 1 July 2008:
In work settings A, B, C, D, or E prior to 1 July 2008, you must have worked at least 35 hours per week (full time) for a minimum period of eight consecutive weeks, or at least 20 hours per week (part time) for six or more consecutive months.

Definition of Direct Supervision Prior to 1 January 2010:
"Direct supervision" means that degree of supervision by a person overseeing the work of another, where both work in the same office in circumstances where personal contact is routine, whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

Appendix C: Supplementary Education for Certification

As an architect documenting IDP retroactively for the purpose of certification, you may utilize the supplementary education opportunities that exist for interns. The supplementary education must have been completed on or after the implementation date when that experience became available.

CSI Construction Education Network (CEN)

Effective 1 October 2010 — 30 June 2011

Interns, whether or not employed in a qualified work setting, may earn elective hours by completing CSI CEN approved programs.

- One CSI CEN hour earns one elective IDP hour.

The Construction Specifications Institute ended the CSI CEN Program effective 30 June 2011

NCARB will accept qualifying experience earned between 1 October 2010 and 30 June 2011. Experience must be submitted in compliance with the Six-Month Rule and must be reflected on your CSI CEN transcript.

Reporting CSI CEN Approved Programs

- Completion of CSI CEN approved programs shall be reported through the e-EVR in "My Supplementary Education."
- Your CSI CEN transcript documenting completion of the program must be uploaded into the e-EVR.
- Each completed CSI CEN approved program must be submitted as a separate report in the e-EVR.

Once reported through the e-EVR, CSI CEN approved programs are reviewed and approved by NCARB.

AIA Learning Units Prior to 1 January 2010:

Prior to 1 January 2010 one AIA learning unit earns .25 IDP training units.

Prior to 1 July 2009

Interns employed in a recognized work setting may earn supplementary education training hours by completing AIA-approved continuing education resources and programs.

Post-Professional Degrees earned prior to 1 July 2002

A post-professional degree in architecture earned before 1 July 2002, qualifies for 1,880 training hours under Related Activities.

Obtaining the LEED AP credential prior to 1 July 2009:

Effective 1 July 2008 — 1 July 2009

Interns employed in a qualified work setting may earn 40 training hours in supplementary education by passing the LEED AP exam on or after 1 July 2008.

EPC Experience Prior to 1 January 2010:

Completion of one EPC activity or exercise earns eight IDP training hours.

Effective 1 January 2010

After 1 January 2010, interns whether or not employed, can submit EPC credits earned after 1 July 2009 to be approved by their mentor. If you are employed in a qualified work setting you may have either your IDP supervisor or your mentor review and certify satisfactory completion of your EPC activities and exercises.

Effective between 1 July 2009 and 31 December 2009

Core minimum hours:

Interns who are employed in qualified work settings can earn up to 40 hours toward the core minimum hours in each training area by completing qualified activities in the Emerging Professional's Companion 2009 (EPC 2009).

Supplemental Education training hours:

Interns employed in a qualified work setting can earn elective hours through completion of beginner-, intermediate-, and advance-level exercises that provide exposure to key practice issues, including liability; health, safety, and welfare; and ethical dilemmas.

Effective prior to 1 July 2009

Supplemental Education training hours:

Interns employed in a qualified work setting can earn elective hours through completion of beginner-, intermediate-, and advance-level exercises that provide exposure to key practice issues, including liability; health, safety, and welfare; and ethical dilemmas. One exercise earns eight IDP training hours.

REVIEW AND RATIFY MODIFICATIONS REGARDING PROPOSED REGULATIONS TO AMEND CCR, TITLE 16, SECTIONS 109, FILING OF APPLICATIONS; AND 121, FORM OF EXAMINATION; RECIPROCITY [AS IT RELATES TO INTERN DEVELOPMENT PROGRAM (IDP) SUNSET DATE]

In July 2004, the Board adopted changes to the California Code of Regulations (CCR), which implemented the Intern Development Program (IDP) and the Comprehensive Intern Development Program (CIDP) requirement, effective January 1, 2005. As part of this regulatory action, a sunset provision was included in the regulations (CCR sections 109 and 121). Subsequently, in September 2004, Senate Bill (SB) 1549 (Figueroa) [Chapter 691, Statutes of 2004] was passed, adding section 5552.5 to the Business and Professions Code (BPC), which explicitly provided the Board the authority to implement an intern development program. BPC 5552.5 also originally provided an intern development program sunset date of July 1, 2009. Since the adoption of BPC 5552.5, the sunset date in the statute has been amended twice, with the most recent amendment resulting from SB 294 (Negrete McLeod) [Chapter 695, Statutes of 2010] passing on September 30, 2010, which extended the sunset date to July, 2012.

Since the adoption of IDP/CIDP and BPC 5552.5, the Board has focused on the statutory sunset date, however, due to the multiple proposals over the years, the date provided under the regulations (CCR sections 109 and 121) is now not aligned with the statute.

Upon reviewing the Board's regulations, it was determined that the sunset date was not needed in the regulations, as it is stated in statute. Therefore, staff proposed removal of the duplicate language from the regulations, which was approved by the Board. This would resolve any potential confusion candidates could have regarding the IDP requirement. A regulatory package to effect this change was initiated.

This regulatory package had been submitted to the Office of Administrative Law (OAL) for final approval; however, OAL informed staff that a modification to the proposal would be required in order to achieve the Board's objective. More specifically, due to the inoperative dates provided in the regulations, it is required that the Board re-adopt the affected provisions. The regulatory package was therefore withdrawn from OAL on July 29, 2011 in order to notice the modified language for a required 15-day comment period. The modified language, which re-adopts the affected provisions, was noticed on August 3, 2011 and no comments were received. The final regulatory package will now be resubmitted to OAL for final approval.

The Board is asked to ratify modifications to the CCR 109 and 121 regulatory proposal and delegate authority to the Executive Officer to adopt the regulation and make minor technical changes to the language, if needed.

Attachment:
1. Modified Text for CCR 109 and 121

CALIFORNIA ARCHITECTS BOARD

MODIFIED TEXT

Article 2. Applications

Amend Section 109 as follows:

Section 109, Filing of Applications.

* * *

(b) Application Process:

* * *

(2) Effective January 1, 2005, a new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall prior to licensure complete the IDP of the NCARB, as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the 2007-2008 edition), or the Internship in Architecture Program (IAP) of Canada (currently the 2001 edition), plus a Board-specified documentation requirement as described in the Board's *Comprehensive Intern Development Program (CIDP) Handbook* (currently the 2005 edition). All three documents referred to in the preceding sentence are hereby incorporated by reference.

The IDP/IAP/CIDP requirement does not apply to a candidate who (A) was determined by the Board to be eligible on or before December 31, 2004, and who is active in the examination process; or (B) has completed all of the necessary education equivalents prior to January 1, 2005, who has submitted a completed application for eligibility evaluation to the Board that is postmarked on or before December 31, 2004, and who has been determined by the Board to be eligible.

* * *

(7) Effective January 1, 2005, a new or inactive candidate who is a licensed architect in a qualifying foreign country, as defined in Section 117(c)(2), shall prior to licensure (A) complete NCARB's IDP, as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the 2007-2008 edition), or the Internship in Architecture Program of Canada (currently the 2001 edition), plus a Board-specified documentation requirement as described in the Board's *Comprehensive Intern Development Program Handbook* (currently the 2005 edition); or (B) submit the the Board 1. proof of licensure in the qualifying foreign country, 2. an Employment Verification

Form on his or her own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country, 3. an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect licensed 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, and 4. documentation of five years of education equivalents. All three documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.

(8) Effective January 1, 2005, a new or inactive candidate who is a licensed architect in a non-qualifying foreign country and one who is a licensed architect in a qualifying foreign country but who does not submit all of the items prescribed in subdivision (b)(7) shall apply as a new candidate and meet the requirements prescribed in subdivisions (b)(1) and b(2) of this section.

* * *

~~Subdivisions (b)(2), (b)(7), and (b)(8), which contain provisions for the IDP/IAP/CIDP requirement, shall become inoperative on January 1, 2011, and, as of January 1, 2011, are repealed, unless a later enacted regulation, which becomes operative on or before January 1, 2011, deletes or extends the date on which they become inoperative and are repealed.~~

Note: Authority cited: Sections 5526 and 5552.5, Business and Professions Code. Reference: Sections 5550 and 5552.5, Business and Professions Code.

Article 3. Examinations

Amend Section 121 as follows:

Section 121, Form of Examinations; Reciprocity.

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 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 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 for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

(2) Effective January 1, 2005, such candidate shall prior to licensure (1) complete the Intern Development Program (IDP) of the National Council of Architectural Registration Boards (NCARB), as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the 2003- 2004 edition), or the Internship in Architecture Program (IAP) of Canada (currently the 1999 edition); 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/CIDP 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 registered as an architect in a Canadian province and who holds a current and valid Certification issued 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.

(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.

~~Subdivision (a)(2), which contains provisions for the IDP/IAP/CIDP requirement, shall become inoperative on January 1, 2011, and, as of January 1, 2011, is repealed, unless a later enacted regulation, which becomes operative on or before January 1, 2011, deletes or extends the date on which it becomes inoperative and is repealed.~~

Note: Authority cited: Sections 5526, ~~and~~ 5550, and 5552.5, Business and Professions Code. Reference: Sections 5550, ~~and~~ 5552, and 5552.5, Business and Professions Code.

Agenda Item J.4

REVIEW AND RATIFY MODIFICATIONS REGARDING PROPOSED REGULATIONS TO AMEND CCR, TITLE 16, SECTIONS 109, FILING OF APPLICATIONS; 117, EXPERIENCE EVALUATION; AND 121, FORM OF EXAMINATIONS; RECIPROCITY (AS IT RELATES TO IDP GUIDELINES)

With the recent changes to the National Council of Architectural Registration Boards' (NCARB) Intern Development Program (IDP) Guidelines, such as the implementation of IDP 2.0, Board staff had recommended amendments to the Board's regulations pertaining to the reference to NCARB's IDP Guidelines. The Board requires completion of IDP, as defined in the most recent edition of NCARB's IDP Guidelines. The proposed changes also intended to clarify and provide consistency with how the guidelines are referenced in the regulations and will eliminate the potential for candidate confusion.

Upon receiving Board approval, staff had initiated a regulatory package to achieve these amendments and to reference the October 2010 edition of the IDP Guidelines in the regulations. However, in July 2011, a new edition of the Guidelines was released by NCARB. A modification to the proposed regulatory language is therefore required, which requires an additional 15-day comment period (see yellow highlighted text in the attached Modified Text).

The Board is asked to ratify the modification to the CCR 109, 117, and 121 regulatory proposal and delegate authority to the Executive Officer to adopt the regulations provided no adverse comments are received during the public comment period and make minor technical changes to the language, if needed.

Attachment:
1. Modified Text for CCR 109, 117, and 121

CALIFORNIA ARCHITECTS BOARD

MODIFIED TEXT

Changes to the originally proposed language are shown by blue double underline and ~~red underline with strikeout~~. Originally proposed language is shown by blue underline and ~~red strikeout~~.

Article 2. Applications

Amend Section 109 as follows:

Section 109, Filing of Applications.

* * *

(b) Application Process:

* * *

(2) Effective January 1, 2005, a new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall prior to licensure complete the IDP of the NCARB, as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the ~~2007-2008~~ ~~October 2010~~ July 2011 edition), or the Internship in Architecture Program (IAP) of Canada (currently the 2001 edition), ~~plus a Board-specified documentation requirement~~ and the Comprehensive Intern Development Program (CIDP) of the Board, as ~~described~~ defined in the most recent edition of the Board's *Comprehensive Intern Development Program ~~(CIDP)~~ Handbook* (currently the 2005 edition). All three documents referred to in the preceding sentence are hereby incorporated by reference.

* * *

(7) Effective January 1, 2005, a new or inactive candidate who is a licensed architect in a qualifying foreign country, as defined in Section 117(c)(2), shall prior to licensure (A) complete ~~NCARB's~~ IDP or IAP, as referenced in subdivision (b)(2), ~~as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the 2007-2008 edition), or the Internship in Architecture Program of Canada (currently the 2001 edition), plus a Board-specified documentation requirement as described in the Board's *Comprehensive Intern Development Program Handbook* (currently the 2005 edition)~~ and CIDP, as referenced in subdivision (b)(2); or (B) submit to the Board 1. proof of licensure in the qualifying foreign country, 2. an Employment Verification Form on his or her own behalf documenting five years of practice of architecture as a licensed architect in the qualifying foreign country, 3. an Employment Verification Form documenting at least one year of experience under the direct supervision of an architect licensed 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, and 4. documentation of five years of education equivalents. All three documents referred to in subdivision (b)(7)(A) are hereby incorporated by reference.

* * *

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 5550, Business and Professions Code.

Article 3. Examinations

Amend Section 117 as follows:

Section 117, Experience Evaluation.

* * *

(c) Training Equivalents:

* * *

(8) The entry point for ~~the Intern Development Program (~~IDP~~)~~ shall be as defined in NCARB's *Intern Development Program Guidelines*, as referenced in section 109(b)(2). ~~(2005-2006 edition), which is upon satisfactory completion of one of the following: 1) three years in an NAAB- or CACB-accredited professional degree program; 2) the third year of a four-year pre-professional degree program in architecture accepted for direct entry to an NAAB- or CACB-accredited professional degree program; 3) one year in an NAAB- or CACB-accredited Master of Architecture degree program for interns with undergraduate degrees in another discipline; or 4) 96 semester credit hours as evaluated by NAAB in accordance with NCARB's Education Requirement, of which no more than 60 hours can be in the general education subject area.~~

~~For a candidate without an NAAB-accredited degree, the entry point for IDP shall be after the candidate has earned three years of education equivalents based on provisions of the Table of Equivalents.~~

(e) Miscellaneous Information:

* * *

(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 ~~the Intern Development Program (~~IDP~~) of the National Council of Architectural Registration Boards (NCARB), as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the 2005-2006 edition)~~ 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 ~~of the Internship in Architecture Program (~~IAP~~) of Canada (currently the 2001 edition)~~, 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.

Amend Section 121 as follows:

Section 121, Form of Examinations; Reciprocity.

* * *

(a)

* * *

(2) Effective January 1, 2005, such candidate shall prior to licensure (1) complete ~~the Intern Development Program (~~IDP~~) of the National Council of Architectural Registration Boards (NCARB), as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the 2003- 2004 edition),~~ or ~~the Internship in Architecture Program (~~IAP~~) of Canada (currently the 1999 edition)~~, 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/CIDP 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.

* * *

Note: Authority cited: Sections 5526 and 5550, Business and Professions Code. Reference: Sections 5550 and 5552, Business and Professions Code.

Agenda Item J.5

UPDATE AND POSSIBLE ACTION REGARDING THE AMERICAN INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL ACADEMY FOR EMERGING PROFESSIONALS' 2011 ARCHITECTURAL EDUCATION SUMMIT

At the December 2010 and March 2011 Board meetings, members were provided with updates on the Academy for Emerging Professionals' (AEP) planned 2011 Architectural Education Summit. The AEP indicated that the need for the summit grew out of increasing concern about the number of individuals seeking licensure, the frequent updates and changes to the licensure processes, and the need to bring collateral organizations together to address these issues and develop a network with common knowledge. Additionally, they had noted that concerns have also been raised regarding the profession's inability to hold onto diverse talent, the challenges confronting community colleges, and the limited number of seats available in California architectural programs.

The summit planning committee has met several times this year to discuss event goals and logistics. To date, it has been determined that representatives from the following stakeholder groups will be invited to attend the summit:

- 10 National Architectural Accrediting Board programs in California
- 41 California community colleges with architecture programs
- 22 California chapters of The American Institute of Architects (educational directors)
- 16 American Institute of Architecture Students chapters in California (presidents)
- National Organization of Minority Architects (NOMA) (regional representative)
- Asian American Architects/Engineers (AAAE) Association (regional representative)
- Hispanic Architects and Engineers (regional representative)
- Women in Architecture
- Statewide Education
- California Architects Board
- National Council of Architectural Registration Boards

Additionally, it has been determined that the 2011 summit will launch a five year initiative with the following goals:

- develop relationships among stakeholders
- have the profession reflect the demographics of the state
- create pathways to the profession for underrepresented K-12 and community college students
- accreditation and licensure to more closely represent the values of the academy and the marketplace
- disencumber the paths to licensure to more fully integrate the academy and the profession
- establish a process for gathering metrics annually

The first summit will take place at the City College of San Francisco on Friday, November 18, 2011 and will serve as a strategic planning session. An experienced facilitator has been secured for this

strategic planning session whom The American Institute of Architects, California Council has formerly worked with. The summit planning committee worked with the facilitator in June to develop the framework and agenda for the strategic planning session.

The AEP has indicated that the intent of these efforts is to create something sustainable with a valuable outcome and measured results. Thus, the first summit will serve as the vehicle to bring representatives to the table, take a long view approach to the issues at hand, and set in place a multi-year plan to begin to bridge gaps between architectural education, practice, and communication.

At its June meeting, the Board requested clarification on the Board's participation or partnership in the event and authorized the Board President and/or Executive Officer to act on the Board's behalf, upon requesting additional information from AEP, and provide assistance for the event without any monetary support and within the parameters of the Board's legal authority. It was subsequently clarified that the AEP would also be interested in access to Board staff and records, for purposes of researching licensure patterns (based upon the Board's resources and priorities).

Additionally, the Board was contacted in mid August to obtain permission to use its logo as part of the event's invitation material and final marketing, showing all stakeholders involved in the summit.

The Board will be provided with any additional updates regarding the summit and may provide additional feedback and/or direction, if necessary.

Agenda Item K

REGULATORY AND ENFORCEMENT COMMITTEE REPORT

1. Discuss and Possible Action on Enforcement Statistics

2. Discuss and Possible Action on Strategic Plan Objective to Develop a Strategy for Informing the League of California Cities and the California Chapter American Planning Association of the Architects Practice Act Requirements

3. Discuss and Possible Action on Strategic Plan Objective Regarding Department of Consumer Affairs' (DCA) Proposal (SB 1111) Concerning Board Delegation to Executive Officer: Stipulated Settlements to Revoke or Surrender License

4. Discuss and Possible Action on Strategic Plan Objective Regarding DCA's Proposal (SB 1111) Concerning Psychological or Medical Evaluation of Applicants

5. Adoption of Precedential Administrative Decision for Gaetano Dan Salvo

Agenda Item K.1

DISCUSS AND POSSIBLE ACTION ON ENFORCEMENT STATISTICS

Per the Board's request, the attached tables depict the number and case aging of cases closed by the closure category since the last Board meeting.

Board members are asked to review this statistical data for discussion and possible action.

Attachments:

1. Closed Cases and Disciplinary Closed Cases – indicates the number of cases closed, action taken, average number of days to close, and average percentage of case closure days compared to DCA Performance Measures benchmark
2. Comparison of Pending Complaints by Year Received – indicates a comparison of the number of cases pending by the year the complaint was received between Board meetings
3. Performance Measures (Quarter and Annual Reports) – indicates the number of complaints received and the average number of days for the Board to: open and assign a complaint to an enforcement analyst; intake and investigate a complaint; refer a complaint to discipline; assign a probation monitor when a probation case is initiated; and, respond to probation violations

Closed Cases
January - May 2011

Closing Action	Number of Cases Closed	Average # of Days to Close	Average % of Case Closure Days Compared to Performance Measure (270 Days)
Cease & Desist Compliance - advertising & practicing without license	45	82	30%
Cease & Desist Non-Compliance - advertising	3	190	70%
Notice of Advisement (Licensee) - no Business Entity Report form, incomplete renewal, contract, willful misconduct	33	202	75%
Notice of Advisement (Unlicensed) - advertising, practicing without license	26	255	94%
Other – (duplicate complaint from same complainant, complainant did not respond to request for more information)	10	185	68%
No Violation	16	231	85%
Citation - practicing with expired license, practicing without license	12	383	142%

Closed Cases
June – August 2011

Closing Action	Number of Cases Closed	Average # of Days to Close	Average % of Case Closure Days Compared to Performance Measure (270 Days)
Cease & Desist Compliance - advertising & practicing without license	29	96	35%
Cease & Desist Non-Compliance - advertising	2	175	65%
Notice of Advisement-Licensee - no Business Entity Report form, incomplete renewal, contract, willful misconduct	21	159	59%
Notice of Advisement-Unlicensed - advertising, practicing without license	12	86	32%
Other – (no jurisdiction, out of business, mediated, complaint withdrawn, denial of license, case to Deputy Attorney General)	10	182	67%
No Violation	10	103	38%
Citation - practicing with expired license, practicing without license	5	261	97%

Complaints can allege a wide range of multiple violations, such as negligence, incompetence, contract violations, etc. The final determination or findings in a case may not always be the original allegations in the complaint. Seemingly simple findings of "no violation" may require interviews of multiple parties (complainants, engineers, other architects, contractors, building departments, and other regulatory agencies), extensive reviews of construction drawings, review of hearing transcripts, etc., following Board procedures. The Subject of each complaint is afforded due process.

Disciplinary Closed Cases
March – May 2011

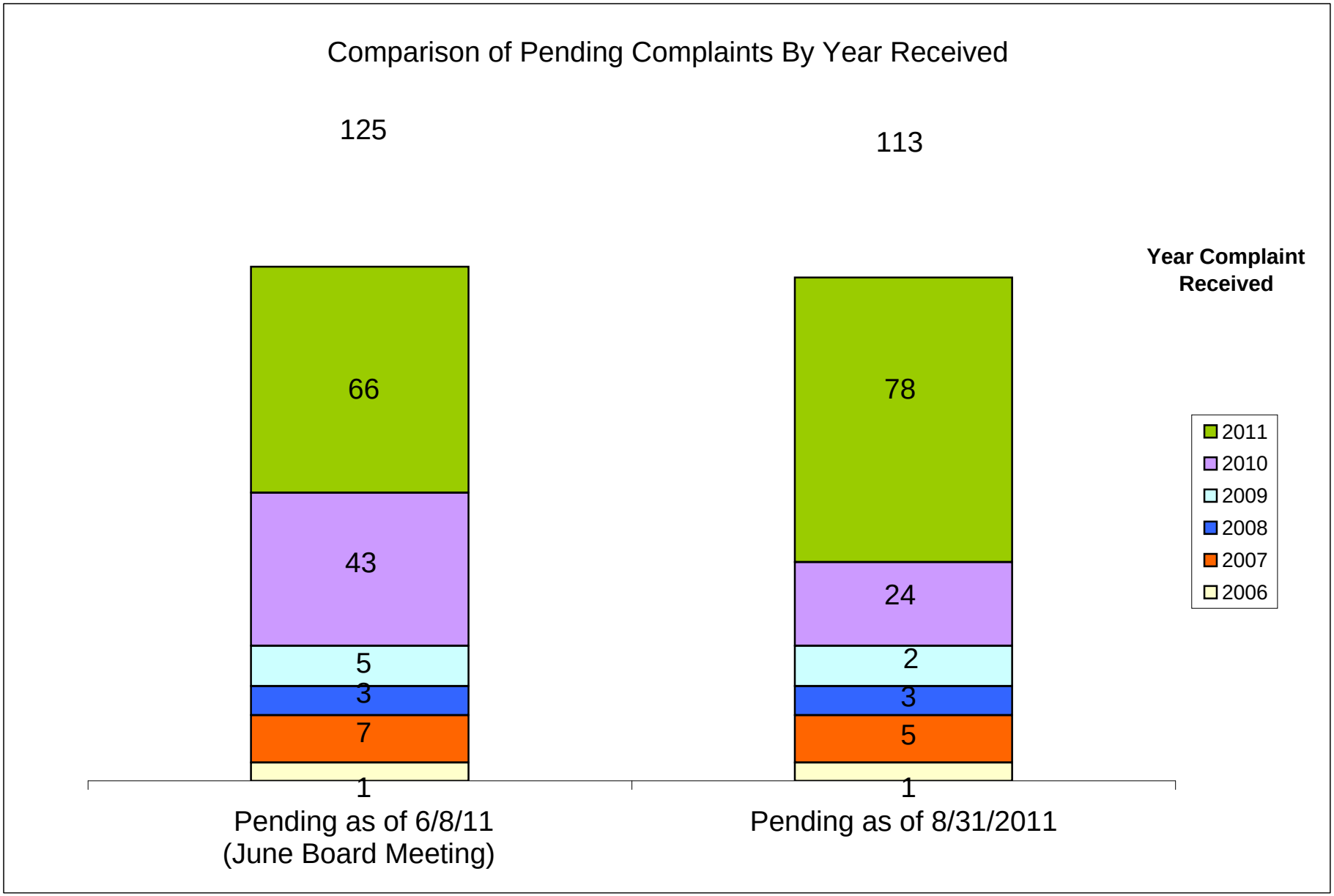
Action	**Number of Cases Closed**	**Average # of Days to Close**
Petition to Revoke Probation resulting in license revocation	1	300

June – August 2011

Action	**Number of Cases Closed**	**Average # of Days to Close**
Accusation (2 complaint cases)	1	1460
Statement of Issues	1	355

Accusation – Complaint cases were opened on May 18, 2007 and June 25, 2007, alleging negligence and willful misconduct. Both cases required extensive review and investigation by expert consultants. The cases were sent to the deputy attorney general (DAG) on January 27, 2010, requesting an Accusation be filed against the respondent. An Accusation was filed on August 30, 2010. A Stipulated Decision was received from DAG on May 23, 2011 which was adopted by Board on June 16, 2011.

Statement of Issues – Case was opened on June 23, 2010 and sent to the DAG on November 22, 2010, requesting a Statement of Issues be filed against the respondent. A Statement of Issues was filed on March 30 2011. A Stipulated Decision was received from DAG on June 3, 2011 which was adopted by Board on June 16, 2011.


Comparison of Pending Complaints By Year Received
125
113
66
43
5
3
7
1
78
24
2
3
5
1
Pending as of 6/8/11
(June Board Meeting)
Pending as of 8/31/2011
Year Complaint Received
2011
2010
2009
2008
2007
2006

Department of Consumer Affairs

California Architects Board

Performance Measures

Q4 Report *(April - June 2011)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

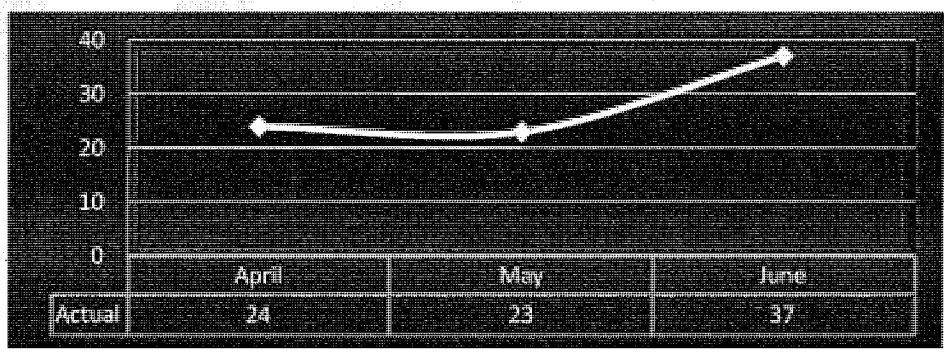
In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

Volume

Number of complaints received.

Q4 Total: 84

Q4 Monthly Average: 28

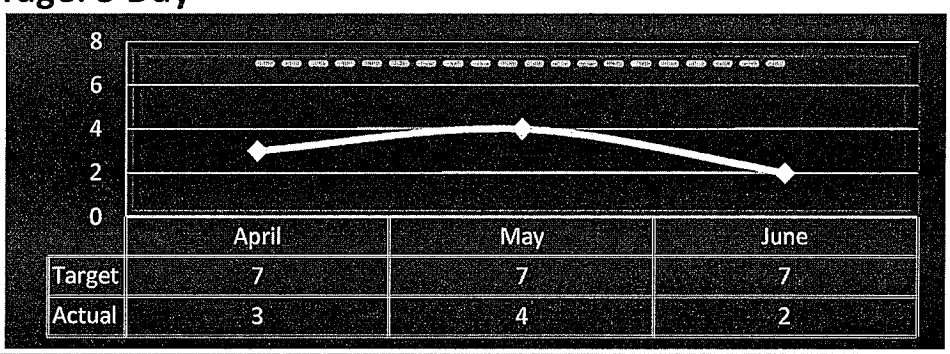


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 7 Days

Q4 Average: 3 Day

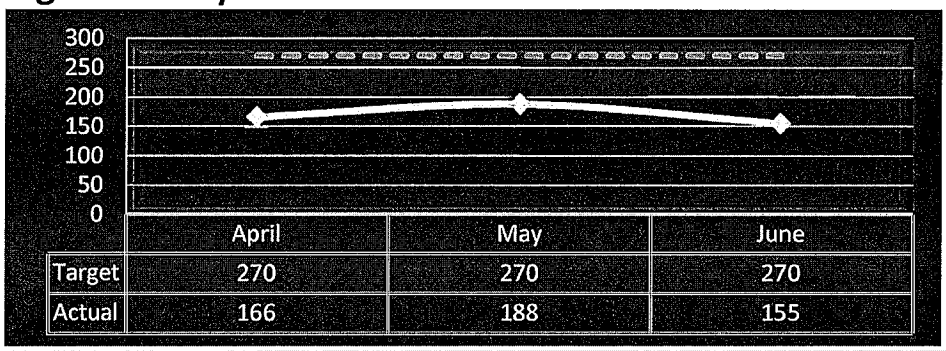


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 270 Days

Q4 Average: 172 Days



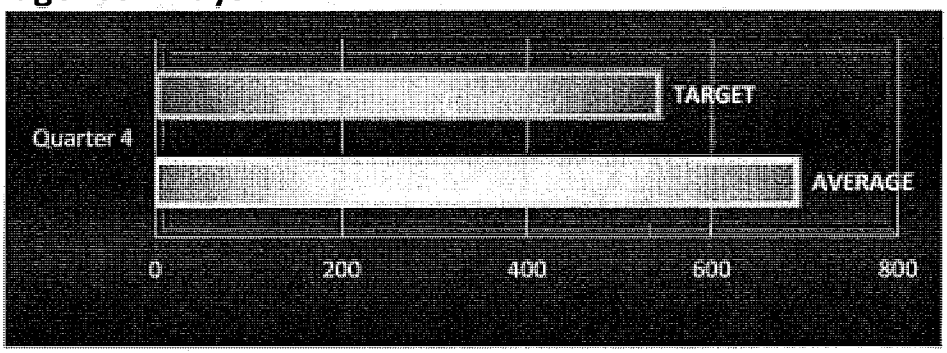
	April	May	June
Target	270	270	270
Actual	166	188	155

Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q4 Average: 691 Days

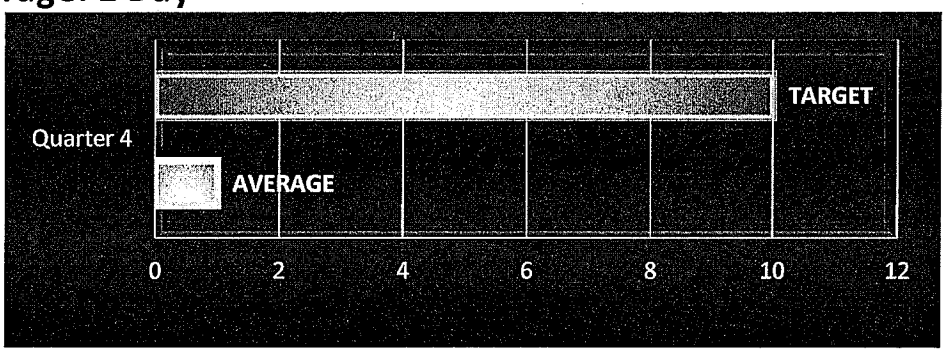


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q4 Average: 1 Day

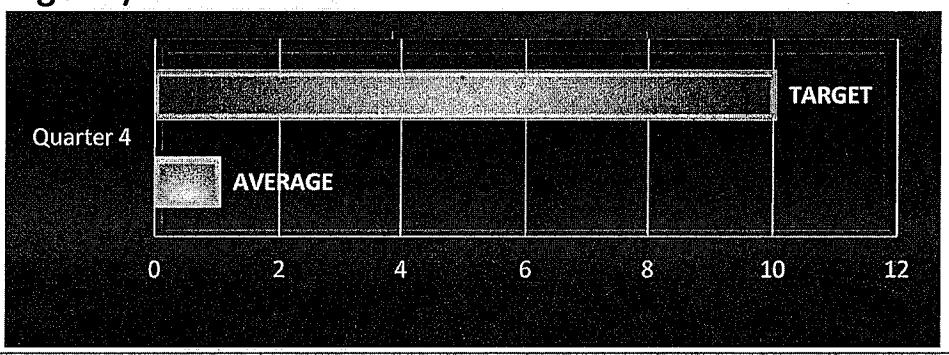


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q4 Average: N/A



Department of Consumer Affairs

California Architects Board

Performance Measures

Annual Report *(2010 – 2011 Fiscal Year)*

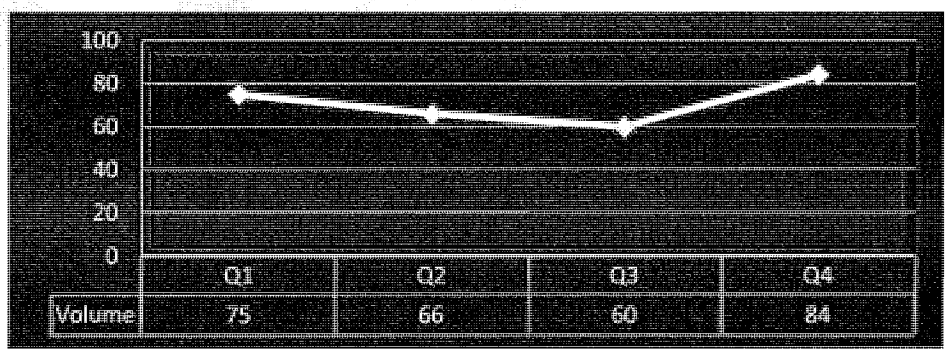
To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

This annual report represents the culmination of the first four quarters worth of data.

Volume

Number of complaints and convictions received.

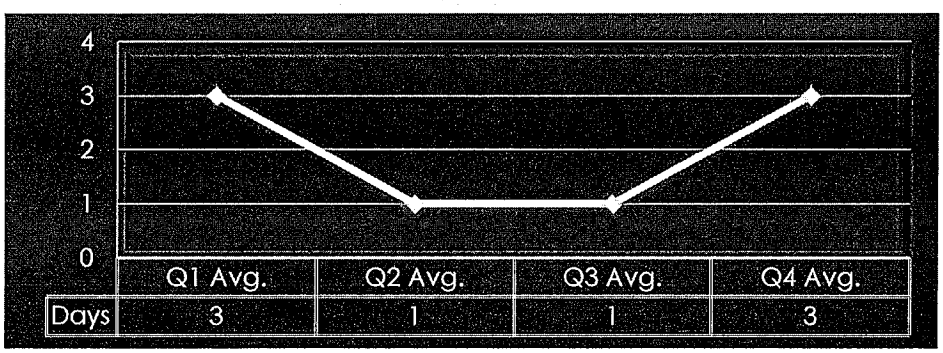
The Board had an annual total of 285 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

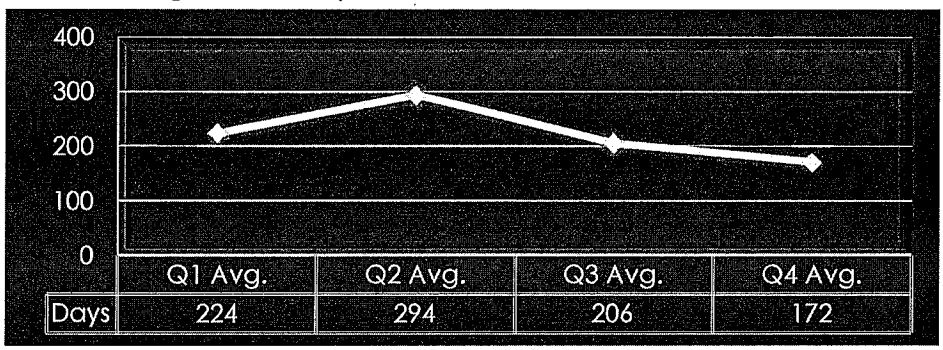
The Board has set a target of 7 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

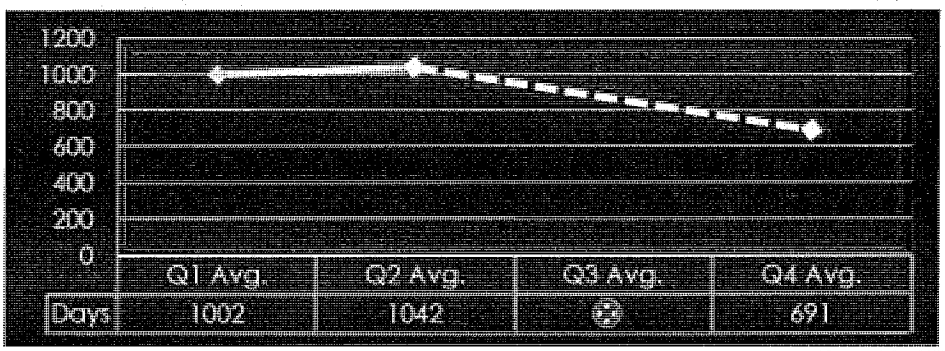
The Board has set a target of 270 days for this measure.



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

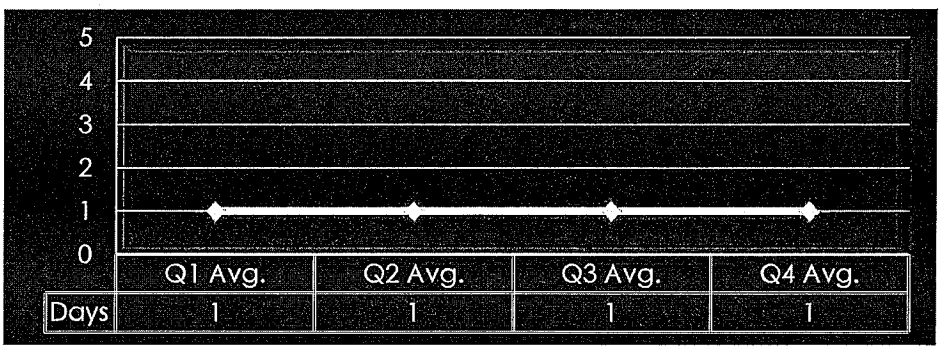
The Board has set a target of 540 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

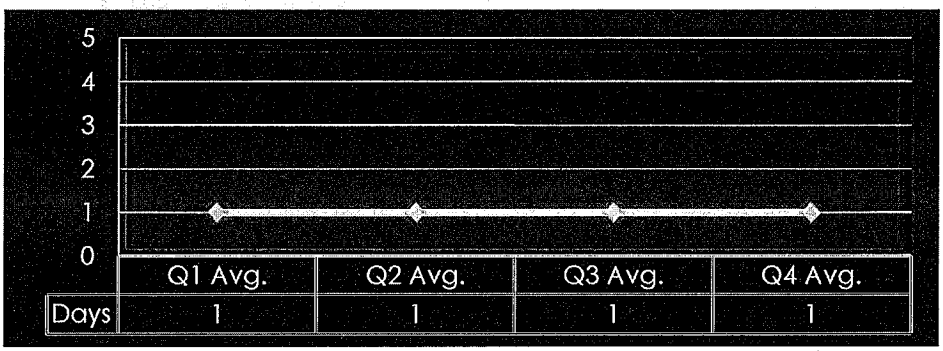
The Board has set a target of 10 days for this measure.



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board has set a target of 10 days for this measure.



	Q1 Avg.	Q2 Avg.	Q3 Avg.	Q4 Avg.
Days	1	1	1	1

DISCUSS AND POSSIBLE ACTION ON STRATEGIC PLAN OBJECTIVE TO DEVELOP A STRATEGY FOR INFORMING THE LEAGUE OF CALIFORNIA CITIES AND THE CALIFORNIA CHAPTER AMERICAN PLANNING ASSOCIATION OF THE ARCHITECTS PRACTICE ACT REQUIREMENTS

The California Architects Board's 2011 Strategic Plan directs the Regulatory and Enforcement Committee (REC) to develop a strategy for informing the League of California Cities (LCC) and the California Chapter American Planning Association (CCAPA) of the Architects Practice Act (Act) requirements.

At its December 16, 2010 Strategic Plan meeting, the Board expressed their desire to further communicate the rules and regulations contained in the Act and the point at which a project becomes "architecture" and requires a licensee. The members determined this could best be accomplished by working with the LCC and the CCAPA. Board member Marilyn Lyon is the Board's liaison to the LCC.

The message should contain information such as:

- Background on the Board's role as a consumer protection agency,
- Basic consumer tips,
- The value of a license (five years of education/experience, three years of structured internship, plus a national and state examination),
- Statutes explaining what constitutes the practice of architecture, and
- An explanation of the projects that would require the services of an architect or registered engineer.

One specific enforcement issue that could be communicated relates to unlicensed practice. The Board is aware that often times unlicensed individuals are hired to design projects that require a licensee. The unlicensed person may provide the design through the planning department approvals; however, plans cannot be permitted because they are not prepared by a licensee. It is only when plans are submitted to the building department that the consumer learns a licensed architect is required.

This issue was presented at the May 11, 2011 REC meeting, where members discussed experiences they had regarding unlicensed individuals presenting plans and documents for non-exempt projects to the planning department. The REC determined that consumers were not being protected. Members also suggested that the problem may be more systemic in that the statute does not delineate when a project becomes "architecture."

The REC agreed to recommend to the Board that it open a dialog with CCAPA to discuss the Board's message shown above, describe the Board's concern regarding unlicensed individuals presenting plans to the planning department for non-exempt projects, and identify whether CCAPA perceives this to be an issue.

At it's June 16, 2011 meeting, the Board discussed the definition of the practice of architecture. Members decided that a letter should be sent to jurisdictions' planning departments advising of the requirement for licensure for individuals submitting plans that represent architectural services, and to educate them on the issues.

To that end, staff drafted a letter to send to planning departments, advising them of the problems associated with unlicensed individuals presenting plans for non-exempt projects to the planning department and encouraging them to ensure that they do not approve plans presented by unlicensed individuals for non-exempt projects.

The Board is asked to review the draft letter and determine how to proceed.

Attachment
Draft letter to Planning Departments

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

DISTRIBUTED AT MEETING

Date

Planning Department

Dear Planning Department:

I am writing to alert you to a consumer protection issue and seek your assistance in resolving it.

The approval processes for planning and building departments are intended to ensure that building projects meet state and local standards. Often, consumers hire unlicensed individuals to design projects which are required to be designed by a licensed design professional, e.g., architect or engineer. When an unlicensed person provides the design services for a "nonexempt project type" (defined below) and submits the plans for approval, to the planning/building department, such plans cannot be permitted by the building department because they were not prepared by a licensed design professional. The consumer is subjected to additional costs and delays when they submit plans to the building department that cannot be permitted.

Current law (Business and Professions Code section [BPC] 5537) allows unlicensed individuals to design only single family dwellings (or multiple dwellings containing no more than four dwelling units) of woodframe construction, not more than two stories and a basement in height. BPC 5538 states that unlicensed individuals may also provide services for certain tenant improvements that are non-structural and non-seismic. Buildings and structures that do not fall within these categories must be designed by licensed design professionals and are considered "non-exempt structures."

BPC 5536.2 provides that each county or city must require prior to the issuance of any permit needed for the construction, alteration, improvement or repair of any building or structure a signed statement from the person who prepared or was in responsible control of the plans and specifications that he or she is either a licensed architect or otherwise licensed in this state to prepare the plans and specifications. BPC 5536.2 provides that it is the responsibility of the county or city to verify that the person who prepared the plans is either a licensed architect in California or otherwise licensed to prepare such plans. BPC 5536.1 mandates that architects must stamp and sign plans, specifications, and instruments of service they prepare for others.

2420 Del Paso Road,
Suite 105
Sacramento,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

The Board is asking for your department's cooperation to ensure these laws are adhered to. We would be pleased to serve as a resource to assist with your efforts in this regard.

The Board appreciates your attention to this important issue. If you have any questions, please contact the Board's Enforcement Officer, Hattie Johnson, at Hattie.Johnson@dca.ca.gov or (916) 575-7203.

Sincerely,

PASQUAL GUTIERREZ
President

Agenda Item K.3

DISCUSS AND POSSIBLE ACTION ON STRATEGIC PLAN OBJECTIVE REGARDING DEPARTMENT OF CONSUMER AFFAIRS' (DCA) PROPOSAL (SB 1111) CONCERNING BOARD DELEGATION TO EXECUTIVE OFFICER: STIPULATED SETTLEMENTS TO REVOKE OR SURRENDER LICENSE

The California Architects Board's (Board) 2011 Strategic Plan directs the Regulatory and Enforcement Committee (REC) to review and make recommendations concerning DCA proposals regarding Senate Bill (SB) 1111. This legislation failed to pass, but DCA is encouraging boards and bureaus to review the provisions included in SB 1111 to determine whether they might be utilized to improve their enforcement processes.

DCA provided a list of nine proposed changes, some of which could be addressed via regulation, while others would require legislation for a statutory change. Each item on the list was reviewed by the REC at its May 11, 2011 meeting and the REC provided a recommendation to the Board. At its June 16, 2011 meeting, the Board reviewed each of the nine proposals and determined that the two proposals recommended by the REC should be pursued. The first proposal addresses Board delegation to the Executive Officer (EO) regarding stipulated settlements to revoke or surrender a license. The second proposal addresses psychological or medical evaluation of applicants (see Agenda Item K.4).

For purposes of the first proposal, existing California Code of Regulations section (CCR) 103 of the Architects Practice Act describes the authorities the Board has delegated to the EO for various disciplinary functions. Legal counsel has recommended that this section is the appropriate section to extend the EO's delegation for the approval of settlement agreements for revocation or surrender of a license (see attached proposed language showing amended language with underline).

The Board is asked to review the proposed amendment to CCR 103 and authorize staff to proceed with the rulemaking file.

<u>Attachment</u>
Proposed Regulatory Language CCR 103

CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Article 1. Delegation of Certain Functions

Amend Section 103 as follows:

Section 103, Delegation of Certain Functions.

*** * ***

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation or surrender of license; and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive officer of the Board.

Agenda Item K.4

DISCUSS AND POSSIBLE ACTION ON STRATEGIC PLAN OBJECTIVE REGARDING DCA's PROPOSAL (SB 1111) CONCERNING PSYCHOLOGICAL OR MEDICAL EVALUATION OF APPLICANTS

The California Architects Board's (Board) 2011 Strategic Plan directs the Regulatory and Enforcement Committee (REC) to review and make recommendations concerning DCA proposals regarding Senate Bill (SB) 1111. This legislation failed to pass, but DCA is encouraging boards and bureaus to review the provisions included in SB 1111 to determine whether they might be utilized to improve their enforcement processes.

DCA provided a list of nine proposed changes, some of which could be addressed via regulation, while others would require legislation for a statutory change. Each item on the list was reviewed by the REC at its May 11, 2011 meeting and the REC provided a recommendation to the Board. At its June 16, 2011 meeting, the Board reviewed each of the nine proposals and determined that the two proposals recommended by the REC should be pursued. This agenda item addresses the proposal regarding psychological or medical evaluation of applicants. Specifically, DCA's proposal states:

> *Psychological or medical evaluation of applicant: Authorize the Board to order an applicant for licensure to be examined by a physician or psychologist if it appears that the applicant may be unable to safely practice the licensed profession due to a physical or mental illness; authorize the Board to deny the application if the applicant refuses to comply with the order; and prohibit the Board from issuing a license until it receives evidence of the applicant's ability to safely practice.*

Staff requested that legal counsel draft language that could be used in the legislation required to pursue this objective. Attached is the draft proposed legislation for the Board's review.

The Board is asked to review the draft proposed legislation and advise staff how to proceed.

<u>Attachment</u>
Draft Proposed Legislation

DRAFT PROPOSED LEGISLATION

Adopt Section 5552.1 to read:

5552.1 In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to practice architecture safely because the applicant's ability to practice may be impaired due to mental or physical illness affecting competency, the board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the board. The board shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render his or her application incomplete. The report of the evaluation shall be made available to the applicant. If after receiving the evaluation report the board determines that the applicant is unable to safely practice, the board may take action by any one of the following methods:

(a) Deny the application.
(b) Issue a probationary license.
(c) Take such other action in relation to the applicant as the Board in its discretion deems proper.

Adopt Section 5552.2 to read:

5552.2. (a) The board shall not grant a license to an applicant whose license has been denied pursuant to section 5552.1, until it has received competent evidence of the absence or control of the condition which caused the denial of the license and it is satisfied that with due regard for the public health and safety the applicant is currently capable to practice architecture safely.

(b) In granting a license which has been denied under section 5552.1, the board may impose terms and conditions to be complied with by the licentiate after the license has been granted which may include, but is not limited to, the following:

(1) Requiring the applicant to obtain additional professional training and to pass an examination upon the completion of the training.

(2) Requiring the applicant to pass an oral, written, practical, or clinical examination, or any combination thereof to determine his or her present fitness to engage in the practice of architecture.

(3) Requiring the applicant to submit to a complete diagnostic examination by one or more physicians and surgeons or psychologists appointed by the board. If the board requires the applicant to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons or psychologists of the applicant's choice.

(4) Requiring the applicant to undergo continuing treatment.

(5) Restricting or limiting the extent, scope or type of practice of the applicant.

Adopt Section 5552.3 to read:

5552.3. The proceedings under section 5552.1 shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the board and the applicant shall have all the rights and powers granted therein.

Adopt Section 5552.4 to read:

5552.4. Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, the board may convene in closed session to consider any evidence relating to the applicant's mental or physical illness obtained pursuant to the proceedings under section 5552.1.The board shall only convene in closed session to the extent that it is necessary to protect the privacy of a licentiate.

Adopt Section 5552.45 to read:

5552.5. (a) If the board determines, pursuant to proceedings conducted under section 5552.1 that there is insufficient evidence to deny an applicant pursuant to section 5552.1, then all licensing agency records of the proceedings, including the order for the examination, investigative reports, if any, and the report of the physicians and surgeons or psychologists, shall be kept confidential and are not subject to discovery or subpoena. If no further proceedings are conducted to determine the applicant's fitness to practice during a period of five years from the date of the determination by the board of the proceeding pursuant to section 5552.1, then the board shall purge and destroy all records pertaining to the proceedings.

(b) If new proceedings are instituted during the five-year period against the applicant by the board, the records, including the report of the physicians and surgeons or psychologists, may be used in the proceedings and shall be available to the respondent pursuant to the provisions of Section 11507.6 of the Government Code.

Agenda Item K.5

ADOPTION OF PRECEDENTIAL ADMINISTRATIVE DECISION FOR GAETANO DAN SALVO

On June 21, 2010, the Board issued a Citation against Gaetano Dan Salvo (Respondent) for violations of Business and Professions Code section (BPC) 5536(a) (Practice Without License or Holding Self Out as Architect). Respondent, an unlicensed individual, advertised architectural services on the Internet.

Respondent requested an administrative hearing to contest the findings in the Citation. The administrative hearing was held on February 9, 2011. The Administrative Law Judge (ALJ) found that when an unlicensed individual advertises "architectural" services on the Internet, it is a violation of BPC 5536(a). There has been some question as to whether Internet advertising by unlicensed individuals who hold themselves out as an "architect" or offer "architectural" services, are in violation of BPC 5536(a).

The Board adopted the ALJ's Proposed Decision. Legal counsel has suggested that this Decision be made a precedent decision because the ALJ found that Respondent violated BPC section 5536(a) related to his Internet advertisements. A precedent decision would be binding upon future cases with similar facts that are considered by ALJs.

The Board is asked to review the Citation and Decision issued to Gaetano Dan Salvo to determine whether they should approve this as a precedent decision.

Attachments
1. Decision for Gaetano Dan Salvo Effective April 21, 2011
2. Notice of Citation for Gaetano Dan Salvo dated June 21, 2010
3. Administrative Citation for Gaetano Dan Salvo dated June 21, 2010

BEFORE THE
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
THE STATE OF CALIFORNIA

In the Matter of the Citation Against: GAETANO DAN SALVO 3503 S. Kerckhoff Avenue San Pedro, CA 90731, Respondent.	Citation No.: 10-20 CAB Case No.: 10-03-57A OAH No.: 2010090882

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the California Architects Board as its Decision in the above-entitled matter.

This Decision shall become effective April 21, 2011.

IT IS SO ORDERED March 22, 2011.

CALIFORNIA ARCHITECTS BOARD

By _____

ref

BEFORE THE
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Citation Against: GAETANO DAN SALVO 3503 S. Kerckhoff Avenue San Pedro, CA 90731, Respondent.	Citation No.: 10-20 CAB Case No.: 10-03-57A OAH No.: 2010090882

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on February 9, 2011.

Nancy Kaiser, Deputy Attorney General, represented the Complainant.

Respondent appeared in person and represented himself.

Oral and documentary evidence and evidence by way of official notice was received and the matter then argued.

The Administrative Law Judge now finds, concludes and orders as follows:

FACTUAL FINDINGS

Parties

1. Douglas R. McCauley, Complainant herein, brought the Citation in his official capacity as the Executive Officer of the California Architects Board (Board), Department of Consumer Affairs.

2. On April 29, 1980, architect license number C-11030 was issued to Gaetano Dan Salvo, Respondent herein. This license expired on October 31, 1993 and is not renewable.

Procedure

3. The Citation was issued on June 21, 2010 and properly and legally served upon Respondent. The Citation, classified as a class "A" violation, assesses a fine of $2,000.00. Respondent has timely requested a hearing.

4. All pre-hearing jurisdictional requirements have been met by the Complainant. Jurisdiction for this proceeding does exist.

Unlawful Conduct

5. For a time period during 2010 and extending to February 7, 2011, Respondent is listed under the "Architect" heading on the following Internet Web sites: *theusaexplorer.com, architectnearyou.com, powerprofiles.com, cylex-usa.com and allbusiness.com.*

6. Respondent's listings under the "Architects" heading on the Internet are listings that indicate to the public that Respondent is an architect or qualified to engage in the practice of architecture.

Aggravation

7. Regarding a previous complaint case against Respondent, on July 20, 2006, Respondent was sent a letter from the Board advising him that as an unlicensed individual, he was prohibited from advertising or putting out any card, sign, or other device which indicate to the public he is an architect.

8. When the Board became aware of the conduct set forth in Findings 5 and 6 the Board, in the exercise of reasonable and prudent judgment, made the following request in a letter to Respondent dated April 1, 2010:

A check of Board records shows that this is not your first violation.

> You are requested to provide the Board with the following information by April 12, 2010:
>
> - A written response to the allegations, including a description of the services you provide.
> - Your original business card and copies of your advertisement, letterhead, title block and yellow page listing, so that they can be reviewed for regulatory compliance.

- Documentation of a written retraction request to the above-mentioned Web sites where you identify yourself as an architect.

The Board's request was consistent with the legislative mandate to protect the public (see Legal Conclusion 1).

Respondent willfully refused to comply with the Board's request. As a response to the request he returned page 1 of the April 1, 2010, letter to the Board with a hand printed expletive directed to the Board and with invectives directed to the Board.

LEGAL CONCLUSIONS

Applicable Law

1. Business and Professions Code (Code) section 145 provides:

> The Legislature finds and declares that:
>
> (a) Unlicensed activity in the professions and vocations regulated by the Department of Consumer Affairs is a threat to the health, welfare and safety of the people of the State of California.
>
> (b) The law enforcement agencies of the state should have sufficient, effective and responsible means available to enforce the licensing laws of the state.
>
> (c) The criminal sanction for unlicensed activity should be swift, effective, appropriate and create a strong incentive to obtain license.

2. Code section 148 provides :

> Any board, bureau, or commission within the department may, in addition to the administrative citation system authorized by section 125.9, also establish, by regulation, a similar system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. The administrative citation system authorized by this section shall meet the requirements of section 125.9 and may not be applied to an unlicensed person who is otherwise exempted from the

provisions of the applicable licensing act. The establishment of an administrative citation system for unlicensed activity does not preclude the use of other enforcement statutes for unlicensed activities at the discretion of the board, bureau, or commission.

3. California Code of Regulations, title 16, section 152 (Regulation) provides in part:

> (a) The Board's executive officer is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to sections 125.9 or 148 of the code against an architect or an unlicensed person who has committed any acts or omissions which are in violation of the Architects Practice Act or any regulations adopted pursuant thereto.
>
> (b) A citation shall be issued whenever any order of abatement is issued or any fine is levied. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statutes or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

4. Code section 5500 provides:

> As used in this chapter, architect means a person who is licensed to practice architecture in this state under the authority of this chapter.

5. Code section 5500.1 provides:

> (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.
>
> (b) Architects' professional services may include any or all of the following:
>
> (1) Investigation, evaluation, consultation, and advice.

(2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.

(3) Coordination of the work of technical and special consultants.

(4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.

(5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.

(6) Contract administration.

(7) Construction observation.

(c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

6. Code section 5536, subdivision (a) provides:

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.

Violations

7. Cause exists for a fine and an order of abatement for a violation of Code section 5536, subdivision (a) by reason of Findings 5 and 6.

Fine

8. Regulation 152 provides in pertinent part:

- - -

(c) Where citations include an assessment of an administrative fine, they shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:

(1) Class "A" violations are violations which the executive officer has determined involve an unlicensed person who has violated Business and Professions Code section 5536, including but not limited to, acting in the capacity of or engaged in the practice of architecture. A class "A" violation is subject to an administrative fine in an amount not less than seven hundred and fifty ($750) and not exceeding two thousand five hundred dollars ($2,500) for each and every violation.

- - -

(d) In assessing the amount of an administrative fine, the executive officer shall consider the following criteria:

(1) The good or bad faith exhibited by the cited person.

(2) The nature and severity of the violation.

(3) Evidence that the violation was willful.

(4) History of violations of the same or similar nature.

(5) The extent to which the cited person has cooperated with the board's investigation.

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(7) Such other matters as justice may require.

- - -

9. Applying the factors in Regulation 152, subdivision (d) sequentially:

(1) Respondent is not an architect as defined in Legal Conclusion 4. He cannot practice architecture as defined in Legal Conclusion 5. He therefore acted in bad faith when he refused to comply with the Board's request set forth in Finding 8.

(2) The violation is severe.

(3) The violation was willful.

(4) Respondent had previous notice from the Broad for like conduct.

(5) Respondent refused to cooperate with the Board and remains contemptuous of the Board's regulatory function.

(6) There is no evidence in mitigation.

(7) Not applicable.

10. The violation set forth in Legal Conclusion 7 is a Class "A" violation. Cause exists for a fine in the amount of $2,000.00 by reason of Legal Conclusion 9.

Order of Abatement

11. As is demonstrated by Findings 5, 6 and 8 Respondent has been and is resistant in complying with the law and with lawful Board requests. Accordingly, pursuant to Regulations 152, subdivision (a) cause exists for an order of abatement.

ORDER

1. Citation No. 10-20, CAB Case No. 10-03-57A is affirmed in its entirety.

2. Respondent shall pay a fine in the amount of $2,000.00 to the Board at its Sacramento address within thirty (30) days of the effective date of this Decision.

3. Respondent shall cease and desist from advertizing or holding himself out as an Architect on the internet or on any other medium or device whatsoever.

4. Respondent shall cease and desist from any conduct which would constitute a violation of the Business and Professions Code section 5536, subdivision (a).

Dated: March 2, 2011

RICHARD J. LOPEZ
Administrative Law Judge
Office of Administrative Hearings

RJL:ref

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Arnold Schwarzenegger
GOVERNOR

June 21, 2010

NOTICE OF CITATION

Gaetano Dan Salvo
3503 S. Kerckhoff Avenue
San Pedro, CA 90731

Re: Citation #: 10-20

Dear Mr. Salvo:

You are hereby served with a Citation pursuant to Title 16, California Code of Regulations section 152. The California Architects Board (Board) has completed an investigation of a complaint filed against you. The investigation revealed that you violated section 5536(a) of the Business and Professions Code.

Section 152 authorizes the Board's executive officer to issue citations containing orders of abatement and/or administrative fines pursuant to Business and Professions Code section 148 to unlicensed persons, partnerships, corporations or associations who are engaging in or have engaged in activities for which a license is required by the Architects Practice Act. An order of abatement requires the cited person/entity to cease the violation. Where appropriate, the citation may contain an order of abatement fixing a reasonable time for abatement of the violation. An administrative fine requires the cited person/entity to pay a monetary fine to the Board.

Attached is a copy of a Citation issued by the executive officer of the Board, which is hereby served upon you. All orders of abatement or assessments of administrative fines are to be complied with in accordance with the time specified in the Citation. If a fine is assessed in the Citation, it should be paid within 30 days. Payment should be made by cashier's check or money order payable to the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, CA 95834. Please indicate the Citation number on the cashier's check or money order. Personal checks will not be accepted. Payment of the administrative fine does not constitute an admission of the violation charged. Payment of the fine will be represented as satisfactory resolution of the matter for purposes of public disclosure.

2420 Del Paso Road,
Suite 105
Sacramento,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

You have a right, by law, to request an informal conference before the executive officer and/or a formal administrative hearing before an administrative law judge, to contest the findings of the violation. A request for an informal conference must be made within 10 days after service of this Citation. A request for a formal administrative hearing must be made within 30 days of the date of issuance of this Citation. You may be, but need not be, represented by legal counsel. If you wish to be represented by legal counsel, you are advised to contact your attorney immediately, so that you may be properly represented in all proceedings. The Citation will be deemed a final order 30 days after the date of issuance unless appealed.

If you request a formal administrative hearing your request will be referred to the Office of the Attorney General and a Deputy Attorney General will be assigned to the case. You will then be scheduled for a hearing, which may take up to six months to one year depending on the hearing calendar. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The Board may, by majority vote, adopt, reduce, or revise the administrative law judge's proposed decision.

If you request an informal conference, a conference will be held in Sacramento, California to review the acts charged in the Citation. The informal conference is a more expeditious process and will be scheduled within 60 days from receipt of your request. At the conclusion of the conference, the executive officer may affirm, modify or dismiss the Citation, including any fine levied or order of abatement. A copy of the executive officer's findings and decision will be sent to you. Unless an administrative hearing was requested in a timely manner, an informal conference decision, which affirms the Citation, will be final.

Enclosed are the forms for your use to request an informal conference and/or a formal administrative hearing. If you do not return the enclosed form(s) within the times specified above you waive your right to contest this Citation. If you do not appeal the Citation or pay the fine within the specified time, the Citation shall be deemed a final order of the Board and shall not be subject to further administrative review. The Board will promptly take appropriate action to enforce the Citation and recover the civil penalties prescribed thereon or found to be due after a conference or hearing.

If you have any questions or need further clarification, please contact Enforcement Analyst Peter Merdinger at (916) 575-7211.

Sincerely,

Douglas R McCauley

DOUGLAS R. McCAULEY
Executive Officer

Enclosures

BEFORE THE CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Citation Against: GAETANO DAN SALVO 3503 S. Kerckhoff Avenue San Pedro, CA 90731 Respondent.	)	No. 10-20 CAB Case # 10-03-57A

Complainant alleges:

PARTIES

1. Douglas R. McCauley ("Complainant") brings this Citation solely in his official capacity as the Executive Officer of the California Architects Board ("Board"), Department of Consumer Affairs.

2. On or about April 29, 1980, architect license number C-11030 was issued to Gaetano Dan Salvo ("Respondent"). This license expired on October 31, 1993, and is not renewable.

STATUTORY PROVISIONS

3. Section 152 of Title 16, California Code of Regulations authorizes the executive officer of the Board to issue citations containing orders of abatement and/or administrative fines pursuant to Business and Professions Code section 148 against an unlicensed person, partnership, corporation or association who is engaging in or has engaged in activities for which a license is required by the Architects Practice Act.

4. Section 5500.1(a) of the Business and Professions Code defines the practice of architecture as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.

5. Section 5500.1(b) of the Business and Professions Code states that an architect's professional services may include any or all of the following: (1) investigation, evaluation, consultation, and advice; (2) planning, schematic and preliminary studies, designs, working drawings, and specifications; (3) coordination of the work of technical and special consultants; (4) compliance with generally applicable codes and regulations, and assistance in the governmental review process; (5) technical assistance in the preparation of bid documents and agreements between clients and contractors; (6) contract administration; and/or (7) construction observation.

6. Section 5536(a) of the Business and Professions Code prohibits any person unless licensed in this state under the Architects Practice Act, from practicing architecture, using any term confusingly similar to the word architect, or advertising or disseminating any sign, card or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.

CAUSE FOR CITATION

On or about June 8, 2010, an Internet search revealed that Respondent is listed under the "Architect" heading on the Web sites: theusaexplorer.com, architectnearyou.com, powerprofiles.com, cylex-usa.com and allbusiness.com.

Respondent's listings under the "Architects" heading on the Internet, are devices that indicate to the public that Respondent is an architect or qualified to engage in the practice of architecture. Such conduct constitutes violations of Business and Professions Code section 5536(a).

ELEMENT OF AGGRAVATION

Regarding a previous complaint case against Respondent, on July 20, 2006, Respondent was sent a letter advising him that as an unlicensed individual, he was prohibited from advertising or putting out any card, sign, or other device which might indicate to the public he is an architect, pursuant to Business and Professions Code section 5536(a).

Determination of Issues
Cause of Action

A violation exists pursuant to Business and Professions Code section 5536(a). A cause of action thereby exists.

Penalty

In compliance with Business and Professions Code section 148 and Title 16, California Code of Regulations section 152, it is determined that:

Respondent be cited for a Class "A" violation in the amount of $2,000 for the Cause for Citation, based upon a determination that the above described facts constitute a violation of Business and Professions Code section 5536(a).

Order of Abatement

The Board hereby orders Respondent to cease and desist from violating Business and Professions Code section 5536(a).

Douglas R. McCauley

DOUGLAS R. McCAULEY
Executive Officer

June 21, 2010
DATE

Agenda Item L

UPDATE ON THE JULY 28, 2011, COMMUNICATIONS COMMITTEE MEETING

The Communications Committee met via telephone conference on July 28, 2011. The meeting notice is attached and Committee Chair, Iris Cochlan, will provide an update of the meeting.

Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF MEETING

COMMUNICATIONS COMMITTEE
July 28, 2011
10:00 a.m. to 1:00 p.m.
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 574-7220

The California Architects Board (CAB) will hold a Communications Committee meeting via teleconference, as noted above, and at the following locations:

Richard Conrad
Division of State Architect
1102 "Q" Street, Suite 5100
Sacramento, CA 95811
(916) 324-7180

Jamie Knollmiller
Irwin Partners Architects
245 Fischer Ave., Suite B-2
Costa Mesa, CA 92626
(714) 557-2448

Ronald Ronconi
CAS Architects, Inc.
1023 Shoreline Blvd.
Mountain View, CA 94043
(650) 967-6600

The agenda items may not be addressed in the order noted below. The meeting is open to the public and is accessible to the impaired. A person who needs an impairment-related accommodation or modification in order to participate in the meeting may make a request by contacting Coleen Galvan at (916) 575-7205, emailing coleen.galvan@dca.ca.gov, or sending a written request to the address below. Please provide your request at least five business days before the meeting to help ensure availability of the requested accommodation.

AGENDA

A. Review and Approve the March 2, 2011, Communications Committee Summary Report

B. Review and Approve Potential Articles for the Winter 2011 and Spring 2012 Issues of *California Architects*

C. Discuss and Possible Action on the 2011 Strategic Plan Objective to Formulate a Communications Strategy for Informing Consumers via Chambers of Commerce about the Value of a License and the Importance of a Contract

2420 Del Paso Road,
Suite 105
Sacramento,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

D. Discuss and Possible Action on the 2011 Strategic Plan Objective to Formulate a Communications Strategy Informing Deans, Professors and Students of Universities and Community Colleges about the Value of a License

The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website at www.cab.ca.gov. Any other requests relating to the Committee meeting should be directed to Ms. Galvan at (916) 575-7205.

Agenda Item M

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on July 19, 2011 LATC Meeting

2. Review and Approve LATC Draft 2011 Strategic Plan

Agenda Item M.1

UPDATE ON JULY 19, 2011 LATC MEETING

The Landscape Architects Technical Committee met on July 19, 2011 in Sacramento. Attached is the notice of the meeting. Program Manager Trish Rodriguez will provide an update on the meeting.

NOTICE OF MEETING

Landscape Architects Technical Committee
July 19, 2011
2420 Del Paso Road
Sequoia Room
Sacramento, CA 95834
(916) 575-7230
9:30 a.m. – 5:00 p.m.

The Landscape Architects Technical Committee (LATC) will hold a meeting open to the public as noted above. The agenda items may not be addressed in the order noted. All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 575-7230 or access the LATC's Web Site at *www.latc.ca.gov*.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting MaryAnn Mayo at (916) 575-7230, emailing latc@dca.ca.gov, or sending a written request to LATC, 2420 Del Paso Road, Suite 105, Sacramento, California, 95834. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

A. Call to Order – Roll Call – Establishment of a Quorum
Chair's Remarks
Public Comment Session

B. Approve January 26-27, 2011 LATC Summary Report

C. BreEZe Presentation

D. Review and Approve Fiscal Year 2011-12 Strategic Plan

E. Program Manager's Report

F. Update on Sunset Review Report - Senate Bill 543

G. Report on Council of Landscape Architectural Registration Boards (CLARB)
1. Review of CLARB Annual Meeting Agenda, Policies, and Procedures
2. Review, Approve, and Ratify CLARB Nominating Committee Members selection by Election Subcommittee
3. Review and Approve Recommended Positions on Resolutions and Candidates Ballot

H. Election of LATC Officers

I. Review Tentative Schedule and Confirm Future LATC Meeting Dates

Adjourn

Please contact Maryann Moya at (916) 575-7230 for additional information related to the meeting. Notices and agendas for LATC meetings can be found at *www.latc.ca.gov*.

Agenda Item M.2

REVIEW AND APPROVE DRAFT LATC 2011-12 STRATEGIC PLAN

On January 26-27, 2011, the LATC participated in a strategic planning session to update its Strategic Plan for 2011-12. Daniel Iacofano from Moore Iacofano Goltsman, Inc. facilitated the session. The LATC reviewed and updated the plan, in particular the action plan goals encompassing its major areas of regulation and enforcement, professional qualifications, public and professional awareness, organizational relationships, and organizational effectiveness. Changes made to the plan were reviewed and approved by the LATC at its July 19, 2011 meeting.

The Board is asked to review and approve the attached draft LATC 2011-12 Strategic Plan. The attachment shows the changes made to the prior fiscal year plan with ~~strikeouts~~ and underlines. Once the plan is approved by the Board, the Goal Objectives will be rearranged in Target Date order prior to publication and distribution.

Attachment:
Draft LATC 2011-12 Strategic Plan

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

S T R A T E G I C P L A N

July 1, 201~~0~~1 through June 30, 201~~1~~2

T A B L E O F C O N T E N T S

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Strategic Planning Process 2

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INTRODUCTION

Effective January 1, 1998, the California Architects Board (Board) assumed responsibility for regulating the practice of landscape architecture in this State. Under the enabling legislation (AB 1546 – Chapter 475, Statutes of 1997), the California Legislature created the Landscape Architects Technical Committee (LATC), a technical advisory committee, which consists of five professional members. The LATC performs duties and functions delegated to it by the Board.

The LATC assists the Board with examination of candidates for licensure and, after investigation, evaluates and makes recommendations regarding potential violations of the Landscape Architects Practice Act. It is also charged with the duty of investigating, assisting, and making recommendations to the Board regarding regulation of landscape architects in California.

The laws and regulations addressing the practice of landscape architecture benefit two primary categories of people.

First, regulation protects the public at large. The primary focus of a landscape architect is to create ways in which people can safely interact with their environment. The practice of landscape architecture means planning and designing the use, allocation, and arrangement of land and water resources through the creative application of biological, physical, mathematical, and social processes to safeguard the public. Landscape architectural services include:

- Investigation, selection, and allocation of land and water resources for appropriate uses
- Feasibility studies, formulation of graphic and written criteria to govern the planning and design of land construction programs
- Preparation, review, and analysis of master plans for land use and development
- Production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details
- Specifications
- Cost estimates and reports for land development
- Collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed
- Negotiation and arrangement for execution of land area projects
- Field observation and inspection of land area construction, restoration, and maintenance

Second, regulation protects consumers of services rendered by landscape architects. The LATC helps consumers directly by providing information on selection and hiring of landscape architects and by establishing regulations and enforcement/complaint handling procedures that protect consumers from incompetent and dishonest practitioners.

As marketplace conditions change, it is the role of the LATC to monitor and respond to those changes that impact the health, safety, and welfare of the public.

STRATEGIC PLANNING PROCESS

Before the LATC's establishment, an interim Landscape Architects Advisory Council initiated the first strategic planning sessions in October and November 1997. This Council defined the mission and vision statements, identified three key strategic issues, and began identifying specific goals to further its mission.

Legislative authority that formed the LATC became effective January 1, 1998. The LATC held its first meeting on April 16, 1998. At this strategic planning session, the LATC evaluated, refined and formally adopted its mission, vision, key issues and prioritized its goals.

The LATC annually reviews and updates the Strategic Plan in response to changing conditions, needs, and priorities. At each session, the LATC reviews its progress on objectives over the previous year, updates the environmental scan in response to changing economic and technological climates, reviews its mission and vision statements, and strategizes to meet the challenges of the upcoming year.

This document reflects the latest update.

Strategic planning for the LATC is ongoing. Once the Board approves the main elements of the plan, the LATC develops specific action plans for each goal and objective, and continually monitors its performance in achieving them.

LATC EXTERNAL ENVIRONMENT

In developing its Strategic Plan, the LATC examines the external factors that impact the field of landscape architecture and the LATC's mission. This year's external environment is significantly impacted by the current economic downturn. Eight major factors have been identified based on perceptions and observations of LATC members and practitioners:

CHANGES IN LANDSCAPE ARCHITECTURE PRACTICE

- Licensing has leveled out
- Increasing emphasis on security, crime prevention, and anti-terrorism in public space design
- Decreasing average firm size and considerable increase in number of smaller firms
- Due to an economic downturn, a change from a shortage of candidates to a more competitive marketplace with decrease in number of jobs for landscape architects
- Lower retirement rate in practice due to economic recession
- Increasing liability, risk and exposure due to lawsuits; forensic landscape architecture is on the rise (further highlighting the landscape architect's role in ensuring public health, safety, and welfare)
- Greater need for writing, communication, business, and critical reasoning skills
- Increasing reliance on environmental and biological science as a basis for landscape architectural design
- Need to understand the differing impacts of science, technology, nature and sustainability on landscape architectural practice.
- Widening scope of practice and responsibilities; growing demand for landscape architects; increasing functional specialization; greater need for landscape architects with working knowledge of key technical areas, especially ADA, etc.
- Widening body of knowledge required to practice landscape architecture
- Increasing public and professional demand for specialty certification
- Proliferation of unlicensed practice, potentially due to the economic downturn
- Increasing complexity of building codes and standards affecting the practice of landscape architecture
- Need for greater cooperation and communication between landscape architecture practitioners and academics
- Rapidly increasing emphasis on "green" and low-impact design due to diminished natural resources, use of sustainable design and development techniques
- Increasing costs of doing business
- Continuing effects of drought and water conservation-related legislation on practice
- Increasing level of landscape architect involvement earlier in the planning process
- Increase in design-build orientation, with a corresponding increase in firms adding design to their services
- Increasing level of competition among landscape architects for limited work opportunities due to the depressed economy
- Continuing lack of clarity about the landscape architect's responsible control over construction documents due to changes in the project delivery process and use of technology
- Rise in the number of sole practitioners as well as a rise in unlicensed activity

- Rise in demand for green design as it relates to infrastructure and storm water management
- Interest in establishing a national certification process that would allow landscape architects more job flexibility
- Critical issues emerging related to public health, safety, and welfare that landscape architecture can address including water conservation, fire hazard mitigation, coastal development, infill development, and need for healthy communities
- Opportunities for landscape architecture to become involved in public initiatives to develop sustainable urban food systems that promote community health and wellness

CHANGES IN LANDSCAPE ARCHITECTURE ACADEMIC PREPARATION

- A number of graduates with landscape architecture degrees elect not to pursue licensure
- Increasing emphasis on information selectivity and critical thinking skills in landscape architecture education
- Schools are not keeping pace with the rapidly expanding growth of the profession~~. The~~ and the supply of qualified faculty is limited
- Decreasing numbers of undergraduate landscape architecture students and increasing numbers of graduate-level students
- Fewer slots available to prospective landscape architecture students and fewer graduates
- Increasing cost of education
- Institutional enrollment caps in landscape architecture programs limit the number of graduates available to meet the growth demands of the profession
- Academic career demands have limited the number of licensed faculty teaching in landscape architecture programs
- Need for landscape architects and accredited schools to demonstrate competencies in ecological sciences and processes

PROFESSIONAL COLLABORATION

- Increasing involvement as primary members of professional architecture and engineering consultant teams
- Increasing collaboration of landscape architecture, planning, design, and engineering professionals
- More “collateral” work, like grading, is being contracted out due to liability concerns
- More collaboration in design-build contracts and increasing numbers of such contracts

PUBLIC/CLIENT RELATIONS

- Greater public awareness of what landscape architects do
- Greater expectations for landscape architects to contribute to the public good, meet environmental quality goals, and garner community support
- Increasing client expectations for cost control, timely project delivery, agency processing, etc.
- Increasing expectations of consumers regarding quality of life issues in their communities
- Increasing public interest in park expansion and development
- Increasing recognition of the aesthetic value of landscape architecture and how it affects property values and sales

PROFESSIONAL DEVELOPMENT

- Greater emphasis on professional development and continued competency due to more stringent technical requirements, incorporation of scientific knowledge, and new laws and mandates
- Growing number of landscape architects taking on more "environmental" responsibilities such as sustainable design, site hydrology, and environmental technologies; landscape architects in leadership or "prime roles" for these issues
- Segmentation of landscape architecture production, which impacts the integrity and quality of services delivered
- Rising cost of education, candidate examination fees, and licensure
- Technological advances make it difficult to keep up with professional development
- Rise in landscape architects seeking employment abroad in light of economic downturn

INFORMATION TECHNOLOGY

- Continuing/expanding use of technology (e.g., CAD, GIS, Building Information Modeling (BIM), electronic plan checking, smart permits, etc.) including electronic plans
- Increasing use of "do-it-yourself" software, media, and web-based programs
- Increasing use of outsourcing, leading to practice without presence
- Greater use of technically-oriented individuals (especially for CAD and GIS) who may or may not be landscape architects
- Less distinction in the lines of responsibility due to remote supervision of design production and non-licensed individuals working in technical capacities
- Greater reliance on computer-aided design and drafting, increasing the difficulties and complexities of design production and supervision and leading to a false sense of confidence regarding quality of technical drawings (e.g., BIM)
- There are inherent limits to e-drawings. Among other concerns, they may result in a loss of attention to detail, creating potentially unsafe project conditions--E-boards have amplified copying, which then creates safety issues
- Proliferation of certifications that do not address health, safety, and welfare concerns and distract candidates who would otherwise seek licensure
- Recognition that interactive and real-time technology tools will be used and relied on for all steps of the design process
- Recognition that interactive and real-time technology will be an increasingly important element in design of new parks, streets, urban plazas, open space, trail systems, wayfinding systems, etc.

GOVERNMENT

- Continuing state budget crisis, resulting in impacts to purchasing, staffing, and travel
- Greater number of government services being offered via the Internet ("e-government")
- Increasing level of sophistication and expectations from local city councils and planning commissions concerning project life-cycle costs (especially maintenance and operations)
- Increased competition for jobs now that Request for Proposals are on-line
- The federal government's Public Service Initiative may affect profession
- Out-sourcing of plan checking by local and city agencies
- Persistent economic uncertainty has led to deep government cut backs, which results in reduced staff resources, restricted out-of-state travel for government agencies, and pressure to increase licensure

CULTURE AND LIFESTYLE

- Growth pressure throughout California places more emphasis on issues, such as urban/agriculture interface, water issues, toxins, transportation, and transit-oriented development
- Continuing water cost, supply, and quality issues and a growing focus on related fiscal impacts, without a corresponding increase in attention to public health, safety, and welfare
- Transfer of wealth to baby boom generation (who have high lifestyle expectations and are seeking sense of place) and to Generation X
- Growing regionalization within California, resulting in local areas wanting to create individual community identities
- Decrease in volunteerism among new generation
- Growing public knowledge and interest around the value of green space, livability, sustainable lifestyles, and natural processes

LATC SPECIFIC

- Sunset Review focused the LATC's resources on its ability to demonstrate competency, efficiency and necessity for review by the Legislature

STRATEGIC ISSUES

While discussing the external environment, a number of strategic issues were identified by the LATC in the areas of education, examinations, professional qualifications, enforcement and safety, public and professional awareness, and organizational effectiveness. The LATC recognizes that these broader issues are interrelated and require focused attention.

EDUCATION

- Promoting continuing education for landscape architects
- Supporting accreditation of approved extension certificate programs
- Participating in the process of educating students so that they are properly prepared to practice safely upon licensure

EXAMINATIONS AND LICENSURE

- Evolving nature of the Landscape Architect Registration Examination (LARE) with respect to national and state requirements, expense, eligibility, and pass rates
- Ensuring that the examination stays current with a rapidly changing field
- Ensuring access to the profession while protecting consumers

PROFESSIONAL QUALIFICATIONS

- Understanding how the expanding scope of practice of landscape architects impacts education and regulation
- Articulating the requirements of contemporary landscape architecture practice in California
- Encouraging adequate candidate preparation for licensure
- Staying current with knowledge requirements, which are changing more rapidly than in the past

ENFORCEMENT AND SAFETY

- Enforcing rules and regulations
- Tracking consumer complaints and conducting complaint analysis
- Defining responsible control for landscape architects
- Enforcing laws against unlicensed practice, including lapsed licenses, and identifying the impact of unlicensed activity on public health, safety, and welfare
- Developing standard practices for cases involving contractors

PUBLIC AND PROFESSIONAL AWARENESS

- Developing a plan to expand outreach to consumers, students, practitioners, and other key constituents regarding laws and regulations affecting the practice of landscape architecture
- Enhancing professional relationships as they relate to regulatory issues [i.e., American Society of Landscape Architects (ASLA) and the Council of Landscape Architectural Registration Boards (CLARB)]
- Strengthening relationships with allied professionals, such as architects, engineers, and Building Officials, to ensure adequacy of LATC regulations and enforcement procedures
- Maintaining communication with licensees regarding current regulations and LATC matters

ORGANIZATIONAL EFFECTIVENESS

- Maintaining LATC appointments and adequate staffing
- Use of volunteers and staffing for committees
- Strengthen relationships with Department of Consumer Affairs (DCA) and the California Architects Board

MISSION

The mission of the LATC is to regulate the practice of landscape architecture in a manner which protects the public health, safety, and welfare and safeguards the environment by:

- Protecting consumers and users of landscape architectural services
- Empowering consumers by providing information and educational materials to help them make informed decisions
- Informing the public and other entities about the profession and standards of practice
- Ensuring that those entering the practice meet standards of competency by way of education, experience, and examination
- Establishing and enforcing the laws, regulations, codes, and standards governing the practice of landscape architecture
- Requiring that any person practicing or offering landscape architectural services be licensed

VISION

As a model organization for consumer protection, the LATC safeguards the public, protects and enhances the environment, and ensures quality landscape architectural services.

VALUES

The LATC will strive for the highest possible quality throughout all of its programs, making it an effective and efficient landscape architectural regulatory body.

To that end, the LATC will:

- Be **participatory**, through continuing involvement with CLARB and other organizations
- Be **professional**, by treating all persons who interact with the LATC as valued customers
- Be **prevention oriented**, by providing information and education to consumers, candidates, clients, licensees, and others
- Be **proactive**, by continuously scanning the field of landscape architecture for changes in practice and legislation that may affect consumers, candidates, clients, and licensees
- Be **progressive**, by utilizing the most advanced and effective means for providing services

GOALS

The LATC has established five goals as a framework for organizing the Strategic Plan.

REGULATION AND ENFORCEMENT

Protect consumers through effective regulation and enforcement of laws, codes, and standards affecting the practice of landscape architecture.

PROFESSIONAL QUALIFICATIONS

Ensure that landscape architects are qualified to practice by setting and maintaining equitable requirements for education, experience, and examinations.

PUBLIC AND PROFESSIONAL AWARENESS

Increase public and professional awareness of LATC's mission, program, and services.

ORGANIZATIONAL RELATIONSHIPS

Strengthen effectiveness of relationships with related organizations in order to further LATC mission, goals, and services.

ORGANIZATIONAL EFFECTIVENESS

Provide accessible and responsive quality service to consumers and licensees.

CONSTITUENCIES AND NEEDS

The primary constituency groups of LATC include the following:

Constituency	Needs
Public (consumers/clients, users, general public)	Competent professionals Assurance of recourse Stewardship/environmental protection/safety Information on contracting with landscape architects
Licensees	Fair enforcement Regulation of practice High standards of competency and equitable licensing
Students	Information Coordinating with schools to communicate licensure and practice requirements
Candidates	Fair examinations Timely response to requests Quality, accurate, and relevant information
Public Agencies (e.g., Building, Planning, Parks and Recreation, and Public Works departments)	Maintaining standards, regulation, and information Information on practice standards for landscape architects
Policy making bodies (e.g., conservancies, city councils, planning commissions, Boards and supervisors, public utilities, and Water Boards)	Maintaining standards, regulation, and information Information on practice standards for landscape architects
Employers	Carry out and promote the Practice Act Communicate the benefits of licensure to employees Provide training opportunities to interns
Architects Engineers Landscape Contractors Geologists Landscape Designers	Collaboration on joint efforts Clarity of responsibility
Legislators	Consumer protection Clear definition of standards
CLARB	Information and participation

DCA	Support and information
American Society of Landscape Architects (ASLA), ~~and the~~ California Council of the American Society of Landscape Architects (CCASLA), California Landscape Contractors Association (CLCA), and the Association of Professional Landscape Designers (APLD)	Regulation of profession and information
Educators	Information on licensure requirements and practice standards

ACTION PLAN

The Action Plan is a dynamic framework for the many activities that the LATC performs in promoting and meeting its goals. The goals and objectives are assigned to committees, subcommittees, task forces, staff, or individuals, as appropriate, who create more detailed action plans in order to meet the goals and objectives set by the LATC.

Regulation and Enforcement ..... ~~13~~14

Professional Qualifications ..... ~~14~~15

Public and Professional Awareness 16

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Organizational Effectiveness 18

REGULATION AND ENFORCEMENT

GOAL: Protect consumers through effective regulation and enforcement of laws, codes, and standards affecting the practice of landscape architecture.

Ongoing Responsibilities

- Address consumer complaints in a timely and effective manner.
- Analyze pattern of consumer complaint data to keep track of major issues.
- Maintain communication with licensees regarding the obligations and requirements of licensure.
- Implement regulatory changes, as needed, to keep Practice Act up to date.
- Maintain currency of Frequently Asked Questions on LATC Web site.
- Maintain currency of enforcement actions on LATC Web site.
- Review and update the Landscape Architects Practice Act and Regulations to keep pace with changes in practice.
- Monitor unlicensed activity with respect to Business and Professions Code (BPC) section 5641 – Exceptions and Exemptions amendment to Practice Act (report on results and determine appropriate action, if necessary.)
- Monitor enforcement activity, level of enforcement actions, and expenditures. Document results and determine appropriate course of action. Monitor level of enforcement efforts and expenditures as a proportion of the LATC's total work effort. Propose changes, if necessary, based upon an annual review of data.
- Perform an annual assessment of consumer complaint resolution satisfaction survey.
- Monitor new DCA enforcement improvement initiatives, report to LATC and determine the appropriate course of action.

Objectives	Target Date
~~1.Monitor enforcement activity, level of enforcement actions and expenditures. Document results and determine appropriate course of action. Monitor level of enforcement efforts and expenditures as a proportion of the LATC's total work effort. Propose changes, if necessary, based upon an annual review of data. (Sunset Review Issue #6).~~	~~October 2010~~
~~2. Convene a task force to better define and clarify exempt practices under BPC section 5641.~~	~~July 2011~~
~~3~~1. Develop and implement Complaint Disclosure Procedures.	~~July 2010~~October 2011
~~4. Perform analysis of consumer complaint resolution satisfaction survey.~~	~~July 2010~~
~~5~~2. Update procedures for enforcement case review.	~~July 2010~~January 2012
~~6. Prepare a statement clarifying landscape architects' authority to stamp drawings and ensuring the acceptability of this by local jurisdictions.~~	~~July 2011~~

~~7. Monitor new DCA enforcement improvement initiatives, report to LATC and determine the appropriate course of action.~~	~~July 2010~~
3. Inform licensees of their rights and responsibilities associated with their stamping authority and communicate the landscape architect's stamping authority to permitting and approval authorities.	January 2012

PROFESSIONAL QUALIFICATIONS

GOAL: Ensure that landscape architects are qualified to practice by setting and maintaining equitable requirements for education, experience, and examinations.

Ongoing Responsibilities

- Ensure access to the profession by providing a fair and equitable licensure process
- Ensure that examinations are kept current and meet all legal requirements
- Inform licensees on specific practice issues in California
- Review and monitor LATC's role in landscape architectural education
- Coordinate with CLARB to ensure timely, effective, and fair examination administration
- Track, review, and analyze sufficient pass rate data to determine if changes in examinations and/or eligibility are needed

Objectives	Target Date
~~1.Track, review, and analyze sufficient pass rate data to determine if changes in examinations and/or eligibility are needed (Sunset Review Issue #5).~~	~~July 2011~~
~~2. Procure contract for updating the CSE on a regular basis.~~	~~July 2010~~
~~3~~1. Update the California Supplemental Examination (CSE).	September ~~July~~ 2011
~~4~~2. Update the California Code of Regulations (CCR) section 2620.5 in accordance with new Landscape Architectural Accreditation Board (LAAB) accreditation criteria.	January 2012
~~5. Adopt LAAB education criteria for use in extension program approval process.~~	~~January 2012~~
~~6~~3. Modify examination eligibility requirements under CCR sections 2615 and 2620, if necessary.	January ~~2011~~2012
~~7~~4. Incorporate CLARB's determinants of a success~~ful project~~ into California's experience requirements.	January 2012
~~8~~5. Conduct new occupational analysis and evaluate alternative ways (including the CSSE) to ensure competency	November 2012
~~9~~6. Review CLARB's graphically-oriented public relations materials outlining a) steps to obtain licensure, geared towards candidates; and b) different ways candidates can gain the experience required to obtain licensure, geared towards employers, and adapt to be California-specific.	June 2012

7. Appoint and convene a task force to address Landscape Architecture/APLD/Residential Designer issues, including BPC section 5641.	October 2011

PUBLIC AND PROFESSIONAL AWARENESS

GOAL: Increase public and professional awareness of LATC's mission, activities, and services.

Ongoing Responsibilities

- Maintain effective communication with LATC constituencies
- Participate in consumer, public, and professional awareness events
- Continue to review and update the LATC Communications Plan and emphasize consumer and professional awareness
- Update written materials and LATC's Web site, as needed
- Maintain a presence and an ongoing dialog at schools of landscape architecture to inform students and faculty about licensing requirements

Objectives	Target Date
1. Complete updates to consumer guides.	~~June 2010~~December 2011
2. Enhance use of e-mail and social media to distribute relevant information to licensees, candidates, and consumers.	January 2012
3. Initiate outreach to community colleges with landscape design programs.	January 2012

ORGANIZATIONAL RELATIONSHIPS

GOAL: Strengthen effectiveness of relationships with related organizations in order to further LATC mission, goals and services.

Ongoing Responsibilities

- Maintain working relationships with the Board and DCA
- Work with CLARB, LAAB, and Council of Educators in Landscape Architecture (CELA) to influence the national examination and to ensure that California-specific issues are addressed
- Exchange information with organizations that will assist the LATC in the regulatory process, such as ASLA, CCASLA, AIACC, building officials, California Building Officials, and engineers
- Maximize LATC and California involvement in CLARB by pursuing leadership opportunities
- Conduct ongoing communication with CLARB regarding important policy issues and procedures

Objectives	Target Date
~~1.Maintain a physical presence at CLARB meetings during 2010~~	~~January 2011~~
1. Recommend that CLARB modify its by-laws to facilitate member participation in light of travel bans.	October 2011
2. Participate on CLARB committees.	January 2012
3. Encourage national organizations to meet in California.	January 2012
4. Encourage national organizations to utilize web technology and other communication tools.	January 2012

ORGANIZATIONAL EFFECTIVENESS

GOAL: Provide accessible and responsive quality service to consumers and licensees.

Ongoing Responsibilities

- Improve service to all constituencies through timely, cost-effective, and efficient operations
- Encourage licensee participation in the LATC
- Update LATC Administrative Procedures Manual on a regular basis
- Monitor legislation that impacts landscape architectural practice as it relates to the public health, safety, and welfare
- Monitor State budget conditions and maintain clear budget priorities
- Utilize former LATC members on LATC committees and task forces to maintain organizational memory and continuity
- Monitor changes in CLARB examination fees

Objectives	Target Date
~~1.Appoint a sunset review task force, develop work plan and initiative report development process.~~	~~April 2010~~
~~2. Request that ASLA recommends an evaluation appointment proposal to DCA.~~	~~January 2011~~
1. Conclude the work of the Education Subcommittee.	September 2011
2. Utilize Sunset Review task force to assist with Sunset Review hearing process.	December 2011
3. Evaluate LATC revenue structure and assess need for adjustments.	January 2012
4. Work with DCA staff to implement the BreEZe system for LATC.	September 2013

APPENDIX A

COMMUNICATIONS PLAN

To support its strategic planning goals and objectives, the LATC conducts information and outreach activities. This plan presents key messages, existing communication channels, and preliminary strategies for improving external communications.

GOALS

The LATC Communications Plan seeks to achieve the following:

- Protect consumers and the public by providing education regarding the LATC's role
- Provide information to licensees regarding standards of practice and their legal and regulatory responsibilities
- Disseminate factual information in a timely manner
- Seek feedback to improve and measure overall operations
- Enhance consumer understanding of the landscape architecture profession
- Maintain consistent and quality outreach services
- Evaluate the success and effectiveness of the Communications Plan

CONSTITUENTS

The LATC provides information to eight main constituents:

- Public (consumers/clients, users, general public)
- Licensees
- Candidates and Pre-Candidates
- Practitioners
- Public Agencies
- Schools (educators and students)
- Professional Organizations
- Firms and Employers

MESSAGES AND KEY INFORMATION

The LATC Communications Plan will provide the following messages and key information to the eight main constituents:

PUBLIC (CONSUMERS/CLIENTS, USERS, GENERAL PUBLIC)

The public needs information regarding the role of the LATC, the practice and regulation of landscape architecture, compliance with laws, how and when to hire a landscape architect, and the role that licensure plays in ensuring quality professional service. The public also needs information explaining that LATC offers recourse in the event of disputes.

LICENSEES

Licensed professionals require up-to-date information to ensure compliance with the Landscape Architects Practice Act and other current laws. Important information includes:

- Enforcement procedures
- Updates and changes to laws and regulations
- Information that affects the public's health, safety, and welfare

CANDIDATES AND PRE-CANDIDATES

Candidates for examination need accurate and timely information regarding eligibility, costs, and the examination process. In addition, candidates need information in order to clearly differentiate between the LATC's and CLARB's roles, and to understand the value of a license.

PRACTIONERS

Practitioners need information on the steps involved in obtaining a license.

PUBLIC AGENCIES

Public agencies need information regarding the role of the LATC, the practice and regulation of landscape architecture, the laws under the Practice Act, and the LATC's enforcement methods.

SCHOOLS (EDUCATORS AND STUDENTS)

Schools with landscape architectural programs and their faculty need to have current practice, licensure, and candidate information. They also need to understand the steps involved in obtaining a license to practice landscape architecture.

PROFESSIONAL ORGANIZATIONS

Professional organizations, including CLARB, ASLA, LAAB, and CELA, and other state boards, need to be kept informed of changes to the Practice Act and LATC activities which may impact their organizations and members. These organizations and the LATC need opportunities to exchange information.

FIRMS AND EMPLOYERS

Employers are responsible for complying with the Practice Act and communicating the benefits of licensure, as well as providing training opportunities to interns for them to gain practical experience.

ACTIONS

The LATC recommends the following actions:

Public (consumers/clients, users, general public)

- Publish article(s) that clarify the practice of landscape architecture and the role of the LATC
- Review letter to television production company(ies) and distribute, if necessary
- Develop scope of practice table / "graphic" and post on LATC Web site
- Provide additional consumer information on the LATC Web site

Licensees

- Communicate with licensees regarding awareness of current health and safety-related codes and regulations

Candidates and Pre-Candidates

- Update, develop, and distribute candidate material
- Prepare "guidelines" for meeting examination experience requirements

Firms and Employers

- Communicate to encourage employees to obtain licensure
- Develop and provide guidelines for successful internship
- Disseminate information to promote accurate and current landscape architecture laws

Public Agencies

- Review Consumer Guides for currency and distribute
- Develop and distribute scope of practice table / "graphic" and other materials that clarify the practice of landscape architecture and the role of the LATC

Schools (educators and students)

- Review CLARB presentation materials for currency and incorporate information specific to California into LATC outreach materials
- Contact program directors regarding LATC presentations during professional practice courses
- Update PowerPoint presentation
- Prepare licensure letter for students approaching graduation

Professional Organizations

- Review CLARB presentation materials for currency and incorporate information into LATC outreach materials
- Contact CCASLA regarding collaboration to clarify the practice of landscape architecture for public agency officials
- Attend conferences and meetings to clarify the practice of landscape architecture and the role of the LATC
- Explore opportunities to participate in panels and workshops

COMMUNICATION TOOLS

The LATC will utilize the following communication tools to reach the target audiences identified above:

- Web Site Content*
- Newsletter/Technical Bulletin*
- Candidate Information Packet and PowerPoint*
- Practice Act, Rules and Regulations*
- Consumer Guides (residential, commercial, industrial)*
- Committee Participation
- Press Releases and Articles
- Joint Meetings
- Media/PowerPoint Presentations
- Licensure Posters (for practitioners, educators, students)
- Design Professions Chart
- CLARB Tools
- Speakers Bureau

* Highest priority communication tools for update.

Information available will be shared with the target audience and research conducted on what each group wants to see, what information will benefit them the most, and in what type of media they prefer to receive the information.

High Priority Target Audiences

Audience	Candidate Publication	Consumer Guides	Newsletter	Practice Act	Website		Message	Activity
Candidates, Pre-Candidates, and Students	X	X		X	X		Value and purpose of license	Partner with ASLA and send out LATC postcard
Schools (educators)	X		X	X	X		Steps to achieve a license	Convene focus group to determine what educators need to know about LATC and the best way to provide that information
Firms/Employers					X		Their role in supporting the licensing process by providing internships and practical experience	Partner with ASLA, sponsor seminars "The Practice Academy," send out information that summarizes topics on the examination
Public/Consumers		X			X		Purpose and role of LATC (that LATC protects consumers and ensures qualified landscape architects; offers recourse in the event of a dispute)	
Licensees		X	X	X	X		Current laws and regulations	
Practitioners/Mentors	X			X	X		Steps to achieve a license	
Public Agencies					X		LATC's current scope	Send out practice act with cover memo
Professional Organizations (CLARB, ASLA, etc.)		X	X	X	X		LATC's current scope, current laws and regulations	Maintain regular two-way conversation and information exchange with relevent organizations

APPENDIX B

LATC Staff Report Schedule				
Name of Report	**Purpose**	**Frequency**	**Date**	**Data Source**
Consumer Satisfaction Survey	To gauge satisfaction with LATC	Annual	November	Online consumer survey
Consumer Complaint ~~Resolution~~ Satisfaction Survey	To gauge satisfaction with LATC resolution process	Annual	November	Online c~~C~~omplaintant survey
Examination Pass Rate Data	To monitor LA candidate success	Quarterly	June, September, December, March	CLARB
Enforcement Report	To monitor enforcement ~~success rate~~ cases	Annual	October	TEALE reports
Candidate Eligibility and Success Report	To correlate ~~compare~~ candidate qualifications with examination success	Annual	November	Applicant Tracking System (ATS)
Strategic Plan Action Status Report	To monitor strategic plan objective~~s and~~ completion	Quarterly	April, July, October, January	LATC staff

Agenda Item N

SCHEDULE

September		
5	*Labor Day*	*Office Closed*
15	Board Meeting	Sacramento
15-17	Council of Landscape Architectural Registration Boards Annual Meeting	Chicago, IL
October		
7-9	The American Institute of Architects, California Council Monterey Design Conference	Pacific Grove
27	Landscape Architects Technical Committee Meeting	San Diego
30-11/2	American Society of Landscape Architects Annual Meeting & Expo	San Diego
November		
4-5	National Council of Architectural Registration Boards Member Board Executives (MBE) Workshop	Washington D.C.
11	*Veterans Day*	*Office Closed*
24-25	*Thanksgiving Holiday*	*Office Closed*
December		
7-8	Board Meeting/Strategic Planning Session	San Diego
26	*Christmas Holiday Observed*	*Office Closed*

Agenda Item O

ADJOURNMENT

Time: _____