# CALIFORNIA ARCHITECTS BOARD

June 14, 2012

Sacramento, CA

Edmund G. Brown Jr.
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

## NOTICE OF BOARD MEETING

**June 14, 2012**
**9:30 a.m. – 5:00 p.m.**
**The American Institute of Architects, Central Valley Chapter**
**1400 S Street, Suite 100, Sacramento, CA**
**(916) 444-3658**

The California Architects Board will hold a Board meeting, as noted above. The agenda items may not be addressed in the order noted below and the meeting will be adjourned upon completion of the agenda, which may be at a time earlier than that posted in this notice. 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 Annamarie Lyda at (916) 575-7202, emailing annamarie.lyda@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.

### Agenda

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

B. President's Remarks

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

D. Public Comment Session

E. Approve the March 7, 2012 Board Meeting Minutes

F. Executive Officer's Report
   1. Update to May 2012 Monthly Report
   2. Discuss and Possible Action on Legislation Regarding Senate Bill 975 (Wright), Assembly Bill (AB) 1822 (Berryhill), AB 2482 (Ma), and AB 2570 (Hill)

G. Review and Approve Committee Procedures

*(Continued on Reverse)*

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H. California Supplemental Examination (CSE)
   1. Review and Approve Intra-Agency Contract Agreement with the Office of Professional Examination Services for CSE Development
   2. Discuss and Possible Action on Board and National Council of Architectural Registration Boards (NCARB) Examination Security/Confidentiality Policies, Including Business and Professions Code (BPC) Section 123
   3. Report and Possible Action on CSE Cost Savings
   4. Update on the Release of CSE Results at Examination Sites

I. Professional Qualifications Committee (PQC) Report
   1. Update on May 16, 2012 PQC Meeting
   2. Update on the Discontinuance of the Comprehensive Intern Development Program
   3. Review and Approve Recommendation Regarding Allowable Credit Earned for Academic Internship Under Intern Development Program (IDP) 2.0
   4. Review and Approve Recommendation Regarding NCARB's Proposed Modification to IDP Related to Academic Internships
   5. Review and Approve Recommendation Regarding NCARB's Proposed Modification to IDP Related to Construction Work
   6. Review and Approve Recommendation Regarding a System to Audit Completion of Coursework on Disability Access Requirements Pursuant to AB 1746 (Chapter 240, Statutes of 2010)
   7. Review and Approve Recommendation Regarding Development of a Continuing Education Strategy and Framework Based on NCARB's Research and Data
   8. Review and Approve Recommendation Regarding Proposed Regulations to Amend California Code of Regulations (CCR), Title 16, Section 121, Form of Examinations; Reciprocity (As it Relates to Recognizing NCARB's Broadly Experienced Foreign Architect Program)
   9. Review and Approve Proposed Legislation to Amend BPC to Accept Individual Taxpayer Identification Numbers in Lieu of Social Security Numbers for Foreign-Licensed Professionals Pursuing Licensure in California
   10. Review and Approve Recommendation Regarding the Establishment of an NCARB "Broadly Experienced Intern" Pathway

J. Regulatory and Enforcement Committee (REC) Report
   1. Update on May 10, 2012 REC Meeting
   2. Review and Approve Recommendation Regarding Proposed Legislation to Amend BPC Section 5588.3 (As it Relates to Confidentiality Agreements)
   3. Review and Approve Recommendation Regarding Strategic Plan Objective to Initiate a Conversation with The American Institute of Architects, California Council to Explore the Feasibility of a Qualifications-Based Selection Enforcement Process
   4. Review and Possible Action on Strategic Plan Objective to Prepare Memorandum for Board's Review and Discussion Regarding Fingerprint Requirement for Licensees to Determine its Potential Application to the Board

K. NCARB Report
   1. Review of NCARB Annual Meeting Agenda, Policies, and Procedures
   2. Review and Approve Recommended Positions on Resolutions and Candidates

L. Landscape Architects Technical Committee (LATC) Report
   1. Update on May 4, 2012 LATC Meeting
   2. Review and Approve Draft LATC 2012-13 Strategic Plan
   3. Review and Adopt CCR, Title 16, Division 26, Sections 2615, Form of Examinations; and 2620, Education and Training Credits

M. Review of Schedule

N. Adjournment

*The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: www.cab.ca.gov. Any other requests relating to the Board meeting should be directed to Ms. Lyda at (916) 575-7202.*

## 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 Marilyn Lyon, or in her absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

## Agenda Item C

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

There are no items to be considered in closed session as of June 7, 2012.

## Agenda Item D

**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 her discretion.

## Agenda Item E

**APPROVE THE MARCH 7, 2012 BOARD MEETING MINUTES**

The Board is asked to approve the minutes of the March 7, 2012, Board meeting.

MINUTES

REGULAR MEETING

CALIFORNIA ARCHITECTS BOARD

March 7, 2012

Burbank, CA

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

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

Board Members Present
Marilyn Lyon, President
Sheran Voigt, Vice President
Jon Alan Baker
Iris Cochlan
Jeffrey Heller
Pasqual Gutierrez
Fermin Villegas
Hraztan Zeitlian (arrived at 9:50 a.m. and departed at 1:15 p.m.)

Board Members Absent
Michael Merino

Guests Present
Daniel Iacofano, Moore Iacofano Goltsman (MIG) Inc.
Greg Izor, Certified Access Specialist Institute (CASI)
Stephanie Landregan, Landscape Architects Technical Committee
Dave Wagner, California Council for Interior Design Certification

Staff Present
Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Justin Sotelo, Program Manager, Examination/Licensing Unit
Hattie Johnson, Enforcement Officer
Robert Carter, Architect Consultant
Don Chang, Legal Counsel, Department of Consumer Affairs

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

B. PRESIDENT'S REMARKS

Ms. Lyon thanked Pasqual Gutierrez for his service as President and presented him with a gift of appreciation for his dedication. She announced that agenda item J, Examination Security, would be discussed during the strategic planning session. She introduced Daniel Iacofano of MIG, who will facilitate the review and update of the Board's Strategic Plan. She also announced that Jeanine Centuori, Undergraduate Chair, Woodbury University, School of Architecture, would be providing a presentation at 11:30 a.m.

C. PUBLIC COMMENT SESSION

There was no public comment at this meeting.

D. APPROVE THE DECEMBER 7-8, 2011, BOARD MEETING MINUTES

- **Sheran Voigt moved to approve the December 7-8, 2011, Board Meeting Minutes.**

  **Iris Cochlan seconded the motion.**

  **The motion passed 7-0.**

E. EXECUTIVE OFFICER'S REPORT

Doug McCauley stated that the June Board meeting will be held in Sacramento. He also stated that the locations for the September and December meetings would respectively be California State Polytechnic University Pomona and the Bay Area.

Mr. McCauley reported that the Board's Consumer Tips postcard was available and had been distributed to California city and county building departments, and it was prominently displayed at the Board's booth at the recent California Building Officials (CALBO) Annual Business Meeting. He stated the postcard is meant to be a concise version of the Board's *Consumer's Guide to Hiring and Architect*. Ms. Lyon asked if additional copies of the postcard could be obtained for distribution and whether some could be sent to her. Mr. McCauley responded that several thousand copies were printed for distribution and a supply would be sent.

Mr. McCauley reported that development has commenced on the new forms of the California Supplemental Examination (CSE). He also reported that the National Council of Architectural Registration Boards' (NCARB) Practice Analysis survey is underway with information available on the respective websites of NCARB and the Board. He indicated that NCARB has a communications plan for reaching out to the various stakeholders and constituencies and encouraging participation in the survey. He further indicated the survey would inform and shape the Architect Registration Examination (ARE), the Intern Development Program (IDP) and drive the development of the National Architectural Accrediting Board (NAAB) accrediting criteria.

Mr. McCauley reported that he had attended the recent American Institute of Architects, California Council (AIACC) board meeting at which he had discussions with AIACC leadership about the Board's efforts to decommission the Comprehensive Intern Development Program (CIDP), the conversion of the CSE, and enhanced enforcement statistics. He also reported that the regulatory

package repealing CIDP has been submitted to the Office of Administrative Law and is awaiting their approval.

Mr. McCauley gave an overview of the Board's budget. He stated that included in the Board meeting packet were the budgetary reports prepared by the DCA Budget Office with input from Board staff that members had requested at the previous meeting. He further stated that there are still quite a number of restrictions with which the Board is contending. He stated that out-of-state travel, while not completely banned, is still not being approved by the control agencies without demonstrating a high level of criticality to the organizational mission. He also reported that there continue to be restrictions on in-state staff travel and purchasing. He further reported that, while there are no hiring restrictions currently in-place, the process has become more cumbersome and complicated due to layoffs at California Department of Corrections and Rehabilitation that require the hiring of those applicants on the State Restrictions on Appointment list over those within DCA. He stated this has limited the available candidate pool for vacant positions.

Mr. McCauley reported that the overall fiscal climate is presently such that the state is facing a $4 billion deficit at beginning of the 12/13 fiscal year. He stated the likely cause is due to lower than anticipated revenue. He also stated the 12/13 fiscal year budget is based in-part on tax increases that are on the ballot. He further stated that "trigger cuts" could take effect should those tax increases not come to fruition. He reported that the Board's fund condition is in a healthy state.

Jeffrey Heller asked what determines the downward trend in the Board's Fund Condition Report. Mr. McCauley explained that data in the report makes the assumption that all monies will be expended. He further explained that with the current restrictions in-place there is no possibility to expend all available monies. Ms. Lyon then asked what procedures exist to transfer funding between line items. Vickie Mayer explained that there are procedures available to transfer (redirect) funds between line items as needed provided there are funds available.

Hraztan Zeitlian asked whether examination costs have declined or increased since the conversion to the computer-delivered CSE format. Mr. McCauley explained that due to the elimination of expenses such as hotel rental, proctors, and CSE commissioners the examination costs have definitively declined. Mr. Zeitlian then asked if a report could be generated to indicate how much savings has been achieved. Mr. McCauley responded that such a report could be provided.

Mr. McCauley reported on Senate Bill (SB) 975, which is sponsored by the American Council of Engineering Companies, and would clarify that only professional boards authorized by the Legislature to issue licenses may require mandatory continuing education. He stated that SB 975 would mandate that such a requirement be in the respective practice act. He recommended the Board support SB 975. Jon Baker asked whether it would preclude special interest groups from going to the Legislature and imposing a continuing education requirement. Mr. McCauley responded that SB 975 would not preclude such an action by a special interest group provided the requirement was placed in the appropriate practice act. Mr. Baker then asked whether the legislation would preclude a special interest group from requiring a certificate in order for a professional to work on something that is of importance to that group from having such a requirement. Mr. McCauley clarified that should a requirement be made to possess or maintain a certification, SB 975 would require that the appropriate location for that regulation would be in the relevant practice act and not another body of law. He further clarified that the professional's license qualifies them to perform the related work and if there is a need for mandatory continuing education, then the most appropriate place for that requirement is

the applicable practice act. Mr. Heller then stated that essentially such requirements devalue the architect's license and also recommended the Board support the legislation.

Mr. Gutierrez stated that it appeared there is a distinction made within SB 975 whereby it would not apply to a private organization, like U.S. Green Building Council (USGBC), who has established requirements for an individual to maintain their Leadership in Energy and Environmental Design certificate. Mr. McCauley responded that conclusion was correct and furthermore there also appeared to be an exemption for contract requirements.

- **Sheran Voigt moved that the Board support SB 975.**

  **Jeffrey Heller seconded the motion.**

  **The motion passed 8-0.**

Mr. McCauley reported on Assembly Bill (AB) 1822 which is sponsored by the Board and seeks to modify the terms of the Board members. He stated that under the current term staggering over the next few years as many as five Board members could term out simultaneously. AB 1822 would resolve this issue.

- **Jon Baker moved that the Board support AB 1822.**

  **Pasqual Gutierrez seconded the motion.**

  **The motion passed 8-0.**

Mr. McCauley reported on AB 2482 which would establish a DCA licensing board for interior designers, a practice act, and licensure requirements and exemptions. Mr. McCauley recommended the Board oppose the bill as it has similar bills in the past.

- **Sheran Voigt moved that the Board oppose AB 2482.**

  **Hraztan Zeitlian seconded the motion.**

Mr. Gutierrez raised further discussion on the proposed legislation. He stated that in the design process today, the interior designer does have an impact on the health, safety, and welfare (HSW) of the public with regards to interior spaces. He further stated his concerns that the language of the legislation does not differentiate the use of the terms "interior design," "interior designer," or anything similar embedded within a service, an advertisement, or branding. He stated this could cause confusion for the consumer and require additional research to understand the difference between "interior designer" and "registered interior designer."

Mr. Heller stated that the Board should reinforce the message of opposition to the legislation. He opined that the legislation promotes an unnecessary expansion of government. He stated that when the matter of interior designers was previously reviewed there arose some confusion about overlapping practice issues which could occur between interior designers and architects. He further stated there could develop problems in the HSW mission because interior designers may expand into areas in which they lack the necessary expertise. Mr. McCauley stated that there are numerous issues

with the AB 2482 as written. He stated that chief among the issues is the consumer confusion created by having different classes of interior designer. He further stated that with the terms "Certified Interior Designer", "Registered Interior Designer", and "Exempt Interior Designer" a consumer would have significant difficulty in determining who they should hire for a design project.

Mr. Zeitlian stated that there is no HSW reason which warrants a specialty license in one area of architecture. He also stated that interior design is one of the services which architects provide and for which they have responsibility. He opined that requiring a license for interior design is more for prestige and/or entitlement than protection of the public. He further stated that there is no need to create an additional government bureaucracy. Mr. Gutierrez countered that there are practices (firms) who perform sophisticated interior design work which does involve a significant public HSW concern. He reiterated his concern that the legislation does not isolate the license for the soon to or would be interior designers from others who are practicing design. He also reiterated that this would create confusion for consumers. Mr. Heller asked Mr. McCauley to prepare a memorandum summarizing the Board's concerns that were raised during the meeting and include AIACC's concerns and position.

Mr. Baker stated that when the matter of licensing interior designers was raised a few years ago at the national level an issue regarding the scope of work for an interior designer license versus an architect license arose and was unable to be resolved. Mr. Gutierrez added that interior designers presently could design the entire interior space of a building without any accountability. He further stated that the license would bring that accountability and help protect the consumer to some extent, however, not from the confusion he had mentioned earlier. Mr. Baker added that an argument given by interior designers for licensure has been that building departments will not accept the materials submitted and often require an architect to sign and stamp the work for interior space planning. He raised the question about whether the interior designers should be preparing that kind of work and whether the building departments are simply "catching it at the gate"? Mr. Zeitlian asked that if interior designers could define a scope of work for which they would be legitimately licensed, then what about other areas of design that would technically be architecture. He opined that there is not a legitimate licensure-level area of practice involved with interior design.

Mr. McCauley stated that the proposed legislation does not appear to respect the Sunset Review process because presently the private non-profit California Council for Interior Design Certification (which administers the Certified Interior Designers Law under the Business and Professions Code) is currently in the Sunset Review process. He also stated that there exists a counterpart process called the Sunrise process for new professions or vocations wishing to be regulated, which is also not being followed. He further stated the current arguments being made in-favor of the legislation were made during previous failed attempts without any substantive change. He stated that a key argument (building officials not accepting plans prepared by interior designers) was shown by Board surveys to be baseless. He further stated that even should the legislation pass, building departments have significant latitude and autonomy to determine what professions can submit plans for specific project types. He stated that another argument being made is how the building code defines registered design professional. He explained that the definition was previously part of an appendix to the International Building Code and therefore not mandatory. He further stated the last argument being made is that building officials will not accept interior designer plans because of liability. He added that the Government Code has specific provisions granting building officials immunity for liability. He then summarized that all the arguments being made in favor of registered interior designers were without merit.

Mr. Gutierrez suggested that in the Board's letter of opposition the statement of there being no documented public HSW issue should be removed. He opined that an argument could be made that such an issue does exist. Mr. McCauley responded by stating that none of the three states who license interior designers could point to documented harm that has occurred due to negligent practice by interior designers. Mr. Baker added that "at the end of the day" there needs to be clarity with regard to the level of service provided by the licensee (interior designer). Mr. Gutierrez replied that he believes it can be proved and a healthy argument could be made that interior design does have an impact on the HSW of an occupant.

**The motion passed 8-0.**

F. STRATEGIC PLAN

Mr. Iacofano facilitated the review and update of the 2012 Strategic Plan. He stated that there were a couple of new features added to the Plan. He stated the first change was to add a "Recent Accomplishments" section which would document major milestones for the previous year. He then stated the second change was one made to the Action Plan that highlights objectives in blue for critical need and yellow for priority. He reviewed all of the changes noted to the 2012 Strategic Plan.

- **Sheran Voigt moved to approve the 2012 Strategic Plan with minor changes.**

  **Jon Baker seconded the motion.**

  **The motion passed 8-0.**

Mr. Iacofano continued with the next agenda item regarding the implementation of committee procedures and asked whether there were any questions or comments. Ms. Voigt stated that she had concerns about the term limits for committee members. She stated that with term limits there is the risk of losing the expertise of seasoned committee members. Ms. Lyon stated she would like to see the procedures streamlined so that the process does not consume significant staff resources to maintain. Fermin Villegas stated that he shared Ms. Voigt's concerns about the loss of institutional knowledge and that such knowledge is quite valuable. He also stated, however, that there is a need for a mechanism that allows for new committee members and their ideas to enrich the committees and keep them balanced. Ms. Cochlan stated that a limitation on the number of individuals who can sit on a committee would be an alternative. Mr. Baker stated that NCARB has a process whereby an NCARB committee chair evaluates their members' performance and makes recommendations to be considered by the incoming NCARB President for that year. Mr. Heller stated his opposition to limiting the term of a committee chair to one year. Mr. Zeitlian stated that he agreed with Mr. Villegas' position on keeping committees balanced and liked Mr. Baker's recommendation. He further stated, however, that there should be a definitive end to the term of committee leadership to allow others to share in the experience.

Ms. Voigt proposed that the procedures be returned to the task force with the comments of Board members for a retooling and streamlining. Mr. Gutierrez proposed the Board President create a new task force to revisit the issue rather than having the original task force re-examine the draft procedures. Ms. Lyon stated that she will create a task force to address the matter and bring the Board a recommendation for consideration.

Mr. Iacofanco continued with the next agenda item regarding the consolidation of the Professional Qualifications (PQ) and Examination Committees. Ms. Lyon stated that many of those who are appointed to the Examination Committee are also appointed to the PQ Committee (PQC). She also stated that the scope of work for the Examination Committee has diminished. She further stated that those Strategic Plan objectives assigned to the Examination Committee should now be reassigned to the PQC and the two committees be consolidated.

- **Sheran Voigt moved to approve the consolidation of the Professional Qualifications and Examination Committees.**

  **Fermin Villegas seconded the motion.**

  **The motion passed 8-0.**

Ms. Lyon introduced Jeanine Centuori, Undergraduate Chair of Woodbury University School of Architecture, who gave a brief presentation regarding the Woodbury University architecture programs. Ms. Centuori stated that Woodbury has approximately 500 undergraduate architecture students and is presently working to have their graduate program (which has 60 students) accredited. She described in detail the various program requirements and options available to students attending Woodbury University.

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

There was no closed session at this meeting.

H. WESTERN CONFERENCE OF ARCHITECTURAL REGISTRATION BOARDS (WCARB)

Mr. McCauley stated that the Joint Regional Meeting of WCARB with Region 3 would take place the week following the Board meeting. He stated that materials related to the meeting are included in the Board meeting packet.

Mr. Baker stated that one of the decisions NCARB made in the strategic planning process a few years ago was to focus more on the strategic as opposed to the "nuts and bolts" level. He stated there are five critical long-range strategic issues being studied, evaluated, and discussed. He further stated that these issues included continuing education, the long-range financial stability of NCARB, program subsidies, fees, better facilitation of reciprocity, and organizational agility.

Mr. McCauley presented the NCARB resolutions that will be considered at the forthcoming Annual Meeting in June. The Board was asked to provide a position on each resolution.

**Resolution 2012-A..... Support**
*Bylaws Amendment – Voting Delegates*

**Resolution 2012-B..... Opposed**
*Bylaws Amendment – Voting at Meetings When Member Boards are Barred by State Law or Executive Order from Out of State Travel*

**Resolution 2012-C..... Support**
*Bylaws Amendment – Removal of Directors and Officers*

**Resolution 2012-D..... Support**
*Bylaws Amendment - Miscellaneous*

**Resolution 2012-E..... Support**
*Bylaws Amendment – Clarifying Board Approval of Committee Charges*

**Resolution 2012-F ..... Support**
*Bylaws Amendment – Membership Dues*

**Resolution 2012-G ..... Support**
*Bylaws Amendment – Changing "Regional Conferences" to "Regions"*

**Resolution 2012-H…… ..... …… Support**
*Legislative Guidelines, Model Law and Model Regulations Amendment – Broadening Legislative Guide III to Include Misconduct in Connection with the ARE and IDP*

**Resolution 2012-I..... Support**
*Rules of Conduct and Legislative Guidelines, Model Law and Model Regulations Amendment – Broadening Model Regulation and the Rules of Conduct to Include Verification of Qualifications in Connection with the Intern Development Program*

**Resolution 2012-J..... No Action**
*Handbook for Interns and Architects Amendment – Addition of Canadian Education Evaluation Alternative*

**Resolution 2012-K ..... No Action**
*Handbook for Interns and Architects Amendment – Correction of Canadian Intern Architect Program Reference*

**Resolution 2012-L..... No Action**
*Handbook for Interns and Architects Amendment – Correction of the Canadian Examination Requirement*

**Resolution 2012-M..... No Action**
*Handbook for Interns and Architects Amendment – Correction of Canadian Equivalency Requirement*

- **Sheran Voigt moved to support the NCARB resolutions with the exception of Resolution 2012-B which the Board opposes.**

  **Iris Cochlan seconded the motion.**

  **The motion passed 7-0 (Hraztan Zeitlian was not present at the time of the vote).**

I. UPDATE AND POSSIBLE ACTION REGARDING THE RELEASE OF CALIFORNIA SUPPLEMENTAL EXAMINATION RESULTS

Ms. Lyon asked Justin Sotelo to present this agenda item. Mr. Sotelo stated that at their December 2011 meeting the Board voted to begin the release of CSE results at the test center immediately after a candidate completes their exam commencing on June 1, 2012. He also stated the Board had directed staff to work with the test vendor, Office of Professional Examination Services (OPES), and develop a process for future item analysis that does not create an interruption or delay in the release of the CSE results to candidates. He reported that staff has met with the OPES to address both issues. He stated that meetings with OPES are ongoing to ensure the necessary programing and other tasks are being completed timely. He stated that commencing on June 1, 2012, when a candidate fails the CSE, they will receive a score report and another CSE application. He also stated that when candidates pass the CSE they will receive the congratulatory letter along with the Application for Licensure. He further stated that candidates will soon be notified about the change using all available methods (e.g., broadcast notification via the subscriber list, targeted mailings, and posting on the website) at the Board's disposal regarding the release of CSE results at test centers. He reported that OPES has confirmed that they will employ a different methodology for item analysis that will not impact the release of CSE results to candidates.

J. DISCUSS AND POSSIBLE ACTION ON BOARD AND NCARB EXAMINATION SECURITY/CONFIDENTIALITY POLICIES, INCLUDING BUSINESS AND PROFESSIONS CODE SECTION 123

Ms. Lyon asked Mr. Sotelo to present this agenda item. Mr. Sotelo stated that AIACC had asked this item be added to the Board's meeting agenda in order to address their concerns regarding the security and confidentiality policies and requirements of NCARB and the Board with respect to the Architect Registration Examination (ARE) and CSE. He also stated that in the meeting packet were the statements provided by AIACC conveying their concerns.

Ms. Voigt asked if there were any examples of how the NCARB and Board security agreements were hindering the mentoring of the profession. Mr. Baker stated that there are examples of how this is occurring. He also stated that interns are concerned whether they will be sanctioned because they spoke to their mentor regarding struggles they are having with the ARE. He stated that this issue is on the next NCARB Board meeting agenda for discussion and consideration. He opined that the candidate concern is an unintended consequence of the tightened examination security. He stated that there is a need for clarification to assist interns in determining what can be discussed with a mentor. Mr. Sotelo responded that the NCARB security agreement is very clear and says that interns cannot discuss exam content in any manner with anyone. Mr. McCauley stated that the CSE security agreement is based on law (Business and Professions Code section 123) and that while detailed it does clearly state it is a misdemeanor to engage in conduct which subverts or attempts to subvert a professional licensing exam. He further stated that in the past decade the Board has not taken any action based on a candidate speaking to their mentor regarding difficulties with the ARE. Ms. Lyon asked Mr. Baker to report to the Board at its next meeting about the discussion the NCARB Board had on the matter.

## K. REGULATORY AND ENFORCEMENT COMMITTEE REPORT

Ms. Lyon asked Mr. McCauley to present this agenda item. Mr. McCauley stated the first matter under this agenda item for the Board to discuss is regarding the Certified Accessibility Specialist Program which is administered by the Division of the State Architect (DSA). He stated that some certificate holders have formed an association known as the Certified Access Specialist Institute (CASI). He then introduced Greg Izor, Past-President of CASI and asked the Board members if they had any questions for him. Mr. McCauley then stated that some legal and practice issues have arisen as to how certified access specialist (CASp) services harmonize with the respective practice acts of engineers and architects. He stated the Mr. Izor was asked to present CASI's questions formally for the Board to consider and respond. He also stated that in the meeting packet are the prepared responses to those questions. He added that the responses were previously vetted by the Board's legal counsel, Don Chang, and one of the Board's architect consultants, Robert Carter.

Mr. Carter presented in order each question raised by CASI and its corresponding response by the Board. He explained and clarified the rationale behind each response. Mr. Izor commented with respect to the third question posed by CASI that while SB 262 (Chapter 872, Statutes 2003) created CASps and grants DSA disciplinary enforcement authority, the law precedes this requirement with "may" instead of "must" therefore DSA sees it as optional. He further stated that DSA has no enforcement program at this time. Mr. Izor then asked whether a complaint could be filed with the Board because a CASp is also licensed as an architect. Mr. Carter responded that if the basis of the complaint is related to CASp services there are no regulations in the Architects Practice Act (Act) which the Board could enforce. He further stated that it would be left for DSA to determine whether the services provided meet the standard established for CASp services. He further stated that if the subject of the complaint is an architect the Board may also review the matter to determine what provisions of the Act may be applicable. Mr. Heller commented that the Board was opposed to the creation of CASps in particular for the reason that there would be complaints against non-architect CASps that would ultimately lead to the related issue of which agency has the responsibility of regulating and enforcing the relevant law (or regulations). Mr. Izor then stated the position of CASI is to work with the California Commission on Disabled Access to promote making either DSA or some other agency responsible for handling complaints and discipline. He also stated the CASI is already receiving complaints because consumers do not know to which governmental agency they should file a complaint. He further stated that CASI does not have authority over those CASps who are not members.

Mr. Baker stated he would expect that should a CASp related complaint arise against an architect (who is authorized to provide such services without the CASp certificate) that the Board would have jurisdiction and the complaint would be filed with the Board and not a different agency. Mr. Chang stated that the situation Mr. Baker was describing would be a matter of joint jurisdiction between the Board and DSA. He also stated that with the joint jurisdiction, the Board would have jurisdiction to the extent the individual practiced architecture and DSA would have jurisdiction to the extent the individual acted as a CASp. Mr. Baker stated it does not make sense to break down the issues in a complaint between those over which the Board has jurisdiction and those it does not and which would be under the purview of another agency. Mr. Chang clarified that if the individual is a CASp then the relevant law states DSA has the jurisdiction for such complaints. He also stated that if the individual were an architect and not a CASp, then the jurisdiction would lay solely with the Board. He further stated that the CASp certificate grants certain protections to the property owner with regard to Americans with Disabilities Act (ADA) lawsuits. He stated that such protections do not

exist for the owner should an architect provide those same services as they cannot issue a CASp inspection report certification. Mr. Baker asked if this was in the law. Mr. Chang responded in the affirmative.

- **Sheran Voigt moved to approve the response letter to CASI.**

  **Fermin Villegas seconded the motion.**

  **The motion passed 6-0 (Jon Baker and Hraztan Zeitlian were not present at the time of the vote).**

Mr. McCauley reported on the next agenda item related to planning departments and unlicensed practice issues. He stated that based on previous discussions with CALBO it was believed they would co-author the letter with the Board to the planning departments regarding unlicensed practice issues related to non-exempt projects. He stated that at their board meeting, CALBO opted not to co-author the letter. He reported that Board for Professional Engineers, Land Surveyors, and Geologists has the letter on the agenda for their meeting the next day and may decide to co-author with the Board.

- **Sheran Voigt moved to approve the letter to California planning departments regarding unlicensed practice issues related to non-exempt projects.**

  **Jon Baker seconded the motion.**

Mr. Gutierrez suggested a minor correction be made to the letter related to the impact of such situations on consumers. He suggested replacing the term "construction costs" in the first paragraph on page three of the letter with "costs" for better accuracy since construction would not yet have begun.

- **Sheran Voigt amended her motion to approve the letter to California planning departments regarding unlicensed practice issues related to non-exempt projects with the edit proposed by Mr. Gutierrez.**

  **Jon Baker seconded the amended motion.**

  **The motion passed 7-0 (Hraztan Zeitlian was not present at the time of the vote).**

L. UPDATE ON JANUARY 23-24, 2012, LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE MEETING

Mr. McCauley reported that there has been an interest over the past three to four years of having the Landscape Architectural Accreditation Board (LAAB) review and accredit the two University of California (UC) extension programs at UC Berkeley and UC Los Angeles. He stated that the two unique programs are separate and distinct from the accredited programs found at the main campuses. He further stated that in the past the Landscape Architects Technical Committee (LATC) had been performing like an accrediting organization, however, as a small licensing and regulatory body it did

not make sense to continue functioning in this capacity. He advised that the LATC has requested LAAB consider accrediting the two extension programs in California.

Mr. McCauley also reported that the Landscape Architect Registration Examination (LARE) is undergoing a revision and transition to a computer-delivered format. Ms. Landregan added that the new LARE will not be using hand or computer aided drawing, but instead will use a "drag and drop" approach. She stated the new LARE would also use a different methodology to access the competencies previously tested using drawn vignettes by employing multiple-choice questions. She also stated there are concerns that have arisen regarding the transition plan to the new LARE. She said in particular the concerns relate to candidates who have not successfully completed section D under the current LARE format. She stated these candidates could possibly lose credit for previously completed divisions. She reported that the first administration of the new LARE will commence in September for sections 1 and 2 and then follow with the first administrations of sections 3 and 4 in December.

Ms. Landregan reported that the LAAB received approval from the Board of the American Society of Landscape Architects to consider non-degree granting programs provided they meet the same requirements. She stated this would allow LAAB to consider accrediting the two UC extension programs.

Mr. McCauley reported that LATC will be convening its task force on the exempt area of practice. He stated that LATC will be studying the exempt areas of other states, and examining the national certification program and other variables that influence the exempt area of practice.

M. REVIEW OF SCHEDULE

The Board reviewed the schedule including the forthcoming meeting dates.

N. ADJOURNMENT

The meeting adjourned at 2:20 p.m.

# Agenda Item F

## EXECUTIVE OFFICER'S REPORT

1. Update to May 2012 Monthly Report (contains information on Board activities since the last Board meeting held March 7, 2012)

2. Discuss and Possible Action on Legislation Regarding Senate Bill 975 (Wright), Assembly Bill (AB) 1822 (Berryhill), AB 2482 (Ma), and AB 2570 (Hill)

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

MEMORANDUM

DATE: June 1, 2012

TO: CAB Staff

FROM: Doug McCauley, Executive Officer

SUBJECT: Monthly Report - May 2012

The following information is provided as an overview of Board activities and projects as of May 31, 2012.

**ADMINISTRATIVE/MANAGEMENT**

Board The next meetings are scheduled for: June 14, 2012, in Sacramento, September 13, 2012, in Southern California, and December 5-6, 2012, in the Bay Area. The December meeting will include a strategic planning session.

Budget The Board was given a Department of Finance (DOF) directive on March 27, 2012, Budget Letter (BL) 12-03, which required the elimination of budgeted salary savings to more accurately reflect how Board funds are expended. Staff worked with the Department of Consumer Affairs (DCA) and developed a plan for elimination of savings to meet the requirements of the BL. The result of the directive was that the Board's salary savings was reduced 1.7 positions by DOF.

The Board was also given another DOF directive (BL 12-05) related to out-of-state travel (OST). Requests for OST were to be divided into two categories (mission critical and discretionary). Mission critical was defined as travel related to enforcement, auditing, revenue generation/collection, requirement by statute, litigation, or requests by the Federal Government. Staff prepared and submitted the fiscal year (FY) 12/13 requests to DCA on May 15, 2012.

Communications Committee The next Communications Committee meeting is scheduled for June 20, 2012, in Sacramento.

Legislation Assembly Bill (AB) 1822 (Berryhill) was introduced on February 21, 2012, and provides for the staggering of Board member terms in such a manner as to avoid having a significant number of the member terms expire in any given year. The bill was referred to the Committee on Business,

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Professions and Economic Development where it passed unanimously. The bill was then sent to the Assembly for a floor vote where it again passed unanimously. It is also possible the bill will contain an amendment to Business and Professions Code (BPC) section 30 related to the Social Security Number requirement for licensure, depending on Board action at its June 14, 2012 meeting.

AB 2482 (Ma) was introduced on February 24, 2012. The bill creates the California Registered Interior Designers Board within DCA. The bill also proposes to provide for the licensure and regulation of persons who engage in the practice of registered interior design. A hearing before the Committee on Business, Professions and Consumer Protection was held on April 17, 2012. A second hearing was set for April 24, 2012, but was canceled at the request of the bill's author.

Newsletter The next issue of the newsletter is currently in development and expected to be published in early July.

Personnel Efforts are still underway to fill vacant positions.

Training The following employees have been scheduled for upcoming training:

| | | |
|---|---|---|
| 6/5/2012 | Welcome to DCA | Munir |
| 6/14/2012 | Word 2010 – Level 1 | Nancy |
| 6/28/2012 | Research, Analysis, and Problem Solving | Tim and Jeff |
| 7/10-11/2012 | Presentation Skills for Analysts | Tim and Jeff |
| 7/17/2012 | Growing in Your State Career | Claudia and Nancy |
| 7/19/2012 | How to be a Better Communicator | Claudia |
| 8/28/2012 | Interpersonal Skills for Analysts | Arleen |
| 9/6/2012 | Research, Analysis, and Problem Solving | Arleen |

Website Notices of Meeting for the Regulatory and Enforcement and Professional Qualifications Committees were posted to the Board's website in May 2012.

## EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The results for ARE divisions taken by California candidates between January 1, 2012, and March 31, 2012, are provided below.

| DIVISION | NUMBER OF DIVISIONS | TOTAL PASSED | | TOTAL FAILED | |
|---|---|---|---|---|---|
| | | # Divisions | Passed | # Divisions | Failed |
| Programming, Planning & Practice | 242 | 127 | 52% | 115 | 48% |
| Site Planning & Design | 184 | 116 | 63% | 68 | 37% |
| Building Design & Construction Systems | 182 | 105 | 58% | 77 | 42% |

| DIVISION | NUMBER OF DIVISIONS | TOTAL PASSED | | TOTAL FAILED | |
|---|---|---|---|---|---|
| | | # Divisions | Passed | # Divisions | Failed |
| Structural Systems | 155 | 112 | 72% | 43 | 28% |
| Building Systems | 153 | 89 | 58% | 64 | 42% |
| Construction Documents & Services | 233 | 129 | 55% | 104 | 45% |
| Schematic Design | 183 | 127 | 69% | 56 | 31% |

California Supplemental Examination (CSE) Administration Since its launch on February 1, 2011, the new computer-delivered, multiple-choice format of the CSE has been administered to 1,390 candidates through May 31, 2012. Of those candidates, 772 (56%) passed and 618 (44%) failed.

The Board, at its December 2011 meeting, voted to begin releasing CSE results to candidates at test sites beginning June 1, 2012, and to direct staff work with the Office of Professional Examination Services (OPES) to develop a process for the future analysis of test items that does not create an interruption or delay in the release of results. Staff completed its work with OPES to begin releasing scores at test sites beginning June 1 and continues to work with OPES on an alternative process for future item analysis.

CSE Development The latest CSE development cycle began in March 2012.

Comprehensive Intern Development Program (CIDP) The Board, at its September 15, 2011, meeting voted to repeal the CIDP due to the many improvements to the National Council of Architectural Registration Boards' (NCARB) Intern Development Program (IDP) and directed staff to initiate a regulatory change proposal to repeal the CIDP requirement from the regulations. The regulatory change was approved by the Office of Administrative Law (OAL) on March 29, 2012, and became effective the same day, upon filing with the Secretary of State. (See more information below under Regulation Changes)

NCARB 2012 Practice Analysis In April, NCARB surveyed more than 80,000 architects, interns, and educators across the country. The survey content addressed specific tasks and knowledge/skills related to the pre-design, design, project management, and practice management aspects of the architectural profession, as well as general knowledge and skills. The 2012 Practice Analysis, like the 2007 and 2001 Practice Analyses, will be used to drive future updates and modifications to the ARE and to inform the IDP. The Board assisted NCARB in its efforts to establish a prospective survey pool and provided the relevant contact information for its approximately 20,000 licensees and posted a notice regarding the Practice Analysis on its website. The Board also promoted participation in the survey through other means including an article in the spring 2012 newsletter and information on its website. The deadline for survey responses was originally April 30, 2012, but has been extended to May 6, 2012. NCARB's

consultant is currently compiling data from the survey and is expected to produce a report in the fall.

Outreach Marccus Reinhardt, Administration Analyst, provided a "Path to Licensure" presentation to students at the Academy of Art University (AAU) in San Francisco on May 3, 2012. Approximately 40 students attended the two presentation sessions that were held. Mr. Reinhardt was asked to return to AAU in the fall to provide additional presentations.

Professional Qualifications Committee (PQC) The PQC met on May 16, 2012 in Sacramento. At the meeting, the PQC approved the February 28, 2011 Summary Report and received updates on the: 1) discontinuance of CIDP; 2) CSE and release of results; 3) NCARB 2012 Practice Analysis and the Board's upcoming Occupational Analysis for CSE development; 4) AIACC Academy for Emerging Professionals' 2011 Architectural Education Summit; and 5) implementation of the final phase of IDP 2.0.

The PQC made recommendations regarding: 1) allowable credit earned for an academic internship under IDP 2.0; 2) the development of a system to audit completion of coursework in disability access requirements pursuant to Assembly Bill 1746 (Chapter 240, Statues of 2010); 3) the development of a continuing education strategy and framework based upon NCARB's research and data; 4) a regulatory amendment to establish a reciprocal licensure pathway for candidates holding NCARB certification obtained through the Broadly Experienced Foreign Architect program; 5) legislation amending the BPC to accept Individual Taxpayer Identification Numbers in lieu of Social Security Numbers for foreign-licensed professionals pursuing licensure in California; and 6) the establishment of an NCARB "Broadly Experienced Intern" pathway. The PQC recommendations will be considered by the Board at its June 14, 2012 meeting. The next PQC meeting has not been scheduled.

Regulation Changes *California Code of Regulations (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 CIDP as a component to receiving licensure. A regulatory proposal was initiated to repeal the requirement for CIDP in accordance with the Board's June 16, 2011 vote to eliminate the program based on improvements made to NCARB's IDP since the inception of CIDP. Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR sections 109, 116, 117 and 121:

| | |
|---|---|
| August 12, 2011 | Notice of Proposed Changes in the Regulations published by OAL |
| September 15, 2011 | Final Approval by the Board |
| September 28, 2011 | Public hearing, no public comments received |
| October 5, 2011 | Notice of Amended Initial Statement of Reasons and Notice of Documents Added to Rulemaking File posted on Board website |
| December 5, 2011 | Regulation package to DCA Division of Legislative and Policy Review |
| January 30, 2012 | Regulation package to Agency |
| February 16, 2012 | Regulation package to OAL |

| | |
|---|---|
| March 29, 2012 | Regulation package approved by OAL and filed with the Secretary of State; effective upon filing |

As a result of the codification of this regulatory change, the Board has done the following: 1) posted a tweet to the Board's Twitter followers: 2) sent a broadcast email to those interested parties who subscribed to the e-news notification lists on the Board's website; 3) placed a notice on the website regarding the repeal of CIDP; 4) updated all other web content to reflect the repeal of CIDP; 5) notified all affected candidates in various stages of the licensure process; 6) updated all standard correspondence that is sent to candidates; 7) notified The American Institute of Architects, California Council and its chapters; and 8) notified all firms listed on the Board's online internship database.

## ENFORCEMENT PROGRAM

Architect Consultants

Building Official Contact Program: The architect consultants were available on call to Building Officials and in May, they received five 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 May, there were 14 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 11 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 The Board issued a citation that included a $2,500 administrative fine to Edward V. Gulian on March 29, 2012, for an alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The citation became final on May 15, 2012.

The Board issued a citation that included a $500 administrative fine to David Pierce Hohmann on April 19, 2012, for an alleged violation of BPC section 5536.22(a) (Written Contract). The citation became final on May 21, 2012.

The Board issued a citation that included a $2,000 administrative fine to Ricardo Alberto Magana on May 17, 2011, for alleged violations of BPC section 5536.22 (Written Contract, and CCR sections 104 (Filing of Addresses) and 160(b)(2) (Rules of Professional Conduct.) The citation became final on May 31, 2012.

| Enforcement Statistics | Current Month May 2012 | Prior Month April 2012 | Prior Year May 2011 |
|---|---|---|---|
| Total Cases Received and Opened*: | 19 | 21 | 23 |
| Complaints with Outside Expert: | 0 | 0 | 0 |

| Enforcement Statistics | Current Month May 2012 | Prior Month April 2012 | Prior Year May 2011 |
|---|---|---|---|
| Complaints to DOI: | 0 | 0 | 1 |
| Complaints Pending DOI: | 0 | 0 | 2 |
| Complaints Pending AG: | 5 | 6 | 9 |
| Complaints Pending DA: | 3 | 3 | 3 |
| Total Cases Closed*: | 23 | 22 | 38 |
| Total Cases Pending*: | 78 | 82 | 125 |
| Settlement Cases (§5588) Opened: | 6 | 3 | 1 |
| Settlement Cases (§5588) Pending: | 11 | 11 | 30 |
| Settlement Cases (§5588) Closed: | 6 | 6 | 1 |
| Citations Final: | 3 | 2 | 1 |

*Total Cases categories include both complaint and settlement cases

Staff reviews at the end of each fiscal year (FY) 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.

Planning Department Advisement The Board's 2011 Strategic Plan directs the Regulatory and Enforcement Committee (REC) to develop a strategy for working with the League of California Cities and the American Planning Association, California Chapter to inform them of Architects Practice Act (Act) requirements. Following the discussion of this issue at the May 11, 2011, REC and the June 16, 2011, Board meetings, it was determined a letter should be sent to California planning departments advising them of the Act's requirement pertaining to unlicensed individuals submitting plans for non-exempt projects. Board staff drafted and presented the letter to the Board at its December 7, 2011, meeting. CALBO, which had previously expressed an interest in jointly authoring the letter, voted at its January 2012 meeting to stay "neutral" on this issue and not co-sign the letter. Board staff has also contacted the BPELSG to ascertain its interest in participating in sending this letter to planning departments. This issue was discussed at BPELSG's March 8, 2012, meeting, where they voted to co-author the letter with the Board. The letter was finalized and sent to all California planning departments on April 17, 2012. There have been calls to staff with questions related to the letter; however, overall, the feedback has been positive.

Regulation Changes *CCR section 103, Delegation of Certain Functions* – The Board's 2011 Strategic Plan directed the REC to review and make recommendations regarding Senate Bill (SB) 1111 proposals. This legislation failed to pass, but DCA encouraged boards and bureaus to review nine provisions included in SB 1111 to determine whether they might be utilized to improve their enforcement processes. After reviewing the provisions, the REC recommended to the Board it amend CCR section 103 to allow the Board to delegate authority to the Board's Executive Officer to approve stipulated settlements to revoke or surrender a license. The Board approved the recommendation on September 15, 2011, and on December 7, 2011, directed staff to proceed with the regulatory change. Staff is in the process of gathering information for, and drafting the regulation package.

Regulatory and Enforcement Committee (REC) The REC met on May 10, 2012, in Sacramento. Agenda items discussed included the definition of "Instruments of Service," a Qualifications-Based Selection enforcement process, and the Board's response to the Certified Access Specialist Institute's questions regarding the Architects Practice Act. Most of these items will be further discussed at the Board's June 14, 2012 meeting.

## LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

## LATC ADMINISTRATIVE/MANAGEMENT

Committee LATC will hold a meeting on August 14, 2012, in Sacramento.

Committee Members The Governor appointed Andrew Bowden of Newport Beach, Nicki Johnson of Roseville, and Katherine Spitz of Los Angeles, to the LATC. A press release was issued on May 25, 2012. Committee Chair, Christine Anderson's grace period has expired.

Vice Chair, David Allen Taylor Jr. will serve as acting chair until a new chair is voted upon at the next meeting in August.

Budget On May 3, 2012, the LATC was given a DOF directive, BL 12-05, to submit OST requests in two separate components: mission critical, and discretionary but which our State and Consumer Services Agency (SCSA) believes represents a benefit to the state and should be considered for approval by the Governor's office. Staff prepared the FY 2012/2013 OST request and submitted the request to DCA on May 14, 2012.

Outreach The LATC continuously provides outreach presentations throughout the school year to students that are enrolled in accredited schools (including extension certificate programs) for both bachelors and masters programs at colleges and universities. Topics covered are an overview of the landscape architect profession, roles of the LATC, the difference between the LATC and the Council of Landscape Architectural Registration Boards (CLARB), the American Society of Landscape Architects in addition to other collateral organizations, and new information on the upcoming changes to the Landscape Architect Registration Examination (LARE). Students are also updated on the recent changes to CCR sections 2615 and 2620, which took effect on March 7, 2012, allowing students who have completed at least 80% of the program requirements for a landscape architecture degree one year of educational credit toward California eligibility requirements. Also discussed are amendments that grant candidates with a landscape architecture degree from an approved school (a school with a 4-year curriculum) or a University of California (UC) extension certificate, eligibility to take Sections 1 and 2 of the LARE. Other changes to the regulations include one year of educational credit from an approved school with a 4-year curriculum for an architecture degree.

Ms. Anderson, LATC Chair gave a comprehensive outreach presentation on April 5, 2012, to students enrolled in both the bachelors and masters programs at the UC, Berkeley. The students had several questions about the new exam format, but only a few questions about the recent changes to the regulations.

LATC member Stephanie Landregan provided an outreach presentation to students at California Polytechnic State University, Pomona on May 2, 2012. The students had several questions about the new exam format, but only a few questions about the recent changes to the regulations. The comments were positive, noting that most students appreciated the information presented.

LATC member David Allen Taylor Jr. delivered an outreach presentation on May 9, 2012, to students at California Polytechnic State University, San Luis Obispo (SLO). The presentation was well attended and the students had several questions about the changes to the upcoming LARE. Mr. Taylor said that SLO invited him back to give more presentations in the future. Additionally, former LATC member Steve Lang will provide an outreach presentation on June 5, 2012, at UC, Los Angeles Extension. An update on this presentation will appear in a future report. Staff is also scheduling presentations at the UC Berkeley Extension during the fall and spring of the 2012/13 school year.

Strategic Plan The LATC held its strategic planning session on January 23-24, 2012, in Berkeley. Daniel Iacofano, of Moore, Iacofano and Goldsman, Inc., facilitated the session and updated the plan based on LATC's objectives. The plan was reviewed and approved by the LATC at its meeting on May 4, 2012 and will be presented to the Board for approval on June 14, 2012.

Training The following employees have been scheduled for upcoming training:

| | | |
|---|---|---|
| 6/19-21/2012 | National Certified Investigator/Inspector Training, Basic Program | Trish and Jacqueline |

## LATC EXAMINATION PROGRAM

CLARB Council Record Requirement CLARB announced that, as of June 4, 2012, all candidates are required to establish a Council Record in order to register for the LARE. The Council Record is a compilation of information about the candidate's history and background related to education, examinations, work experience, and references. At this time a Council Record is accepted in California only if a candidate is applying for reciprocity. CLARB's mandatory requirement will have an adverse effect on candidates' eligibility to test. Staff is working with CLARB to research the rationale for the requirement in addition to any other requirements related to processing new and pending candidates. The requirement for a Council Record may require changes to existing regulations.

Landscape Architect Registration Examination (LARE) The LARE, which is developed by CLARB, currently consists of five sections. The multiple-choice sections (A, B, and D) are computer-delivered and normally administered in March and September of each year. The graphic performance sections (C and E) are "pencil and paper" format examinations and normally administered in June and December of each year.

The LARE will be transitioning from a five section (A-E) exam to a four section (1-4) exam commencing with the first administration of sections 1 and 2 on September 10 – 22, 2012. Exam sections 3 and 4 will be administered on December 3 – 15, 2012.

The last administration of sections A, B, and D was on March 5 – 17, 2012, and the last administration of sections C and E will be on June 11 – 12, 2012. Examination results for the March 2012 multiple-choice sections (A, B and D) were mailed to candidates on May 18, 2012. Exam scores for the final administration of sections C and E in the current format are expected from CLARB on September 3, 2012.

CLARB notified candidates of the upcoming LARE changes in July 2011. Staff has been working closely with CLARB to ensure a smooth transition for all candidates. On November 3, 2011, an insert was included with the September 2011 examination results to candidates that explained the upcoming LARE changes. A similar insert has been included in subsequent result notices alerting candidates of the upcoming changes to the LARE. Information regarding these changes has also been added to the LATC website. Candidates that are in the middle of the examination have been encouraged to complete their exams by June 2012, as they could lose credit for exams already passed.

A regulatory proposal to amend CCR 2614; Examination Transition Plan, and allow transitional credit for the new sections of the LARE is necessary. See the next section (Regulation Changes) for information regarding the processing of the regulatory proposal.

Regulation Changes *CCR section 2614, Examination Transition Plan* – The proposed amendment to CCR section 2614 will permit candidates to continue to take the LARE administered by CLARB through June 2012. The regulatory changes outline the transitional credit effective September 2012, for candidates who are not successful in passing all sections of the previous LARE administered April 2006 through June 2012. Following is a chronology, to date, of the processing of the LATC's regulatory proposal for CCR section 2614:

| | |
|---|---|
| November 16, 2011 | Proposed regulatory changes approved by LATC |
| December 7, 2011 | Final approval by the Board |
| March 30, 2012 | Notice of Proposed Changes in the Regulations published by OAL |
| April 27, 2012 | Notice of Proposed Changes in the Regulations Addendum published by OAL |

LATC staff is working closely with the Office of Information Services (OIS) to determine current system (Applicant Tracking System) requirements and temporary manual processes necessary to implement regulation changes (i.e., examination transition, educational credit for partial degrees and architectural degrees, etc.) concurrently with the roll out of the DCA BreEZe enterprise system. The LATC was presented with the alternatives and recommendation at its meeting on May 4, 2012. A new and separate database will be developed by a DCA staff person on loan from the Contractors State License Board. LATC staff is working closely with OIS to ensure the manual processes are developed and implemented with minimal impact when transitioning to BreEZe. Staff is currently preparing flowcharts for specific business processes to prepare for the development of the workaround database.

*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 UC extension programs. Following is a chronology, to date, of the processing of the regulatory proposal for CCR section 2620.5:

| | |
|---|---|
| November 22, 2010 | Proposed regulatory changes approved by LATC |
| December 15, 2010 | Final approval by the Board |
| April 13, 2012 | Notice of Proposed Changes in the Regulations published by OAL |
| May 28, 2012 | Public hearing, no public comments received |

*CCR sections 2615, Form of Examinations, and 2620, Education and Training Credit* – CLARB will, in September 2012, implement modest structural changes to the LARE better aligning its content with the current practice of landscape architecture. CCR section 2615 was recently amended to allow a candidate with a landscape architect degree or a landscape architect extension certificate to take the multiple choice sections of the LARE. The multiple choice sections of the LARE are currently sections A, B, and D. However, when the LARE transitions in September from a five-section exam to a four-section exam, each section will be comprised of multiple choice items. Section 2615 needs to be amended to clarify that such candidates should only be allowed to take sections 1 and 2 of the new LARE. Additionally, an amendment is necessary to clearly specify the LATC will not recognize the LARE scores for sections 3 and 4 if a candidate takes the sections when not eligible at the time it was administered.

The Landscape Architectural Accreditation Board (LAAB) is the accrediting organization for landscape architectural programs. LAAB released their updated "Accreditation Standards And Procedures" publication on February 6, 2010. CCR section 2620 needs to be updated to reflect this change. CCR section 2620(a)(4) includes the phrase "city/community college." This phrase needs to be corrected to say "community college" and avoid redundancy. Following is a chronology, to date, of the processing of the regulatory proposal for CCR sections 2615 and 2620:

| | |
|---|---|
| May 4, 2012 | Proposed regulatory changes approved by LATC |
| May 18, 2012 | Notice of Proposed Changes in the Regulations published by OAL |
| July 2, 2012 | Public hearing scheduled |

## LATC ENFORCEMENT PROGRAM

| Enforcement Statistics | Current Month May 2012 | Prior Month April 2012 | Prior Year May 2011 |
|---|---|---|---|
| Complaints Opened*: | 4 | 1 | 1 |
| Complaints to Expert: | 0 | 0 | 1 |
| Complaints to DOI: | 0 | 0 | 0 |
| Complaints Pending DOI: | 0 | 0 | 0 |
| Complaints Pending AG: | 0 | 0 | 1 |
| Complaints Pending DA: | 0 | 0 | 0 |

| Enforcement Statistics | Current Month | Prior Month | Prior Year |
|---|---|---|---|
| | May 2012 | April 2012 | May 2011 |
| Complaints Closed: | 6 | 2 | 3 |
| Complaints Pending: | 30 | 32 | 63 |
| Settlement Cases (§5678.5) Opened: | 0 | 0 | 0 |
| Settlement Cases (§5678.5) Pending: | 3 | 3 | 1 |
| Settlement Cases (§5678.5) Closed: | 0 | 0 | 0 |
| Citations Final: | 0 | 0 | 0 |

*Includes both complaint and settlement cases

**UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING SENATE BILL 975 (WRIGHT), ASSEMBLY BILL (AB) 1822 (BERRYHILL), AB 2482 (MA), AND AB 2570 (HILL)**

**SB 975 (Wright)** is sponsored by the American Council of Engineering Companies – California Chapter, and will clarify that only professional boards authorized to issue licenses for the practice of various professions may require additional continuing education requirements.

There is a growing practice for third party agencies (State Water Resources Control Board, for example) to impose a training class and certificate program on licensed professionals in the course of adopting regulations. These training and certificate requirements are created and imposed outside of, and in addition to, the licensure requirements adopted by state statute and enforced by Department of Consumer Affairs (DCA) professional boards. Licensed professionals must then comply in order to meet the permit requirements, even if the scope of work is clearly already within their professional licensure as determined by their DCA board.

This forced "continuing education" is costly and represents a significant regulatory excess. It imposes requirements on California practitioners that are not replicated in other states, making our state less business friendly as a result. It occurs outside of the state law that sets standards for professional licensure and conduct through DCA. This practice incurs costs to business and individuals, and only benefits the cottage industries of instructors and certificate associations.

Senate Bill (SB) 975 will avoid the creation of duplicate, overlapping and contradictory practice requirements imposed by other agencies. The bill was referred to the Senate Business, Professions and Economic Development Committee (Senate B&P) where it was passed and sent to the Assembly Floor. The bill passed the Assembly on May 29, 2012.

**AB 1822 (Berryhill)** is the Board's term-staggering legislation. It seeks to avoid having a significant number of terms expire during consecutive years. Currently, three terms (all architects) are scheduled to expire in 2013 and four terms (two architects and two public) are scheduled to expire in 2014. That means a total of seven out of ten terms (and all architects terms) expire in a one year period. This creates a tremendous loss of institutional memory and effectiveness for the Board. To remedy this problem, this proposal restaggers the terms of the gubernatorial appointees to the Board. The bill was referred to the Senate B&P for a hearing on April 26, 2012. The hearing was postponed by the SBPEDC.

**AB 2482 (Ma)** was introduced February 24, 2012 and is the latest effort at interior designer legislation. The Board strongly opposed SB 1312 in 2008, which also sought licensing for interior designers. AB 2482 would create the California Registered Interior Designers Board and would authorize the Board to license and regulate interior designers. The measure includes five pages of exemptions and grandfathering, and a 2/3 ownership requirement for architectural business organizations or associations. The bill authorizes citations of up to $10,000 for violations of the act, which contains both "title" and "practice" components. The bill was referred to the Assembly Committee on Business, Professions and Consumer Protection (ACBPCP). The hearing was cancelled at the request of the bill's author on April 24, 2012. The bill died in Committee.

**AB 2570 (Hill)** was also introduced on February 24, 2012, and would prohibit a licensee regulated by the DCA or their agent from including or allowing to be included any provision that would prevent another party in a civil action from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program or that would require another party to withdraw a complaint. The bill would also prohibit the department, board, bureau or program from requiring additional monetary damages to the benefit of the plaintiff in a civil action. The bill was referred to the ACBPCP where it passed on May 16, 2012, and was sent to the Senate. The bill passed the Senate on May 25, 2012.

Attachments

1. SB 975 (Wright)
2. AB 1822 (Berryhill)
3. AB 2482 (Ma)
    a. SB 1312 Letter to Senate Appropriations Committee
    b. SB 1312 – Interior Design Practice Act (National Kitchen and Bath Association)
    c. Dan Walters, *Designer Licensing Bill Touches Off Fierce Duel*, Sacramento Bee, April 14, 2008
4. AB 2570 (Hill)

AMENDED IN SENATE MAY 14, 2012

AMENDED IN SENATE MARCH 27, 2012

# SENATE BILL No. 975

**Introduced by Senator Wright**

January 19, 2012

An act to add Section 101.2 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 975, as amended, Wright. Professions and vocations: regulatory authority.

Existing law, the Business and Professions Code, provides for the licensure and regulation of various professions and vocations by boards, bureaus, and commissions within the Department of Consumer Affairs. Under existing law, a city or county shall not prohibit a person or group of persons, authorized by one of these boards, bureaus, or commissions, as specified, to engage in a particular business from engaging in that business, and shall not prohibit a healing arts professional licensed by one of those boards from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

This bill would provide that those boards, bureaus, and commissions have the sole and exclusive authority to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of that code, and that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions or vocations other than under that code or by regulation promulgated by the applicable board through its authority granted under that code. The bill would prohibit a city, county, city and county, school

district, other special district, a local or regional agency, or joint powers agency from imposing a licensing requirement upon a person licensed to practice a profession or vocation regulated by one of these boards. The bill would state findings and declarations of the Legislature.

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

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

SECTION 1. The Legislature finds and declares the following:

(a) The ~~State of California,~~ State and Consumer Services Agency~~,~~ contains the Department of Consumer Affairs, which contains approximately 38 boards, bureaus, and commissions the mission of which is to regulate specified professions and vocations. In addition to those boards, bureaus, and commissions, the state government also is comprised of dozens of other state agencies, departments, boards, bureaus, and commissions.

(b) California local government is comprised of 58 counties, approximately 470 cities, and over 2,000 special districts, local and regional agencies, and joint powers agencies.

(c) If other state governmental entities or local governmental entities were to require persons licensed to practice a profession or vocation by a board, bureau, or commission within the Department of Consumer Affairs to satisfy additional licensing requirements in order to practice their professions or vocations, before or within the respective governmental entity, this would impose enormous regulatory burdens upon those persons.

(d) The practice of adopting continuing education requirements through regulatory action, and the imposition of mandatory training programs to satisfy requirements for licensure, certification, or registration, is becoming more prevalent with each passing year as authority is shifted from direct legislative action to increasingly broad, yet undefined, regulatory mandates.

(e) The imposition of educational and training requirements by these governmental entities, in addition to state licensing requirements, inhibits the practice of those professions within or before those governmental entities.

(f) Further, as additional licensing requirements are imposed, it is becoming difficult and impractical for the state and local

governmental entities to administer conflicting and diverse requirements, resulting in greater confusion and increased costs.

(g) It is therefore imperative that the licensed professions and vocations have a single set of licensing requirements that apply uniformly throughout the state and apply equally in all state and local governmental entities, and that licensed professionals clearly understand the expectations with which they must comply in order to legally operate within their scopes of practice in the state.

SEC. 2. Section 101.2 is added to the Business and Professions Code, to read:

101.2. (a) (1) The boards specified in Section 101 shall have the sole and exclusive authority to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of this code.

(2) No city, county, city and county, school district, other special district, local or regional agency, or joint powers agency, shall impose a licensing requirement upon a person licensed to practice a profession or vocation regulated by a board specified in Section 101.

(3) A licensing requirement shall not be imposed upon a person licensed to practice a profession or vocation regulated by a board specified in Section 101 other than by this code or by regulation promulgated by the applicable board through its authority granted under this code.

(b) For purposes of this section, "licensing requirements" include, but are not limited to, the following with respect to a profession or vocation licensed and regulated by a board specified in Section 101:

(1) Additional training or certification requirements to practice within the scope of practice of a profession or vocation licensed under this code.

(2) Continuing education requirements for renewal or continuation of licensure.

(3) Any additional *experience or qualification* requirements beyond those provided in this code or pursuant to regulations promulgated by the applicable board specified in Section 101 through its authority granted under this code.

(c) Nothing in this section shall be construed to do either of the following:

(1) Prohibit parties from contractually agreeing to additional experience, qualifications, or training of a licensee under this code in connection with performance of a contract.

(2) Prohibit a licensee from voluntarily undertaking satisfaction of certification programs not required under this code for licensure by a board specified in Section 101.

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# ASSEMBLY BILL No. 1822

**Introduced by Assembly Member Bill Berryhill**

February 21, 2012

An act to add Section 5515.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1822, as introduced, Bill Berryhill. California Architects Board.

Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board, which consists of 5 architect members appointed by the Governor, 3 public members appointed by the Governor, and 2 public members appointed by the Legislature, as specified. Existing law requires these members to serve 4-year terms.

This bill would provide for the staggering of the terms of the members appointed by the Governor whose terms commence on specified dates by requiring certain of those members to serve 5- and 6-year terms, as specified.

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

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

SECTION 1. Section 5515.5 is added to the Business and Professions Code, to read:

5515.5. (a) Notwithstanding Section 130 or 5515, the following provisions shall apply:

(1) Of the three licensed members appointed by the Governor whose terms commence on July 1, 2013, the term of two members shall expire on June 30, 2017, and the term of one member shall expire on June 30, 2019.

(2) Of the two licensed members appointed by the Governor whose terms commence on July 1, 2014, the term of one member shall expire on June 30, 2018, and the term of the other member shall expire on June 30, 2020.

(3) The term of the public member appointed by the Governor that commences on July 1, 2014, shall expire on June 30, 2019.

(4) Of the two public members appointed by the Governor whose terms commence on July 1, 2016, the term of one member shall expire on June 30, 2020, and the term of the other member shall expire on June 30, 2021.

(b) Except as provided in subdivision (a), this section shall not be construed to affect the application of Section 130 or 5515 to the terms of a current or future member of the board.

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**D R A F T**

**Proposed Amendment to AB 1822**

***Notwithstanding Section 30 of this code and Section 17520 of the Family Code, the California Architects Board may accept for processing of an original or renewed license to practice architecture, an application from an individual containing a federal tax identification number, or other appropriate identification number as determined by the Board, 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.***

AMENDED IN ASSEMBLY APRIL 10, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

# ASSEMBLY BILL No. 2482

**Introduced by Assembly Member Ma**

February 24, 2012

An act to add Chapter 3.7 (commencing with Section 5700) to Division 3 of the Business and Professions Code, to amend Section 13401 of the Corporations Code, and to amend Section 26509 of the Government Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2482, as amended, Ma. Registered interior designers.

Existing law defines certified interior designers and interior design organizations, permits a certified interior designer to obtain and use a stamp identifying the designer, and, among other things, makes it an unfair business practice for a person to represent himself or herself as a certified interior designer unless he or she complies with certain requirements.

This bill would create the California Registered Interior Designers Board within the Department of Consumer Affairs. The bill would require the membership of the board to consist of an unspecified number of members who are required to be registered interior designers and an unspecified number of public members. The bill would require the Governor to appoint the public members and the Senate Committee on Rules and the Speaker of the Assembly to appoint unspecified numbers of the licensee members. The bill would provide for the licensure and regulation by the board of persons who engage in the practice of registered interior design, as defined. The bill would require the board to issue a license to a person who meets specified requirements,

including, but not limited to, completing an application, paying a specified fee, submitting proof of successful completion of certain education and work experience, and submitting proof of passage of an examination approved by the board or a specified examination prepared and administered by the National Council for Interior Design. The bill would also require the board to issue a license to, among others, specified certified interior designers or persons with certain interior design experience if they are certified by the National Council for Interior Design or have passed an examination approved by the board or a specified examination administered by the National Council for Interior Design. The bill would enact various provisions regarding the practice of registered interior design, including, but not limited to, practice requirements, license requirements, conditions for license renewals including the completion of continuing education, and grounds for revocation or suspension of a license, among other disciplinary actions.

The bill would authorize licensees, architects, landscape architects, and engineers to join or form business organizations or associations, except as specified, with persons outside their field of practice if certain requirements are met. The bill would authorize a licensee, if required by a local government in relation to the issuance of a permit, to prepare and seal interior design documents to be submitted for certain building permits.

The bill would create the California Registered Interior Designers Board Fund and would authorize the committee to impose various fees on registered interior designers to be deposited in that fund.

The bill would make it unlawful for a person to hold himself or herself out as, or solicit business as, a registered interior designer or use the title "registered interior designer" unless licensed pursuant to these provisions. The bill would also prohibit a person from engaging in the practice of registered interior design without a license. The bill would make a violation of any of these provisions a misdemeanor and, by creating a new crime, would impose a state-mandated local program. The bill would enact related provisions, *and would declare the intent of the Legislature in this regard*.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

*SECTION 1. It is the intent of the Legislature to update the law pertaining to the interior design profession by recognizing that the profession has evolved to incorporate more areas of practice. Specifically, it is the intent of the Legislature to permit an additional career path for those who practice in the area of nonseismic, nonstructural, but code-affecting plan development by providing the opportunity for licensure for those who so choose. It is not the intent of the Legislature to affect the existing practice of interior design in any way.*

~~SECTION 1.~~

*SEC. 2.* Chapter 3.7 (commencing with Section 5700) is added to Division 3 of the Business and Professions Code, to read:

## Chapter 3.7. Registered Interior Designers

### Article 1. General Provisions

5700. The purpose of this chapter is to safeguard life, health, and property, to promote the public welfare by improving the quality of human environmental design, and to establish the practice of registered interior design for persons who hold design education and experience and successfully pass an interior design examination, as provided in this chapter.

5702. For purposes of this chapter, the following terms shall have the following meanings:

(a) "Board" means the California Registered Interior Designers Board.

(b) "Building shell" means the architecture of an existing building, including, but not limited to, the framework, the perimeter and exterior walls, the building core and columns, and other structural, load-bearing elements.

(c) "Construction documents" means the detailed working drawings that define the work to be constructed. These documents may include, but are not limited to, partition plans, power and communication plans, reflected ceiling plans, materials and finishes

plans, furniture layout plans, and elevations, sections, and details, along with the drawings of associated consultants.

(d) "Contract documents" means the set of documents that form a part of the legal contract for services between two or more parties. These documents may include, but are not limited to, detailed instructions to the contractor, tender forms, construction documents, and specifications.

(e) "Interior design" means a multifaceted profession in which creative and technical solutions are applied within a structure to achieve a built interior environment. These solutions are functional and enhance the quality of life and culture of the occupants. Interior design includes, but is not limited to, ~~both of~~ the following:

(1) The creation of designs, in response to and in coordination with the building shell, that acknowledge the physical location and social context of a project, adhere to code and regulatory requirements, and encourage the principles of environmental sustainability.

(2) The use of a systematic and coordinated methodology, including research, analysis, and integration of knowledge into the creative process, to satisfy the needs of a client, using the resources of the client, in order to produce an interior space that fulfills a project's goals.

*(3) The rendering of services to enhance the quality and function of an interior area within a structure designed for human habitation or occupancy, including, but not limited to, all of the following:*

*(A) An analysis of a client's needs and goals for the interior area and an analysis of the safety requirements applicable to that area.*

*(B) The formulation of appropriate, functional, and safe preliminary designs, including space planning, for the interior area.*

*(C) The development and presentation of final designs, including, but not limited to, drawings affecting nonstructural or nonseismic elements or components, that are appropriate for the alteration or construction of the interior area.*

*(D) The preparation of contract documents for the alteration or construction of the interior area, including, but not limited to, specifications for partitions, materials, finishes, furniture, fixtures, and equipment.*

*(E) Collaboration with architects licensed pursuant to Chapter 3 (commencing with Section 5500) or professional engineers registered pursuant to Chapter 7 for the alteration or construction of the interior area.*

*(F) The preparation and administration of bids or contract documents for the alteration or construction of the interior area as the agent of a client.*

*(G) The review and evaluation of problems relating to the design of the interior area during the alteration or construction of the area and upon completion of that alteration or construction.*

(f) "Licensee" means a person licensed pursuant to the provisions of this chapter.

(g) "Nonstructural or nonseismic elements or components" means interior elements or components that are not load bearing, or do not assist in the seismic design, and do not require design computations for a building's structure. These elements or components include, but are not limited to, ceiling and partition systems and elements or components that employ normal and typical bracing conventions but are not part of the structural integrity of the building. These elements or components exclude the structural frame supporting a building.

(h) "Partition" means a wall that does not support a vertical load of a structure other than its own weight, but may support loads attached to it, such as cabinetry, shelving, or grab bars, and does not extend further than the distance from the floor of an interior area of a structure designed for human habitation or occupancy to the underside of the deck of that structure.

(i) "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if the ceiling was projected downward, and may include, but is not limited to, lighting and other elements.

(j) "Responsible supervisory control" means the direct responsibility for supervising work and the decisionmaking process, including the review, control, and enforcement of compliance with design criteria and life safety requirements.

(k) "Space planning" means the analysis and design of spatial and occupancy requirements, including, but not limited to, preliminary space layouts and final planning for nonload-bearing walls, partitions, panels, and furnishings.

(*l*) "Specifications" means the detailed written description of construction, workmanship, and materials of the work to be undertaken.

5704. The "practice of registered interior design" means the rendering of services ~~to enhance the quality and function of an interior area within a structure designed for human habitation or occupancy, and includes, but is not limited to, all of the following:~~ *by a licensee and use by a licensee of a "Registered Interior Designer" stamp, as provided for in this chapter.*

~~(a) An analysis of a client's needs and goals for the interior area and an analysis of the safety requirements applicable to that area.~~

~~(b) The formulation of appropriate, functional, and safe preliminary designs, including space planning, for the interior area.~~

~~(c) The development and presentation of final designs, including, but not limited to, drawings affecting nonstructural or nonseismic elements or components, that are appropriate for the alteration or construction of the interior area.~~

~~(d) The preparation of contract documents for the alteration or construction of the interior area, including, but not limited to, specifications for partitions, materials, finishes, furniture, fixtures, and equipment.~~

~~(e) Collaboration with professional engineers registered pursuant to Chapter 7 (commencing with Section 6700) or architects licensed pursuant to Chapter 3 (commencing with Section 5500) for the alteration or construction of the interior area.~~

~~(f) The preparation and administration of bids or contract documents for the alteration or construction of the interior area as the agent of a client.~~

~~(g) The review and evaluation of problems relating to the design of the interior area during the alteration or construction of the area and upon completion of that alteration or construction.~~

5706. There is in the Department of Consumer Affairs a California Registered Interior Designers Board in which the administration and enforcement of this chapter is vested.

5708. The board shall license and regulate the practice of registered interior design in the interest and for the protection of the public health, safety, and welfare. The board shall establish a fair and uniform enforcement policy to deter and prosecute violations of this chapter or any rules and regulations adopted

pursuant to this chapter that provide for the protection of the consumer.

5710. Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

5712. (a) The membership of the board shall be composed of ____ members, ____ of whom shall be registered interior designers licensed pursuant to this chapter and ____ members who shall be public members.

(b) The licensee members of the board shall be selected from registered interior designers in good standing who have been licensed and in practice in this state for at least ____ years at the time of appointment, and all of whom shall be residents and in practice in California.

(c) The Governor shall appoint the ____ public members. The Senate Committee on Rules shall appoint ____ licensee members and the Speaker of the Assembly shall appoint ____ licensee members.

(d) The public members of the board shall not be licensees.

(e) The board shall elect a president and secretary from its membership.

5714. (a) The board shall register as a member board with the National Council for Interior Design Qualification.

(b) The board shall appoint a delegate to become a member of the Council of Delegates of the National Council for Interior Design Qualification.

## Article 2. Licensure

5720. The board shall issue a license to a person who meets all of the following requirements:

(a) Has not committed any of the acts described in Section 5750.

(b) Completes an application for a license on a form prescribed by the board.

(c) Pays the licensure fee prescribed by the board pursuant to Section 5770.

(d) Submits proof satisfactory to the board of successful completion of one of the following:

(1) A bachelor's degree program in interior design and 3,520 hours of interior design experience under the supervision of a registered interior designer or other experience approved by the board, including 1,760 hours earned after the degree program is completed.

(2) A bachelor's degree program in any major with no fewer than 60 semester or 90 quarter hours of interior design coursework that culminates in a degree, and with 3,520 hours of interior design experience under the supervision of a registered interior designer or experience approved by the board, including 1,760 hours earned after the degree program and coursework are completed.

(3) No fewer than 60 semester or 90 quarter hours of interior design coursework that culminates in a degree or diploma and 5,280 hours of interior design experience earned after that coursework is completed under the supervision of a registered interior designer or experience acceptable to the board.

(4) No fewer than 40 semester or 60 quarter hours of interior design coursework that culminates in a certificate, degree, or diploma and 7,040 hours of interior design experience earned after that coursework is completed under the supervision of a registered interior designer or experience approved by the board.

(e) Submits proof of passage of the examination prepared and administered by the National Council for Interior Design Qualification or, if required by the board, another examination approved by the board.

5722. The board may issue a license to a person who, at the time of application, holds a valid license to practice registered interior design issued in another state if the education and experience requirements in that state are equivalent to, or more stringent than, the requirements of this chapter, as determined by the board.

5724. (a) The board shall issue a license to a person who is, on the effective date of the act adding this section, a certified interior designer pursuant to Chapter 3.9 (commencing with Section 5800) or previously received interior design certification pursuant to Chapter 3.9 (commencing with Section 5800) and is certified by the National Council for Interior Design Qualification or has passed an examination approved by the board or the Codes, Building Systems and Construction Standards section of the

examination administered by the National Council for Interior Design Qualification.

(b) The board shall issue a license to a person who submits an application to the board before January 1, 2016, and submits proof acceptable to the board of 10 years of experience in interior design under the supervision of a registered interior designer or experience approved by the board and passage of an examination approved by the board or the National Council for Interior Design Qualification examination.

(c) The board shall issue a license to a person who submits an application to the board before January 1, 2016, and submits proof acceptable to the board of eight total years of experience in interior design under the supervision of a registered interior designer or experience approved by the board, including no fewer than two years of education in interior design that is acceptable to the board and is certified by the National Council for Interior Design Qualification or has passed an examination approved by the board or the Codes, Building Systems and Construction Standards section of the examination of the National Council for Interior Design Qualification.

5726. Nothing in this chapter shall be construed to prohibit any person ~~who is, on the effective date of the act adding this section, certified pursuant to Chapter 3.9 (commencing with Section 5800)~~ from *attaining or* maintaining the title of "Certified Interior Designer" and from having all privileges granted pursuant to Chapter 3.9 (commencing with Section 5800). *Further, nothing in this chapter shall be construed to prohibit the lawful practice of interior design.*

5728. (a) A license issued pursuant to this chapter shall include the full name of the licensee and a serial number and shall be signed by the president and the secretary of the board under seal of the board. The issuance of a license by the board pursuant to this chapter is evidence that the licensee is entitled to all the rights and privileges of a registered interior designer while the license remains unsuspended, unrevoked, and unexpired.

(b) The unauthorized use or display of a license is unlawful.

5730. (a) A license issued pursuant to this chapter shall expire two years after the date of issue.

(b) To renew a license, the licensee shall, on or before the expiration date of the license, do all of the following:

(1) Apply for renewal on a form prescribed by the board.

(2) Pay a renewal fee prescribed by the board pursuant to Section 5770.

(3) Submit proof of compliance with the continuing education requirements established by the board.

(4) Comply with subdivision (b) of Section 5724, if applicable.

(c) After a licensee has satisfied the requirements of subdivision (b), the secretary of the board shall renew the license for two years. The renewed license shall bear the full name of the licensee, the licensee's serial number, the seal of the board, and the signature, or a facsimile thereof, of the secretary or president of the board. The secretary of the board shall record the renewal in the official register of the board.

5732. The board shall, by regulation, require registered interior designers to complete not more than 10 hours of continuing education per renewal period as a condition of renewal of their license.

5734. (a) Except as provided in subdivision (b), a certificate of licensure that is not renewed on or before its expiration date may be renewed at any time within one year of the date of its expiration if the licensee meets the requirements of Section 5732.

(b) The board may, by regulation, authorize the renewal of a license that has not been renewed within one year of the date of its expiration.

5736. The board shall issue, upon application, a retired license to a person licensed by the board who chooses to relinquish or not renew his or her license. A person holding a retired license shall use the title "retired registered interior designer" and shall not practice registered interior design.

5738. The board may deny a license for any violation of this chapter.

## Article 3. Practice of Registered Interior Design

5740. (a) A licensee shall sign, date, and seal or stamp, using a seal or stamp described in subdivision (b), all plans, specifications, studies, drawings, and other documents he or she issues for official use pursuant to the practice of registered interior design. The board may adopt regulations specifying the manner in which a licensee may electronically issue those documents.

(b) A licensee shall use a seal or stamp of the design authorized by the board, bearing his or her name, the serial number included on his or her certificate of licensure, and the legend "registered interior designer."

(c) It is unlawful for a person to seal or stamp a plan, specification, study, drawing, or other document after the license has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.

(d) A plan, specification, study, drawing, or other document prepared by a licensee shall contain a statement that the document was prepared by a person licensed pursuant to this chapter.

5742. Notwithstanding any other provision of law, a licensee may, if required by a city, county, or city and county in relation to the issuance of a permit, prepare and seal interior design documents to be submitted for the issuance of a building permit for interior construction, excluding design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems.

5744. A licensee may, in the practice of registered interior design, collaborate with any of the following persons:

(a) An architect licensed pursuant to Chapter 3 (commencing with Section 5500).

(b) An electrical, structural, or mechanical engineer registered and authorized to use that title pursuant to Chapter 7 (commencing with Section 6700).

5746. A person shall not bring or maintain an action in the courts of this state for the collection of compensation for the performance of an act or contract for which a license is required by this chapter without alleging and proving that he or she was duly licensed under this chapter at all times during the performance of the act or contract.

## Article 4. Discipline

5750. (a) The board may, by order, suspend, revoke, or place on probation the certificate of a licensee, assess a fine of not more than ten thousand dollars ($10,000) against a licensee, impose the costs of an investigation and prosecution upon a licensee, or take any combination of these disciplinary actions if a licensee does any of the following:

(1) Obtains a license by fraud or concealment of a material fact.

(2) Is found guilty by the board or a court of competent jurisdiction of fraud, deceit, or concealment of a material fact in his or her practice of registered interior design, or is convicted by a court of competent jurisdiction of a crime involving moral turpitude.

(3) Is found mentally ill by a court of competent jurisdiction.

(4) Is found guilty by the board of incompetence, negligence, or gross negligence in the practice of interior design.

(5) Affixes his or her signature, stamp, or seal to plans, specifications, studies, drawings, or other instruments of service that have not been prepared by him or her, or in his or her office, or under his or her responsible supervisory control, or permits the use of his or her name to assist a person who is not a licensed interior designer to evade any provision of this chapter.

(6) Aids or abets an unlicensed person to practice as a registered interior designer.

(7) Violates a law, regulation, or code of ethics pertaining to the practice of registered interior design.

(8) Fails to comply with an order issued by the board or fails to cooperate with an investigation conducted by the board.

(b) An order issued pursuant to this section, and the findings of fact and conclusions of law supporting that order, are public records.

(c) The board shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Division 3 of Title 2 of the Government Code.

(d) For purposes of this section, the following terms have the following meanings:

(1) “Gross negligence” means conduct that demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(2) “Incompetence” means conduct that, in the practice of registered interior design, demonstrates a significant lack of ability, knowledge, or fitness to discharge a professional obligation.

(3) “Negligence” means a deviation from the normal standard of professional care exercised generally by other persons engaging in the practice of registered interior design.

5752. The proceedings for the disciplinary actions described in this article shall be conducted in accordance with the

Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

5754. An order placing a licensee on probation pursuant to Section 5750 may include, but shall be not be limited to, any of the following conditions:

(a) Restriction on the scope of practice of registered interior design of the licensee.

(b) Peer review by peers designated by the board.

(c) Required continuing education or counseling.

(d) Payment of restitution to persons who suffered harm or loss.

Article 4.5. Business Organization or Association

5756. (a) Notwithstanding any other provision of law, persons licensed pursuant to this chapter, architects licensed pursuant to Chapter 3 (commencing with Section 5500), landscape architects licensed pursuant to Chapter 3.5 (commencing with Section 5615), and professional engineers registered pursuant to Chapter 7 (commencing with Section 6700) may join or form a partnership, corporation, or other business organization or association, except a limited liability company or limited liability partnership, with persons outside their field of practice who are not registered or licensed if all of the following requirements are met:

(1) Control and two-thirds ownership of the business organization or association are held by persons registered pursuant to this chapter, architects licensed pursuant to Chapter 3 (commencing with Section 5500), landscape architects licensed pursuant to Chapter 3.5 (commencing with Section 5615), or professional engineers registered pursuant to Chapter 7 (commencing with Section 6700). For purposes of this paragraph, “control” means the direct or indirect possession of power to direct or cause the direction of the management and policies of the business organization or association.

(2) The business organization or association demonstrates to the satisfaction of the board that it is in compliance with the requirements of this section.

(3) The business organization or association otherwise qualifies to do business in this state pursuant to other applicable requirements of state law.

(4) The business organization, if a corporation, obtains a certificate of registration from the board and furnishes to the board a complete list of all shareholders when it first registers with the board, and annually thereafter within 30 days after the annual meeting of the shareholders of the corporation, showing the number of shares held by each shareholder.

(5) The business organization or association, if not a corporation, obtains a certificate of registration from the board and furnishes information similar to that required under paragraph (4), as prescribed by the board by regulation.

(b) A business organization or association providing interior design services shall not perform, promote, or advertise the services of a registered interior designer unless a registered interior designer is an owner of the business organization or association.

(c) A licensee practicing in a business organization or association holding a certificate of registration pursuant to this section remains subject to Section 5750.

(d) If an unlicensed person, or a licensee who is not an owner, and who is employed by or affiliated with a business organization or association that holds a certificate pursuant to this section, is found by the board to have violated a provision of this chapter or a regulation of the board, the board may hold the business organization or association and the licensees who are owners responsible for the violation.

## Article 5. Offenses Against the Chapter

5760. (a) It is unlawful for a person to do any of the following:

(1) Hold himself or herself out to the public or solicit business as a licensed registered interior designer in this state without holding a license issued by the board pursuant to this chapter. This paragraph does not prohibit a person who is exempt from this chapter pursuant to Section 5780 from holding himself or herself out to the public or soliciting business in this state as an interior designer.

(2) Advertise or put out any sign, card, or other device that indicates to the public that he or she is a licensed registered interior designer or that he or she is otherwise qualified to engage in the practice of registered interior design, without holding a license issued by the board pursuant to this chapter.

(3) Practice registered interior design, or use the title "registered interior designer," in this state unless he or she holds a license issued by the board pursuant to this chapter.

(4) Violate any provision of this chapter.

(b) This section does not prohibit a person registered or otherwise qualified or approved by a private organization from using a term or title copyrighted or otherwise protected under law by the certifying organization or from providing services customarily associated with that title, or specified by the certifying organization, or as specified in Section 5704, provided that the use of that term or title does not connote licensure under this chapter.

(c) This section does not prohibit a person from providing services as specified in Section 5538, provided he or she does not hold himself or herself out to the public as, or solicit business as, a registered interior designer, unless the person holds a valid license issued by the board pursuant to this chapter.

5762. A person who violates any provision of this chapter is guilty of a misdemeanor, punishable as follows:

(a) For a first violation, the person shall be punished by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by imprisonment in a county jail for not more than six months, or by both that fine and imprisonment.

(b) For a second or subsequent violation, the person shall be punished by a fine of not less than one thousand dollars ($1,000) nor more than two thousand dollars ($2,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.

5764. In addition to any other penalty prescribed by law, a person who violates any provision of this chapter or any regulation adopted by the board is subject to a civil penalty of not more than ten thousand dollars ($10,000) for each violation. That penalty shall be imposed by the board at a hearing conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

## Article 6. Revenue

5770. (a) The board shall assess fees for licensure and licensure renewal in an amount sufficient to cover the reasonable regulatory cost of administering the provisions of this chapter.

(b) Fees collected pursuant to this chapter shall be collected by the board and deposited into the California Registered Interior Designers Board Fund, which is hereby created.

(c) All money in this fund shall, upon appropriation by the Legislature in the annual Budget Act, be used to carry out the provisions of this chapter.

## Article 7. Exemptions

5780. (a) This chapter shall not apply to any of the following:

(1) An architect licensed pursuant to Chapter 3 (commencing with Section 5500) acting within the scope of his or her license.

(2) A professional engineer registered pursuant to Chapter 7 (commencing with Section 6700) acting within the scope of his or her license.

(3) A person engaging in work related to registered interior design as an employee of a registered interior designer if the work does not include responsible supervisory control or supervision of the practice of registered interior design.

(4) A person performing registered interior design work under the responsible supervisory control of a registered interior designer.

(5) A consultant retained by a registered interior designer.

(6) A person who prepares drawings of the layout of materials or furnishings used in registered interior design or provides assistance in the selection of materials or furnishings used in registered interior design, if the preparation or implementation of those drawings, or the installation of those materials or furnishings, is not regulated by a building code or other law, ordinance, rule, or regulation governing the alteration or construction of a structure. The persons exempt from this chapter pursuant to this subdivision include, but are not limited to, a person who prepares drawings of the layout of, or provides assistance in the selection of, any of the following materials:

(A) Decorative accessories.

(B) Wallpaper, wallcoverings, or paint.

(C) Linoleum, tile, carpeting, or floor coverings.
(D) Draperies, blinds, or window coverings.
(E) Lighting or plumbing fixtures that are not part of a structure.
(F) Furniture or equipment.
(7) An employee of a retail establishment providing consultation regarding interior decoration or furnishings on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale.
(b) (1) Notwithstanding subdivision (a), a person shall not refer to himself or herself as a registered interior designer without being licensed pursuant to this chapter.
(2) This subdivision does not prohibit a person registered or otherwise qualified or approved by a private organization from using a term or title copyrighted or otherwise protected under law by the certifying organization provided that the use of that term or title does not connote licensure under this chapter.
(c) The exemptions described in this section shall not absolve a person from any civil or criminal liability that might otherwise accrue when engaging in acts described in this section.
5782. This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
(a) Single-family dwellings of woodframe construction not more than two stories and basement in height.
(b) Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height.
(c) Garages or other structures appurtenant to buildings described in this section, of woodframe construction not more than two stories and basement in height.
(d) Agricultural and ranch buildings of woodframe construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.
5784. A structural engineer, defined as a registered civil engineer who has been authorized to use the title structural engineer under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a structural engineer may not use the title “registered interior designer,” unless he or she holds a license as required in this chapter.

5786. This chapter shall not be construed as authorizing a licensed contractor to perform design services beyond those described in Section 5782 or in Chapter 9 (commencing with Section 7000), unless those services are performed by or under the direct supervision of a person licensed to practice registered interior design under this chapter, or a professional or civil engineer licensed pursuant to Chapter 7 (commencing with Section 6700) of Division 3, insofar as the professional or civil engineer practices the profession for which he or she is registered under that chapter.

However, this section does not prohibit a licensed contractor from performing any of the services permitted by Chapter 9 (commencing with Section 7000) of Division 3 within the classification for which the license is issued. Those services may include the preparation of shop and field drawings for work that he or she has contracted or offered to perform, and designing systems and facilities that are necessary to the completion of contracting services that he or she has contracted or offered to perform.

However, a licensed contractor may not use the title "registered interior designer," unless he or she holds a license as required in this chapter.

5788. A professional engineer registered to practice engineering under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a professional engineer may not use the title "registered interior designer," unless he or she holds a license as required in this chapter.

5790. A civil engineer authorized to use that title under the provisions of Chapter 7 (commencing with Section 6700), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a civil engineer may not use the title "registered interior designer," unless he or she holds a license as required in this chapter.

5792. A landscape architect registered under the provisions of Chapter 3.5 (commencing with Section 5615), insofar as he or she practices the profession for which he or she is registered, is exempt from the provisions of this chapter, except that a landscape architect

may not use the title "registered interior designer," unless he or she holds a license as required in this chapter.

5794. A land surveyor licensed under the provisions of Chapter 15 (commencing with Section 8700) of Division 3, insofar as he or she practices the profession for which he or she is licensed under Chapter 15 (commencing with Section 8700) of Division 3, is exempt from the provisions of this chapter, except that a land surveyor may not use the title "registered interior designer," unless he or she holds a license as required in this chapter.

5796. An architect licensed under the provisions of Chapter 3 (commencing with Section 5500) of Division 3, insofar as he or she practices the profession for which he or she is licensed under Chapter 3 (commencing with Section 5500) of Division 3, is exempt from the provisions of this chapter, except that an architect may not use the title "registered interior designer," unless he or she holds a license as required in this chapter.

5798. This chapter does not prohibit any person from furnishing either alone or with contractors, if required by Chapter 9 (commencing with Section 7000) of Division 3, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data covering such labor and materials to be used for any of the following:

(1) For nonstructural or nonseismic storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment.

(2) For any nonstructural or nonseismic work necessary to provide for the installation of those storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, appliances, or equipment.

(3) For any nonstructural or nonseismic alterations or additions to any building necessary to or attendant upon the installation of those storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, appliances, or equipment, provided those alterations do not change or affect the structural system or safety of the building.

~~SEC. 2.~~

*SEC. 3.* Section 13401 of the Corporations Code is amended to read:

13401. As used in this part:

(a) “Professional services” means any type of professional services that may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.

(b) “Professional corporation” means a corporation organized under the General Corporation Law or pursuant to subdivision (b) of Section 13406 that is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating the profession as herein provided and that in its practice or business designates itself as a professional or other corporation as may be required by statute. However, any professional corporation or foreign professional corporation rendering professional services by persons duly licensed by the Medical Board of California or any examining committee under the jurisdiction of the board, the Osteopathic Medical Board of California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the California Architects Board, the Court Reporters Board of California, the Board of Behavioral Sciences, the Speech-Language Pathology and Audiology Board, the Board of Registered Nursing, the California Registered Interior Designers Board, or the State Board of Optometry shall not be required to obtain a certificate of registration in order to render those professional services.

(c) “Foreign professional corporation” means a corporation organized under the laws of a state of the United States other than this state that is engaged in a profession of a type for which there is authorization in the Business and Professions Code for the performance of professional services by a foreign professional corporation.

(d) “Licensed person” means any natural person who is duly licensed under the provisions of the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act to render the same professional services as are or will be rendered by the professional corporation or foreign professional corporation of which he or she is or intends to become, an officer, director, shareholder, or employee.

(e) “Disqualified person” means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the professional services that the particular professional

corporation or foreign professional corporation of which he or she is an officer, director, shareholder, or employee is or was rendering.

~~SEC. 3.~~

*SEC. 4.* Section 26509 of the Government Code is amended to read:

26509. (a) Notwithstanding any other provision of law, including any provision making records confidential, and including Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code, the district attorney shall be given access to, and may make copies of, any complaint against a person subject to regulation by a consumer-oriented state agency and any investigation of the person made by the agency, where that person is being investigated by the district attorney regarding possible consumer fraud.

(b) Where the district attorney does not take action with respect to the complaint or investigation, the material shall remain confidential.

(c) Where the release of the material would jeopardize an investigation or other duties of a consumer-oriented state agency, the agency shall have discretion to delay the release of the information.

(d) As used in this section, a consumer-oriented state agency is any state agency that regulates the licensure, certification, or qualification of persons to practice a profession or business within the state, where the regulation is for the protection of consumers who deal with the professionals or businesses. It includes, but is not limited to, all of the following:

(1) The Dental Board of California.
(2) The Medical Board of California.
(3) The State Board of Optometry.
(4) The California State Board of Pharmacy.
(5) The Veterinary Medical Board.
(6) The California Board of Accountancy.
(7) The California Architects Board.
(8) The State Board of Barbering and Cosmetology.
(9) The Board for Professional Engineers and Land Surveyors.
(10) The Contractors' State License Board.
(11) The Funeral Directors and Embalmers Program.
(12) The Structural Pest Control Board.
(13) The Bureau of Home Furnishings and Thermal Insulation.

(14) The Board of Registered Nursing.
(15) The State Board of Chiropractic Examiners.
(16) The Board of Behavioral Science Examiners.
(17) The State Athletic Commission.
(18) The Cemetery Program.
(19) The State Board of Guide Dogs for the Blind.
(20) The Bureau of Security and Investigative Services.
(21) The Court Reporters Board of California.
(22) The Board of Vocational Nursing and Psychiatric Technicians of the State of California.
(23) The Osteopathic Medical Board of California.
(24) The Division of Investigation.
(25) The Bureau of Automotive Repair.
(26) The State Board for Geologists and Geophysicists.
(27) The Department of Alcoholic Beverage Control.
(28) The Department of Insurance.
(29) The Public Utilities Commission.
(30) The State Department of Health Services.
(31) The New Motor Vehicle Board.
(32) The California Registered Interior Designers Board.

~~SEC. 4.~~

*SEC. 5.* No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Arnold Schwarzenegger
GOVERNOR

April 21, 2008

The Honorable Tom Torlakson, Chairman
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

RE: Opposition to SB 1312 (Yee) – Licensing of Interior Designers
April 28, 2008 Hearing

Dear Senator Torlakson:

The California Architects Board (Board) is strongly opposed to SB 1312 (Yee) regarding interior design licensing and respectfully requests your "NO" vote at the hearing on the 28th of April.

Simply stated, there is no demonstrated need to license or register interior designers in California. There is no documented threat to the public health, safety, and welfare via the current system in California or nationally. Absent a specific, documented need for public protection, it is completely inappropriate to create an unnecessary, costly, and exclusionary governmental licensing program. In addition, the current statutory means for certifying interior designers via the California Council for Interior Design Certification appears to be working well and was recently validated by the Legislature's Sunset Review process.

Our estimates for the budget for this program are at **$1.4 million**, with additional one-time start up costs of $600,000 (see attached detail). This is a tremendous expenditure for a program that is completely unnecessary. To further underscore the lack of merit of this program, the legislation contains a number of exceptions that render the program meaningless. It is a glorified title act, with all the trappings and expenses of a practice act.

The Board also has concerns about the proposal creating a scope of practice for interior designers. Licensing interior designers to affect the interior of a building could lead to situations where they are unknowingly impacting fire/life safety issues, exiting, ventilation, etc. This could place the public in danger or at greater risk, rather than provide the protection the bill

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purports to offer. Such risk will have additional significant expenses due to the need for increased enforcement because the threat the public and confusion in the marketplace. In addition, there are long established and appropriate exemptions in existing law to enable interior designers to practice. As such, this measure appears to be an effort by one specific segment of the interior design community to influence the marketplace.

For these reasons, we urge you to vote "NO" on SB 1312.

Should you have any questions regarding our position, please contact the Board's Executive Officer Doug McCauley at (916) 574-7220.

Sincerely,

JON ALAN BAKER
President

cc (without attachment):
Members, Senate Appropriations Committee
Bob Franzoia, Staff Director, Senate Appropriations Committee
Amber Throne, Consultant, Senate Republican Caucus
Hadley Johnson, Jr. Deputy, Office of the Legislation Analyst
Laura Zuniga, Deputy Director – Office of Legislative and Regulatory Review – Department of Consumer Affairs
Kitty Williamson – Deputy Director, Office of Administration and Support Services - Department of Consumer Affairs
Board Members

# SB 1312 – Interior Design Practice Act

SB 1312 would create a restrictive practice act to control who can practice "registered" interior design in California

The following organizations are **opposed** or **concerned** about the impact of SB 1312.

California Building Officials
National Kitchen and Bath Association – California Chapters (NKBA)
American Institute of Architects – (AIA California Council)
California Architects Board
California Legislative Coalition for Interior Design
Los Rios Community College District
The Interior Design Society
Western Home Furnishings Association
Lumber Association of California & Nevada
National Association of the Remodeling Industry
International Furnishings and Design Association
American Institute of Building Designers
Home Depot
California Retailers Association

**Arguments Against SB 1312:**

- Allows one interior design organization, the American Society for Interior Design, to designate their own members as registered interior designers under California law and only their members would be allowed to practice registered interior design.

- Would deny access to practice registered interior design to current interior designers who have professional experience but who didn't graduate from specific schools.

- Duplicates existing state law that has been in place since 1992 that has certified 4,300 interior designers in California.

- There is no public health or safety issue that demands enactment of a restrictive practice act. The 1996 Sunset Review Committee concluded this fact.

- Local Building Codes do not restrict interior designers from submitting design plans to local building officials. Local officials already have authority to require an architect or engineer to stamp plans where necessary, and in a survey of 215 building departments, have no plans to restrict individuals who can submit documents. Los Angeles approves 30,000 permits each year that do not require an architect's or engineer's stamp.

- SB 1312 is not needed to protect local building officials from liability – existing provisions of the Government Code already provides this protection.

- SB 1312 will add unnecessary cost and administrative overhead to the interior design industry that must be passed on to the consumer. The California Architects Board estimates SB 1312 will cost $1.4 million to administer plus $600,000 in one time start-up costs.

The Web Site of The Sacramento Bee

This story is taken from Sacbee / Politics.

# Dan Walters: Designer licensing bill touches off fierce duel

## By Dan Walters - dwalters@sacbee.com
## *Published 12:00 am PDT Monday, April 14, 2008*

The Capitol has seen countless "scope of practice" battles between competing professional groups, usually of the medical variety.

The epic, years-long duel between podiatrists and orthopedic surgeons over the legal right to perform ankle surgery is the best-known (the podiatrists won) and others have pitted psychologists against psychiatrists over the right to prescribe drugs and dental surgeons against plastic surgeons over facial remodeling.

True to form, another scope of practice conflict has erupted in the Capitol this year, but this time it involves not medicine but who can and cannot design the interiors of homes and commercial buildings.

An organization of interior designers has chosen California as one of many battlegrounds in its decades-long campaign to achieve state- licensed professional status, but is running into fierce opposition from interior designers who would not meet the proposed licensing standards and thus, they say, be denied some business, and from architects who see an incursion into their design business.

The American Association of Interior Designers (AAID) is promoting professionalization bills in a flock of states this year, including Senate Bill 1213, carried by Sen. Leland Yee, D-San Francisco.

San Francisco interior designer Bruce Goff, who tracks legislation for the sponsoring Interior Design Coalition of California, says state licensing would affect only designers who do projects covered by building codes – not those who are primarily decorators – and cites "more and more risk-averse" local building inspectors as creating a need for state licensing.

Goff concedes, however, that what's happening in California is "part of a national effort by interior designers." And, in fact, the education and experience requirements in the Yee bill are virtually identical to those sought by AAID elsewhere.

Critics see the drive as a way for one faction of designers to carve out a lucrative niche for themselves, screening out competitors who don't meet its licensing standards on one hand while intruding on architects' practices on the other.

"This bill would for the first time restrict many thousands of designers in the state of

California from practicing a profession in which they have engaged in without complaint for years," the National Kitchen and Bath Association said in a letter to Sen. Mark Ridley-Thomas, D-Los Angeles, who chairs the Senate committee that will decide the Yee bill's initial fate.

"Interior designers often are an integral part in the design process, and frequently work with architects in planning and designing interior spaces," the American Institute of Architects also told Ridley-Thomas in its opposition letter. "However, their knowledge, acquired through education and experience, does not include the whole building system, and this knowledge is necessary to protect the health, safety, and welfare of the public."

All of the factions have, of course, retained experienced Capitol lobbyists to wage their professional turf battle.

There is an underlying philosophical point in this duel, as in all of the political struggles over scope of practice: Is there any real public interest at stake here, or, as is so often the case, is it merely an economic rivalry?

It's been evident in the medical scope of practice battles that the potential effect on patients' health of allowing someone to perform some medical procedure was the least influential element in the outcome.

In this case, one must wonder whether licensing interior designers is of any material benefit to the public or, as Indiana Gov. Mitchell Daniels said as he vetoed a similar bill last year, "the principal effect ... will be to restrain competition and limit new entrants into the occupation."

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# ASSEMBLY BILL No. 2570

**Introduced by Assembly Member Hill**
(Coauthor: Senator Correa)

February 24, 2012

An act to add Section 143.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2570, as introduced, Hill. Licensees: settlement agreements.

Existing law provides that it is a cause for suspension, disbarment, or other discipline for an attorney to agree or seek agreement that the professional misconduct or the terms of a settlement of a claim for professional misconduct are not to be reported to the disciplinary agency, or to agree or seek agreement that the plaintiff shall withdraw a disciplinary complaint or not cooperate with an investigation or prosecution conducted by the disciplinary agency.

This bill would prohibit a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs, or an entity or person acting as an authorized agent of a licensee, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program. A licensee in violation of these provisions would be subject to disciplinary action by the board, bureau, or program. The bill would also prohibit a board, bureau, or program from requiring its licensees in a disciplinary action that is based on a complaint or report that has been settled in a civil

action to pay additional moneys to the benefit of any plaintiff in the civil action.

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 143.5 is added to the Business and Professions Code, to read:

143.5. (a) No licensee who is regulated by a board, bureau, or program within the Department of Consumer Affairs, nor an entity or person acting as an authorized agent of a licensee, shall include or permit to be included a provision in an agreement to settle a civil dispute, whether the agreement is made before or after the commencement of a civil action, that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program or that requires the other party to withdraw a complaint from the department, board, bureau, or program. A provision of that nature is void as against public policy, and any licensee who includes or permits to be included a provision of that nature in a settlement agreement is subject to disciplinary action by the board, bureau, or program.

(b) Any board, bureau, or program within the Department of Consumer Affairs that takes disciplinary action against a licensee or licensees based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee or licensees to pay any additional sums to the benefit of any plaintiff in the civil action.

(c) As used in this section, “board” shall have the same meaning as defined in Section 22, and “licensee” means a person who has been granted a license, as that term is defined in Section 23.7.

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## Agenda Item G

**REVIEW AND APPROVE COMMITTEE PROCEDURES**

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

Attached is a document staff prepared based upon comments from the March 2012 Board meeting. Board members Sheran Voigt and Fermin Villegas volunteered to work with Executive Officer Doug McCauley to finalize the document. (A special task force had previously worked on a committee system designed to promote a rotational system of chairmanships and other concepts, but the Board expressed an interest in a simplified process that recognized the value of chairs serving more than one year.) Staff prepared the new document and it was reviewed with no changes being required. The document features a number of important concepts that were raised by Board members in March, such as: 1) size of committees; 2) regular meetings; 3) limit on chairman's terms; 4) vice chairmanships; 5) review process for committee members, etc.

The Board is asked to review and approve the attached Committee Policy.

Attachment
Committee Policy

**D R A F T**
# Committee Policy

## Committees

Board committees are the deliberative bodies that assist the Board in developing policy. Committees make recommendations for consideration by the Board. All Board members should serve on at least one committee each year. Commencing with the committees for the 2014 Strategic Plan, no committee should have more than nine members.

The committees should meet regularly. At a minimum, once the Board's Strategic Plan is adopted in March, committees should conduct a spring meeting so items may be forwarded to the Board for consideration, clarification, direction, etc. Committees' second and subsequent meetings (if necessary) should be scheduled so items can be finalized for the September or December Board meetings to culminate the program of work reflected in the annual Strategic Plan. (New issues that emerge during the course of the year, unless they are critical emergencies, should be referred to the next strategic planning session.) Teleconference meetings can be utilized for meetings on urgent or single-subject issues.

In the event that additional new committee members are needed, the Board President shall ask Board and committee members for suggested interested persons; if an insufficient pool exists, the Board may request names from various organizations, including, but not limited to: The American Institute of Architects, California Council; Society of American Registered Architects; Construction Specifications Institute; California Building Officials, etc.

## Chairmanships

Each committee chair and vice chair shall be a Board member, absent extenuating circumstances (numerous vacancies on the Board). Chairs should serve for two to three years, if possible, and in the best interest of the Board. The Board should endeavor to offer opportunities for all Board members to serve as a chair or vice chair during their tenure on the Board. The list of committee members will be reproduced as part of the Strategic Plan each year so it is memorialized in a centralized location.

## Review

Committee chairs should prepare a report for the Board President and President-elect by December 31 each year. The report would consist of a list of committee members, their committee meeting attendance record, and a synopsis of their contributions, as well as a recommendation as to whether they should be reappointed. Staff shall prepare a template for the report with the attendance data. Each chair shall consult with the Executive Officer in preparing the report.

*April 26, 2012*

# Agenda Item H

**CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)**

1. Review and Approve Intra-Agency Contract Agreement with the Office of Professional Examination Services for CSE Development

2. Discuss and Possible Action on Board and National Council of Architectural Registration Boards (NCARB) Examination Security/Confidentiality Policies, Including Business and Professions Code (BPC) Section 123

3. Report and Possible Action on CSE Cost Savings

4. Update on the Release of CSE Results at Examination Sites

**Agenda Item H.1**

**REVIEW AND APPROVE INTRA-AGENCY CONTRACT AGREEMENT WITH THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES FOR CSE DEVELOPMENT**

With the transition to the computer-delivered, multiple-choice format of the CSE, the Board secured an intra-agency contract (IAC) agreement with the Department of Consumer Affairs' Office of Professional Examination Services (OPES) in 2010 for examination development services. OPES is charged with providing professional psychometric services to DCA boards and bureaus, which include all aspects of the examination validation process (i.e., occupational analyses, examination development, test scoring and statistical analyses, and audits).

The Board's current IAC agreement with OPES expires on June 30, 2012. Board staff has met with OPES on several occasions to discuss ongoing examination development objectives and needs. One item discussed, in response to the Board's recent directive, was the implementation of a new process for item analysis which will eliminate interruptions or delays in the release of future examination results. Included within the new IAC agreement is a process which will accomplish this directive. The new IAC agreement will cover fiscal year (FY) 12/13 for continued examination development, as services beyond that will also include the Board's next occupational analysis and related work in determining future content of the CSE. Attached is a copy of the new IAC agreement for FY 12/13 (excludes the Roles and Responsibilities section – to be provided under separate cover).

Additionally, an amendment to the current IAC is needed to allow for the new item analysis process for one remaining examination form under that agreement. The expected cost for this amendment is approximately $5,000. Staff is finalizing the amendment to the current IAC with OPES.

The Board is asked to review and approve the new IAC agreement with OPES for examination development services for FY 12/13 and authorize staff to proceed with and execute the amendment to the current IAC.

Attachment
Intra-Agency Contract Agreement

Exhibit A
Attachment I

# INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70602
## PROJECT PLAN
## for
## CALIFORNIA ARCHITECTS BOARD (CAB)
## CALIFORNIA SUPPLEMENTAL EXAM (CSE)
## WRITTEN EXAMINATION DEVELOPMENT
## FISCAL YEAR 2012-13

**Project Objectives:** *Develop new items for the California Architects Board California Supplemental Exam and establish the passing scores for two new forms.*

**Proposed Completion Date:** June 30, 2013

**Board Contact:** Justin Sotelo
(916) 575-7212

**OPES Contact:** Judy Geer
(916) 575-7246

| MAJOR PROJECT EVENTS | TARGET DATE | RESPONSIBILITY |
|---|---|---|
| **Form E Development** | | |
| **1. Project Graphics Selection and Modification Workshop**<br>> Review Project Graphics Selection Criteria<br>> Request Project Graphics From SMEs<br>> Recruit for one 2-day workshop<br>> Conduct workshop<br>> Update/Revise Selected Project Graphics | July 2012 | OPES/Board<br>Board<br>Board<br>OPES<br>OPES |
| **2. Item Writing Workshop #1**<br>> Recruit for the first 2-day workshops<br>> Conduct first Item Writing workshop (IWW-1)<br>> Develop item bank | August 2012 | Board<br>OPES<br>OPES |
| **3. Item Writing Workshop #2**<br>> Recruit for the second 2-day item writing workshop<br>> Conduct second item writing workshop (IWW-2)<br>> Develop item bank<br>> Update item bank | August 2012 | Board<br>OPES<br>OPES<br>OPES |
| **4. Item Review Workshop #1**<br>> Recruit for the first 2-day item review workshop<br>> Conduct first item review workshop (IRW-1)<br>> Update item bank | Sept 2012 | Board<br>OPES<br>OPES |
| **5. Item Review Workshop #2**<br>> Recruit for the second 2-day item review workshop<br>> Conduct the second item review workshop (IRW-2)<br>> Update item bank | Sept 2012 | Board<br>OPES<br>OPES |
| **6. Item Writing Workshop #3**<br>> Recruit for the third 2-day item writing workshop<br>> Conduct first Item Writing workshop (IWW-3)<br>> Develop item bank | Oct 2012 | Board<br>OPES<br>OPES |
| **7. Item Review Workshop #3**<br>> Recruit for the third 2-day item review workshop<br>> Conduct the second item review workshop (IRW-3)<br>> Update item bank | Oct 2012 | Board<br>OPES<br>OPES |

| | | |
|---|---|---|
| **8. Exam Construction Workshop**<br>> Recruit for one 2-day workshop<br>> Conduct workshop<br>> Develop examination | Nov-2012 | Board<br>OPES<br>OPES |
| **9. Pilot Test Production: Convert Exams to PSI**<br>> Recruit 50 new licensees for Pilot Test<br>> Conduct pilot test<br>> Analyze Pilot Test Data<br>> Revise Exam as necessary | Nov-2012 | Board<br>OPES<br>OPES<br>OPES |
| **10. Passing Score Workshop**<br>> Recruit for one 2-day workshop<br>> Conduct workshop<br>> Develop passing score | Dec-2012 | Board<br>OPES<br>OPES |
| **11. Exam Production: Convert Exams to PSI**<br>> Edit review of final CAB-CSE items<br>> Final Candidate Information Bulletin CIB document<br>> Final graphics for exam<br>> Submit exam to PSI for launch<br>> PSI launch of exam | Dec-2012 | OPES<br>OPES<br>OPES<br>OPES<br>OPES |

**Form F Development**

| | | |
|---|---|---|
| **12. Project Graphics Selection and Modification Workshop**<br>> Review Project Graphics Selection Criteria<br>> Request Project Graphics From SMEs<br>> Recruit for one 2-day workshop<br>> Conduct workshop<br>> Update/Revise Selected Project Graphics | Jan 2013 | OPES/Board<br>Board<br>Board<br>OPES<br>OPES |
| **13. Item Writing Workshop #1**<br>> Recruit for the first 2-day workshops<br>> Conduct first Item Writing workshop (IWW-1)<br>> Develop item bank | Feb 2013 | Board<br>OPES<br>OPES |
| **14. Item Writing Workshop #2**<br>> Recruit for the second 2-day item writing workshop<br>> Conduct second item writing workshop (IWW-2)<br>> Develop item bank<br>> Update item bank | Feb 2013 | Board<br>OPES<br>OPES<br>OPES |
| **15. Item Review Workshop #1**<br>> Recruit for the first 2-day item reviewworkshop<br>> Conduct first item review workshop (IRW-1)<br>> Update item bank | Mar 2013 | Board<br>OPES<br>OPES |
| **16. Item Review Workshop #2**<br>> Recruit for the second 2-day item review workshop<br>> Conduct the second item review workshop (IRW-2)<br>> Update item bank | Mar 2013 | Board<br>OPES<br>OPES |
| **17. Item Writing Workshop #3**<br>> Recruit for the third 2-day item writing workshop<br>> Conduct first Item Writing workshop (IWW-3)<br>> Develop item bank | Apr 2013 | Board<br>OPES<br>OPES |
| **18. Item Review Workshop #3**<br>> Recruit for the third 2-day item review workshop<br>> Conduct the second item review workshop (IRW-3)<br>> Update item bank | Apr 2013 | Board<br>OPES<br>OPES |

| | | |
|---|---|---|
| **19. Form F Exam Construction Workshop**<br>> Recruit for one 2-day workshop<br>> Conduct workshop<br>> Develop examination | May-2013 | Board<br>OPES<br>OPES |
| **20. Pilot Test Production: Convert Exams to PSI**<br>> Recruit 50 new licensees for Pilot Test<br>> Conduct pilot test<br>> Analyze Pilot Test Data<br>> Revise Exam as necessary | May-2013 | Board<br>OPES<br>OPES<br>OPES |
| **21. Passing Score Workshop**<br>> Recruit for one 2-day workshop<br>> Conduct workshop<br>> Develop passing score | Jun-2013 | Board<br>OPES<br>OPES |
| **22. Exam Production: Convert Exams to PSI**<br>> Edit review of final CAB-CSE items<br>> Final Candidate Information Bulletin CIB document<br>> Final graphics for exam<br>> Submit exam to PSI for launch<br>> PSI launch of exam | Jun-2013 | OPES<br>OPES<br>OPES<br>OPES<br>OPES |

# INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70602
# CALIFORNIA ARCHITECTS BOARD
# CALIFORNIA SUPPLEMENTAL EXAM
# EXAMINATION DEVELOPMENT COSTS
# FISCAL YEAR 2012-13

| Form E Development | Test Validation Staff | | | | | Editor | | Support Staff | | Totals | GRAND TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | $60 | | Travel | Overtime $85 | | $56 | | $43 | | | |
| | Hours | Cost | Costs | Hours | Cost | Hours | Cost | Hours | Cost | | |
| **1. Project Graphics Selection and Modification Workshop** | | | | | | | | | | | |
| Review Project Graphics Selection Criteria | 16 | $ 960 | | | | | | | | $ 960 | |
| Prepare for Graphics workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct workshop | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | 2 | $ 86 | $ 1,722 | |
| Update/Revise Selected Project Graphics | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 4,602 | $ 4,602 |
| **2. Item Writing Workshop #1** | | | | | | | | | | | |
| Prepare for item writing workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct first Item Writing workshop (IWW-1) | 16 | $ 960 | | 4 | $ 340 | 6 | $336 | 2 | $ 86 | $ 1,722 | |
| Develop item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **3. Item Writing Workshop #2** | | | | | | | | | | | |
| Prepare for item writing workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct second item writing workshop (IWW-2) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | 2 | $ 86 | $ 1,722 | |
| Update item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **4. Item Review Workshop #1** | | | | | | | | | | | |
| Prepare for item review workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct first item review workshop (IRW-1) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | 2 | $ 86 | $ 1,722 | |
| Update item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **5. Item Review Workshop #2** | | | | | | | | | | | |
| Prepare for item review workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct the second item review workshop (IRW-2) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | 2 | $ 86 | $ 1,722 | |
| Update item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **6. Item Writing Workshop #3** | | | | | | | | | | | |
| Prepare for item writing workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct first Item Writing workshop (IWW-3) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | | | $ 1,636 | |
| Develop item bank | 16 | $ 960 | | | | | | 2 | $ 86 | $ 1,046 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |

# INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70602
# CALIFORNIA ARCHITECTS BOARD
# CALIFORNIA SUPPLEMENTAL EXAM
# EXAMINATION DEVELOPMENT COSTS
# FISCAL YEAR 2012-13

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **7. Item Review Workshop #3** | | | | | | | | | | | |
| Prepare for item review workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct the second item review workshop (IRW-3) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | | | $ 1,636 | |
| Update item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,556 | $ 3,556 |
| **8. Exam Construction Workshop** | | | | | | | | | | | |
| Prepare for exam construction workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct workshop | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | | | $ 1,636 | |
| Develop examination | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,556 | $ 3,556 |
| **9. Pilot Test Production: Convert Exams to PSI** | | | | | | | | | | | |
| Contact Pilot Test volunteers | 24 | $ 1,440 | | | | | | | | $ 1,440 | |
| Conduct pilot test | 8 | $ 480 | | | | 6 | $ 336 | | | $ 816 | |
| Analyze Pilot Test Data | 24 | $ 1,440 | | | | | | | | $ 1,440 | |
| Revise Exam as necessary | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 4,656 | $ 4,656 |
| **10. Passing Score Workshop** | | | | | | | | | | | |
| Prepare for passing score workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct workshop | 16 | $ 960 | | 4 | $ 340 | | | | | $ 1,300 | |
| Develop passing score | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,220 | $ 3,220 |
| **11. Exam Production: Convert Exams to PSI** | | | | | | | | | | | |
| Edit review of final CAB-CSE items | 24 | $ 1,440 | | | | | | | | $ 1,440 | |
| Final Candidate Information Bulletin CIB document | 8 | $ 480 | | | | 6 | $ 336 | | | $ 816 | |
| Final graphics for exam | 16 | $ 960 | | | | | | | | $ 960 | |
| Submit exam to PSI for launch | 8 | $ 480 | | | | | | | | $ 480 | |
| | | | | | | | | | | $ 3,696 | $ 3,696 |
| **12. Administrative Support** | | | | | | | | | | | |
| Technical oversight (40 hours @ $63/hour) | | | | | | | | | | $ 2,520 | |
| Project facilitation/coordination (40 hours @ $63/hour) | | | | | | | | | | $ 2,520 | |
| Cost oversight (Staff Analyst - 40 hours @ $51/hour) | | | | | | | | | | $ 2,040 | |
| | | | | | | | | | | $ 7,080 | $ 7,080 |
| **Form E Development SUBTOTAL** | 576 | $ 34,560 | | 36 | $ 3,060 | 60 | $ 3,360 | 12 | $ 516 | $ 48,576 | $ 48,576 |

# INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70602
# CALIFORNIA ARCHITECTS BOARD
# CALIFORNIA SUPPLEMENTAL EXAM
# EXAMINATION DEVELOPMENT COSTS
# FISCAL YEAR 2012-13

## Form F Development

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **13. Project Graphics Selection and Modification Workshop** | | | | | | | | | | | |
| Review Project Graphics Selection Criteria | 16 | $ 960 | | | | | | | | $ 960 | |
| Prepare for Graphics workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct workshop | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | 2 | $ 86 | $ 1,722 | |
| Update/Revise Selected Project Graphics | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 4,602 | $ 4,602 |
| **14. Item Writing Workshop #1** | | | | | | | | | | | |
| Prepare for item writing workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct first Item Writing workshop (IWW-1) | 16 | $ 960 | | 4 | $ 340 | 6 | $336 | 2 | $ 86 | $ 1,722 | |
| Develop item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **15. Item Writing Workshop #2** | | | | | | | | | | | |
| Prepare for item writing workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct second item writing workshop (IWW-2) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | 2 | $ 86 | $ 1,722 | |
| Update item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **16. Item Review Workshop #1** | | | | | | | | | | | |
| Prepare for item review workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct first item review workshop (IRW-1) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | 2 | $ 86 | $ 1,722 | |
| Update item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **17. Item Review Workshop #2** | | | | | | | | | | | |
| Prepare for item review workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct the second item review workshop (IRW-2) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | 2 | $ 86 | $ 1,722 | |
| Update item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **18. Item Writing Workshop #3** | | | | | | | | | | | |
| Prepare for item writing workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct first Item Writing workshop (IWW-3) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | | | $ 1,636 | |
| Develop item bank | 16 | $ 960 | | | | | | 2 | $ 86 | $ 1,046 | |
| | | | | | | | | | | $ 3,642 | $ 3,642 |
| **19. Item Review Workshop #3** | | | | | | | | | | | |
| Prepare for item review workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct the second item review workshop (IRW-3) | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | | | $ 1,636 | |
| Update item bank | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,556 | $ 3,556 |

# INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70602
## CALIFORNIA ARCHITECTS BOARD
## CALIFORNIA SUPPLEMENTAL EXAM
## EXAMINATION DEVELOPMENT COSTS
## FISCAL YEAR 2012-13

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **20. Exam Construction Workshop** | | | | | | | | | | | |
| Prepare for exam construction workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct workshop | 16 | $ 960 | | 4 | $ 340 | 6 | $ 336 | | | $ 1,636 | |
| Develop examination | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,556 | $ 3,556 |
| **21. Pilot Test Production: Convert Exams to PSI** | | | | | | | | | | | |
| Contact Pilot Test volunteers | 24 | $ 1,440 | | | | | | | | $ 1,440 | |
| Conduct pilot test | 8 | $ 480 | | | | 6 | $ 336 | | | $ 816 | |
| Analyze Pilot Test Data | 24 | $ 1,440 | | | | | | | | $ 1,440 | |
| Revise Exam as necessary | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 4,656 | $ 4,656 |
| **22. Form F Passing Score Workshop** | | | | | | | | | | | |
| Prepare for passing score workshop | 16 | $ 960 | | | | | | | | $ 960 | |
| Conduct workshop | 16 | $ 960 | | 4 | $ 340 | | | | | $ 1,300 | |
| Develop passing score | 16 | $ 960 | | | | | | | | $ 960 | |
| | | | | | | | | | | $ 3,220 | $ 3,220 |
| **23. Exam Production: Convert Exams to PSI** | | | | | | | | | | | |
| Edit review of final CAB-CSE items | 24 | $ 1,440 | | | | | | | | $ 1,440 | |
| Final Candidate Information Bulletin CIB document | 8 | $ 480 | | | | 6 | $ 336 | | | $ 816 | |
| Final graphics for exam | 16 | $ 960 | | | | | | | | $ 960 | |
| Submit exam to PSI for launch | 8 | $ 480 | | | | | | | | $ 480 | |
| | | | | | | | | | | $ 3,696 | $ 3,696 |
| **24. Administrative Support** | | | | | | | | | | | |
| Technical oversight (40 hours @ $63/hour) | | | | | | | | | | $ 2,520 | |
| Project facilitation/coordination (40 hours @ $63/hour) | | | | | | | | | | $ 2,520 | |
| Cost oversight (Staff Analyst - 40 hours @ $51/hour) | | | | | | | | | | $ 2,040 | |
| | | | | | | | | | | $ 7,080 | $ 7,080 |
| **Form F Development SUBTOTAL** | 576 | $ 34,560 | | 36 | $ 3,060 | 60 | $ 3,360 | 12 | $ 516 | $ 48,576 | $ 48,576 |
| **TOTAL** | 1152 | $ 69,120 | | 72 | $ 6,120 | 120 | $ 6,720 | 24 | $ 1,032 | $ 97,152 | $ 97,152 |

**Agenda Item H.2**

**DISCUSS AND POSSIBLE ACTION ON BOARD AND NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) EXAMINATION SECURITY/CONFIDENTIALITY POLICIES, INCLUDING BUSINESS AND PROFESSIONS CODE (BPC) SECTION 123**

For the March 2012 meeting, the Board was asked by The American Institute of Architects, California Council (AIACC) to add an item to the agenda in order to address concerns regarding the NCARB's and the Board's security and confidentiality policies/requirements for the Architect Registration Examination (ARE) and California Supplemental Examination (CSE).

The following concerns were provided by AIACC:

- The focus on overly broad security and confidentiality requirements for NCARB's ARE and the Board's CSE are hindering the mentoring efforts of the profession.

- Candidates concerned about sanctions for violating the confidentiality agreement that they are required to sign provided by the examination vendor are hesitant to share information with their mentor that could be useful in assisting them with their path to licensure.

- Is the focus on security hindering candidates from achieving licensure?

At the March Board meeting, members discussed AIACC's concerns and the possible need to assist candidates in determining what can be discussed with mentors. They were also advised that this issue was going to be considered by NCARB's Board of Directors at its next scheduled meeting. The Board requested that information from the NCARB meeting be reported back to the Board at its June meeting.

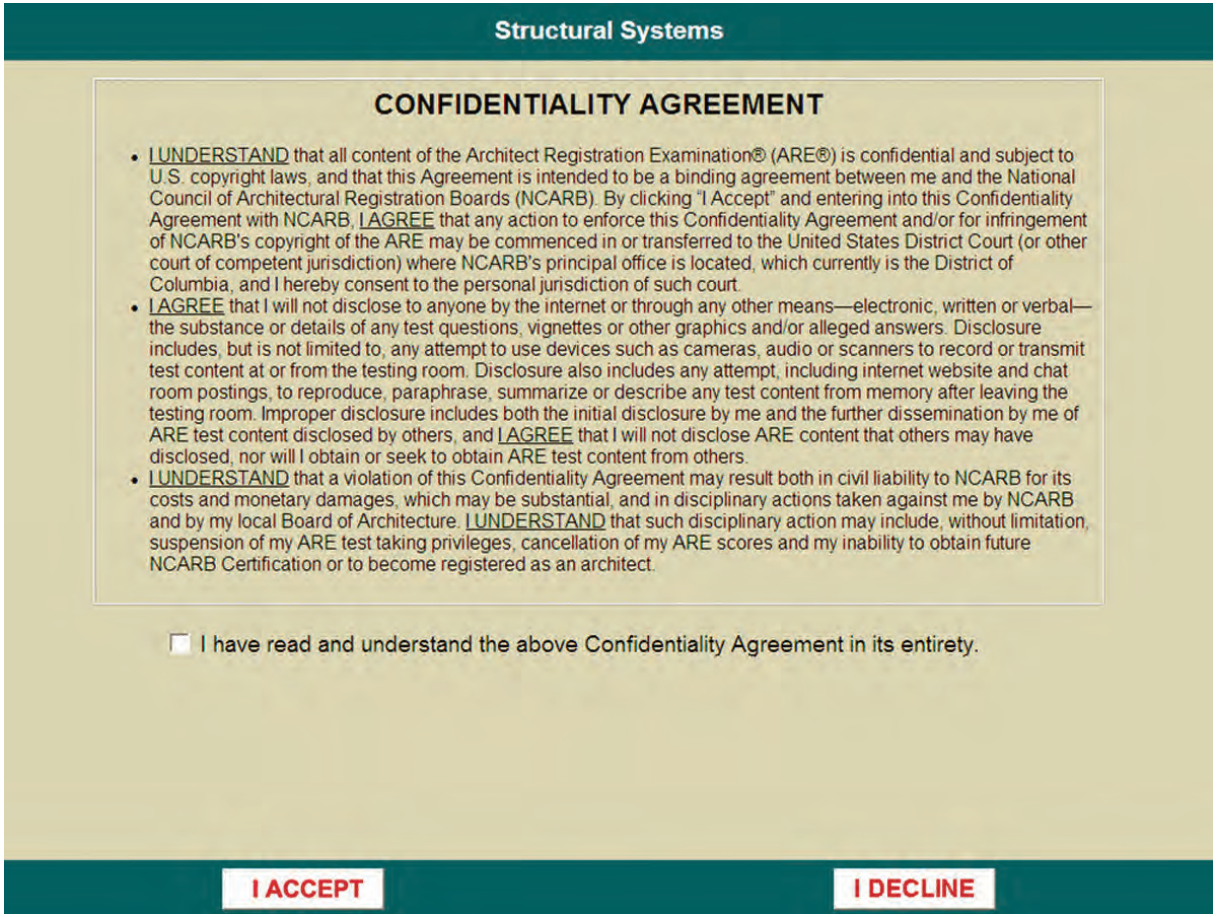
Attached for the Board's review is the applicable ARE and CSE security and confidentiality policy/requirement information. The Board will also be provided with an update and/or additional information with regard to this matter.

<u>Attachments</u>
1. ARE Guidelines, July 2011 edition, page 4 – Exam Content Confidentiality
2. ARE Guidelines, July 2011 edition, page 18 – Examination Security
3. NCARB website information regarding exam security, confidentiality agreement, and other applicable policies and procedures
4. Board's Security of Examination Notice (includes General Provisions of the Business and Professions Code pertaining to examination security)
5. Department of Consumer Affairs/Office of Professional Examination Services' (OPES) Departmental Procedures Memorandum on Examination Security, DPM-OPES 10-01
6. OPES Examination Security, Informational Series No. 5
7. PSI & DCA Security Policy/Agreement

# ARE® 4.0 Overview

What is the ARE?
Benefits of NCARB Certification
Key Organizations
Exam Content Confidentiality
Using the ARE 4.0 Study Aids
Units, Standards, and Terms
Rolling Clock and Maintaining Eligibility
Scheduled Appointment Times
Six Steps to Completing the ARE
Multiple-Choice Sections
Graphic Vignette Sections

## EXAM CONTENT CONFIDENTIALITY



Structural Systems

CONFIDENTIALITY AGREEMENT

- I UNDERSTAND that all content of the Architect Registration Examination® (ARE®) is confidential and subject to U.S. copyright laws, and that this Agreement is intended to be a binding agreement between me and the National Council of Architectural Registration Boards (NCARB). By clicking "I Accept" and entering into this Confidentiality Agreement with NCARB, I AGREE that any action to enforce this Confidentiality Agreement and/or for infringement of NCARB's copyright of the ARE may be commenced in or transferred to the United States District Court (or other court of competent jurisdiction) where NCARB's principal office is located, which currently is the District of Columbia, and I hereby consent to the personal jurisdiction of such court.
- I AGREE that I will not disclose to anyone by the internet or through any other means—electronic, written or verbal—the substance or details of any test questions, vignettes or other graphics and/or alleged answers. Disclosure includes, but is not limited to, any attempt to use devices such as cameras, audio or scanners to record or transmit test content at or from the testing room. Disclosure also includes any attempt, including internet website and chat room postings, to reproduce, paraphrase, summarize or describe any test content from memory after leaving the testing room. Improper disclosure includes both the initial disclosure by me and the further dissemination by me of ARE test content disclosed by others, and I AGREE that I will not disclose ARE content that others may have disclosed, nor will I obtain or seek to obtain ARE test content from others.
- I UNDERSTAND that a violation of this Confidentiality Agreement may result both in civil liability to NCARB for its costs and monetary damages, which may be substantial, and in disciplinary actions taken against me by NCARB and by my local Board of Architecture. I UNDERSTAND that such disciplinary action may include, without limitation, suspension of my ARE test taking privileges, cancellation of my ARE scores and my inability to obtain future NCARB Certification or to become registered as an architect.

☐ I have read and understand the above Confidentiality Agreement in its entirety.

I ACCEPT  I DECLINE

All NCARB tests are held in strict security and confidence. Before beginning your test, you will be required to accept a confidentiality statement, which prohibits any disclosure of exam content.

By taking divisions of the ARE, you are personally responsible for maintaining the confidentiality of all information relating to the exam. You may not discuss exam content in any manner with anyone, including but not limited to family, friends, other examinees, and test preparation providers. This agreement also covers Internet chat rooms, mailing list servers, websites, etc. Following completion of your exam, you will also be reminded of your acceptance of the confidentiality statement that you accepted prior to commencing the exam. **Any disclosure of ARE content is strictly prohibited and may result in severe disciplinary action, including the suspension of testing privileges, and/or the cancellation of scores.**

### NCARB Board of Directors Policy Regarding Cheating

For further details and to review the Policy and Procedure for testing irregularities visit the NCARB website http://www.ncarb.org/ARE/Taking-the-ARE/Exam-Security/Policy-and-procedures-for-testing-irregularities

1. Verifying Your Information
2. Paying for the ARE
3. Scheduling an Appointment
4. Taking the ARE
5. Receiving Your Score
6. Retaking the ARE
ARE 4.0 Overview
Multiple-Choice Sections
Graphic Vignette Sections

# Six Steps to Completing the ARE

## STEP 4: TAKING THE ARE

### Examination Security

To ensure the integrity of the ARE program, specific security measures are enforced during the administration of your examination.

All NCARB tests are held in strict security and confidence. **Before beginning your test, you will be required to accept a Confidentiality Agreement, which prohibits any disclosure of exam content.** (A copy of the Confidentiality Agreement can be found on **page 4**.)

No test material can be copied or removed from the test center.

You are required to sign the test center registration log each time you enter or leave the testing room. As of June 2011, Prometric requires all candidates to be scanned by a hand-held metal detector prior to each entry into the testing room, including returns from breaks. All candidates will be required to submit to the scans, with few exceptions. Candidates refusing to be scanned may not be permitted to test.

You will not be able to refer to notes, language translation dictionaries, or reference materials during the administration of your exam.

You will be observed at all times while taking the examination. This may include direct observation by test center staff, as well as audio and video recording of your examination session.

You are required to leave all personal belongings outside the testing room. Candidates will not be allowed to take anything into the testing room other than those items given to them by the test center administrator (such as pencils, scratch paper, earplugs), and their identification documents (e.g., driver's license, passport).

Prohibited items will not be allowed into the testing room. They include, but are NOT limited to, the following: weapons, pagers, **cellular telephones**, **personal digital assistants**, recording devices, photographic devices, digital watches, **calculators**, briefcases, laptop computers or computer bags, handbags/purses, wallets, books, outerwear (coats, hats, sweatshirts), food, beverages, personal contents in pockets, pens, and other writing implements not given to the candidate by the test center administrator.

Small lockers are provided for candidate use to secure purses, wallets, keys, cellular telephones, pagers, etc. Lockers will NOT accommodate briefcases, laptop computers, or large purses and bags. Do not bring large items (bags, textbooks, notebooks, etc.) to the testing center. Test center staff will not take responsibility for these items; you will be asked to remove large items from the testing center.

Waiting areas at the test center are for candidates only. Friends or relatives who accompany you to the test center will not be permitted to wait in the test center or contact you while you are taking the examination.

### Tips

- Verify that the name printed on your *Authorization to Test* letter is accurate and matches the name printed on your identification. If your name is incorrect, immediately contact your Board of Architecture.
- When you arrive at the test center, you are required to present an approved form of identification.
- The name on the ID must match the name on the *Authorization to Test* letter.
- You will not be admitted to the examination without the proper form of ID, and there will be no refund of your test fee.

ARE 4.0 Divisions

At the Test Center
ARE Exam Fees
EXAM SECURITY

Ready to Take the ARE?
Receiving Your Score
ARE ROLLING CLOCK

Scheduled Appointment Times
Whom Should I Contact If...

# EXAM SECURITY

All NCARB tests are held in strict security and confidence and are protected by U.S. copyright laws. Before beginning your test, you will be required to accept NCARB's Confidentiality Agreement, which prohibits any disclosure of exam content.

All candidates will be scanned by a hand-held metal detector prior to each entry into the testing room, including returns from breaks. All candidates will be required to submit to the scans, with few exceptions. Candidates refusing to be scanned may not be permitted to test.

You are not allowed to:

- Copy or remove test materials from the test center.
- Refer to notes, language translation dictionaries, or reference materials during the administration of your exam.
- Bring cell phones, personal digital assistants (PDAs), calculators, weapons, pagers, recording devices, photographic devices, digital watches, briefcases, laptops, purses, wallets, books, outerwear (coats, hats, sweatshirts), food, beverages, and personal contents in pockets into the test center.

Small lockers are provided for candidates use to secure purses, wallets, keys, cell phones, etc. Lockers will not accommodate large items such as laptops, briefcases, etc.

For more information on exam security see the links below and the ***ARE 4.0 Guidelines***.

**Confidentiality Agreement**

**NCARB Board of Directors Policy Regarding Cheating and Disclosure**

**NCARB Board of Directors Policy and Procedures for Test Irregularities**

**December 2008 Message to ARE Candidates from Director, ARE Erica Brown**

## RELATED CONTENT

**NCARB Looks at Exam Security**
A quiet phenomenon has begun to take shape in computer-based test centers and Internet chat rooms across the United States: A small but growing number of candidates are willfully attempting to circumvent established guidelines surrounding exam security by disseminating test content. Candidates for the Architect Registration Examination (ARE) are no exception.
**[more]**

**Defining Your Moral Compass**
For interns approaching the threshold of their career as a licensed architect, staying true to their moral compass is critical to the health, safety, and welfare of the public they serve.
**[more]**

**NCARB BOD Takes Action Against ARE Confidentiality Agreement Violators**
Recently, eight ARE candidates had their testing privileges suspended and scores cancelled for posting exam content and/or questions on the internet.
**[more]**

**NCARB Announces ARE Security and Development Fee**
NCARB will increase the fees for the Architect Registration Examination® (ARE®) by $40 per division effective 1 October 2009. The increase is due to recent incidents of exam content disclosure by ARE candidates.
**[more]**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**Exam Security**

**NCARB Board of Directors**
**Policy Regarding Cheating and Disclosure**
**Policy and Procedures for Testing Irregularities**
**NCARB Confidentiality Agreement**
**A Message from NCARB to all ARE Candidates**

# NCARB CONFIDENTIALITY AGREEMENT

You are personally responsible for maintaining the confidentiality of all information relating to the exam. You may not discuss exam content in any manner with anyone, including but not limited to family, friends, other examinees, and test preparation providers. This agreement also covers internet chat rooms, mailing list servers, web sites, etc.

Following completion of your exam, you will also be reminded of your acceptance of the confidentiality statement that you accepted prior to commencing the exam. Any disclosure of ARE content is strictly prohibited and may result in severe disciplinary action, including the suspension of testing privileges, and/or the cancellation of scores.

Candidates found to have violated the Confidentiality Agreement are referred to NCARB's Committee on Professional Conduct. The Committee reviews each case and then recommends a disciplinary action. The cases are then forwarded to the NCARB Board of Directors for review and final disciplinary action. All disciplinary actions taken by the Board of Directors are final and become a part of each individuals permanent NCARB Record. Individual candidates may also be subject to additional disciplinary measures from their state board.

When exam content is disclosed, NCARB works with our test consultant, Prometric, to determine the impact on the exam. If NCARB finds that it is necessary to remove (or turn off) content, the ability to continuously deliver the ARE is seriously jeopardized. There are also significant financial ramifications that will be passed on to all candidates because of the need to replace the exposed content and retain attorneys to defend the exam's copyright and integrity.


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**A Message from NCARB to all ARE Candidates**

# NCARB BOARD OF DIRECTORS POLICY REGARDING CHEATING AND DISCLOSURE

NCARB staff and legal counsel are authorized to investigate alleged cheating and attempts to disclose the substance of ARE questions and to take appropriate action. Such action may include holding scores and suspension of future ARE testing privileges pending resolution of the matter and, with the approval of the president, commencing legal action against any person threatening the integrity of the ARE.

Further action may include referral of the matter to the Council's Committee on Professional Conduct for its recommendation to the Board of Directors. Such recommendations may include the cancellation of ARE scores and the suspension of future ARE testing for up to three years from NCARB's discovery of the incident, or such longer period as may be warranted in exceptional circumstances; and in appropriate circumstances seeking recovery of costs and civil damages in a court of law.

The Member Board making the individual eligible for the ARE shall be informed of NCARB's action and that such action shall be retained in records maintained by NCARB.

RELATED CONTENT

**ARE Guidelines**
Updated July 2011! The ARE 4.0 Guidelines is essential reading for anyone preparing for or taking the Architect Registration Examination® (ARE®).
**[more]**


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**Exam Security**

**NCARB Board of Directors Policy Regarding Cheating and Disclosure**
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# POLICY AND PROCEDURES FOR TESTING IRREGULARITIES

Per Board of Directors – April 2009

**The following policy has been established by NCARB's Board of Directors to provide procedures in the event of Architect Registration Examination® testing irregularities. The Board anticipates that these procedures will be applicable to most of the irregularities described. Nevertheless, the Board reserves the right in particular instances to impose any sanction it believes appropriate for testing irregularities, either more or less than those noted below. Action taken by the NCARB Board of Directors is final. In addition, if the individual subsequently seeks NCARB Certification, the matter will be considered in deciding whether or not to grant NCARB Certification.**

**The ARE® is copyrighted and at the time each candidate takes the ARE, he or she also enters into a confidentiality agreement pledging, among other things, not to disclose any ARE questions or their content. Disclosure of test questions or content is cheating as well as a violation of NCARB's copyright and the confidentiality agreement. In addition to the sanctions described below, where warranted NCARB will pursue all legal remedies available to recover monetary damages caused by such conduct and to enjoin violations of its rights with respect to the ARE.**

**Upon discovery of any testing irregularity in any category below, the NCARB staff shall have the authority to place a 'hold' on pending scores and all open exam authorizations to test and cancel any scheduled exam(s) pending further investigation, review by the Professional Conduct Committee, and action by NCARB's Board of Directors (if applicable). In the event that no action is taken or only a warning letter is issued, NCARB will reopen any closed authorizations to test and assist the candidate in rescheduling the canceled exam(s) at no additional cost to the candidate.**

**If any action results in the dissemination of ARE content, the action will be classified under category four below.**

**Procedures for Testing Irregularities**

**Category 1**

**Unauthorized Access to Devices or Materials Outside Testing Room** – Electronic devices and written materials may not be accessed at any time during the examination appointment, except for persons testing under approved special accommodations conditions. Any other personal items (not including electronic devices and written materials) placed in lockers or other storage areas outside the testing room may be accessed by candidates ONLY during a scheduled break. A report will be filed identifying any candidate observed accessing unauthorized electronic devices or written materials during any scheduled or unscheduled break.

The consequences may be any or all of the following:

- Issue warning letter to candidate.
- Cancellation of score for the division.
- Suspension of test taking authorization for all divisions for up to 1 year from date of test administration.

Notification of action taken will be forwarded to the candidate and the candidate's board.

**Category 2**

**Presence of Unauthorized Devices or Materials in Testing Room** – No electronic or other devices whatsoever (whether in the "on" or "off" position) and no written materials of any kind are permitted in the testing room, except for persons testing under approved special accommodations conditions. Prohibited devices include, but are not limited to, calculators, cell phones, pagers, personal digital assistants, text messaging devices, audio or video recording devices, scanners, language translators, and other devices. Prohibited written materials include, but are not limited to, any notes, books or written material whatsoever, whether or not related to the ARE. *No devices or written materials should be taken into the testing room, even if they are not used or referred to. If they are observed being used or referred to in the testing room, then such conduct is a more serious matter that is addressed under Category 3*.

The consequences may be any or all of the following:

- Confiscation of unauthorized devices or materials by Test Center Administrator.
- Issue warning letter to candidate.
- Cancellation of score for the division.
- Suspension of test authorization for all divisions for up to **1 year** from date of test administration.

Notification of action taken will be forwarded to the candidate and the candidate's board.

**Category 3**

**Use of Unauthorized Devices or Materials in Testing Room** – The use of or reference to any device or any written materials in the testing room is strictly prohibited (other than as authorized for persons testing under approved special accommodations conditions) and will conclusively be presumed to be for purposes of assistance on the ARE.

The consequences may be any or all of the following:

- Confiscation of unauthorized devices or materials by Test Center Administrator.
- Immediate dismissal from the test center.
- Issue warning letter to candidate.
- Cancellation of score for the division.
- Suspension of test taking authorization for all divisions for up to **5 years** from date of test administration, or **such longer period as may be warranted in exceptional circumstances**.
- Prohibit granting of an NCARB Certificate for up to 3 years from date of initial registration, or **such longer period as may be warranted in exceptional circumstances**.

Notification of action taken will be forwarded to the candidate and the candidate's board.

**Category 4**

**Dissemination of ARE Content** – Disclosure to anyone by the internet or through any other means—electronic, written or verbal--of the substance or details of any test questions, vignettes or other graphics and/or alleged answers is strictly prohibited. Disclosure includes, but is not limited to, any attempt to use devices such as cameras, audio, or scanning devices to record or transmit test content at or from the testing room. Disclosure also includes any attempt, including internet web site and chat room postings, to reproduce, paraphrase, summarize, or describe any test content from memory after leaving the testing room, whether by means of a recitation or description of the content or details of any test question, the depiction or description of vignettes or other graphic representations of test questions, the description or depiction of alleged answers to written or graphic questions, or other means. Improper disclosure includes both the initial disclosure by a test taker and the further dissemination of ARE content by others. *Simply put: whatever is seen on the ARE should not be repeated, paraphrased, summarized, or described in any manner whatsoever*.

These prohibitions on disclosure also apply to forwarding, re-posting, or other disclosure of ARE content that others have disclosed. *Simply put: if someone else purports to disclose what he or she saw on the ARE, no one else should forward, re-post, or otherwise disclose that information*.

The consequences may be any or all of the following:

- Confiscation of unauthorized devices or materials by Test Center Administrator.
- Immediate dismissal from the test center.
- Issue warning letter to candidate.
- Cancellation of score(s) for the division(s) disseminated and any subsequent division(s) taken prior to the end of any period of test authorization suspension.
- Suspension of test taking authorization for all divisions for up to **5 years** from date of discovery of dissemination or 30-day response letter, or **such longer period as may be warranted in exceptional circumstances**.
- Prohibit granting of an NCARB Certificate for up to **3 years** from date of initial registration, or **such longer period as may be warranted in exceptional circumstances**.

Notification of action taken will be forwarded to the candidate and the candidate's board.

**Category 5**

**Seeking ARE Content** – A candidate or anyone else who willfully obtains or seeks to obtain ARE test content disclosed by others is also subject to sanctions. Simply put: candidates should not seek an unfair advantage by seeking or obtaining ARE test content in preparing for their examination or in an attempt to assist other candidates.

The consequences may be any or all of the following:

- Issue warning letter.
- Cancellation of score(s) for the division(s) disseminated and any subsequent division(s) taken prior to the end of any period of test authorization suspension.
- Suspension of test authorization for all divisions for up to **5 years** from date of discovery of dissemination or 30-day response letter, or **such longer period as may be**

**warranted in exceptional circumstances**.

- Prohibit granting of an NCARB Certificate for up to 3 years from date of initial registration, or **such longer period as may be warranted in exceptional circumstances**.

Notification of action taken will be forwarded to the candidate and the candidate's board.

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**Exam Security**

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# A MESSAGE FROM NCARB TO ALL ARE CANDIDATES

NCARB's mission is to protect the health, safety, and welfare of the public by assuring that those licensed as architects meet the qualifications to practice independently. The ARE is one tool we utilize to serve our mission.

All NCARB exams are created under strict security and held in confidence. All exam questions and vignettes are also registered under the U.S. Copyright Act. Before beginning any test, you are required to accept a "Confidentiality Agreement," which prohibits any disclosure of exam content.

As you may have heard, several candidates have recently been contacted regarding ARE Forum posts that have crossed the line from "helping" to divulging content from the exam. Some candidates have received a warning letter from me. Others are being referred to the NCARB Committee on Professional Conduct (PCC). This Committee will review each incident and make a disciplinary recommendation to the NCARB Board of Directors. Depending on the severity of the disclosure, these candidates may have their exam score canceled and/or all of their eligibilities suspended for six months to three years or more. In addition, the disciplinary action is reported to the candidate's registration board. In the past three years, there have been eight cases heard by the PCC related to examination discipline. The candidates affected have had testing privileges suspended and scores canceled for dissemination of exam content. **At the next PCC meeting, there will be eight cases being reviewed related to candidates posting inappropriate content on the ARE Forum.**

For the first time in ARE history, we have felt it necessary to "turn off" some of the content that has been disclosed on this web site. The amount of information exposed was so severe that we no longer feel confident that a candidate who receives these questions or vignettes is being accurately evaluated for competency. Where the exposure is substantial, NCARB is now forced to expend significant sums replacing examination questions that can no longer be used because of this exposure; **we can and will exercise all of our legal rights to recover our damages from those who exposed the content.** In addition to violations of their "Confidentiality Agreement," individuals would also be charged with civil violations of the U.S. Copyright Act.

I am sure you are thinking, "Why do I care about this? I just want to get my exams done." Well, here are **four reasons why you should care**:

- The ARE depends on a pool of items from which we create every exam. This pool is limited. Every time we have to remove an item from the pool, it reduces our ability to protect the integrity of the exam. If enough content is divulged by candidates, **we will be forced to stop delivering an entire division for a significant period of time to protect the content and this could, under certain circumstances, delay everyone's ability to complete the ARE.**
- Many candidates have asked why we have a six-month wait to retake a failed division. A waiting period protects the pool of items as you are never allowed to see the same version of a division if you retest. Thanks to your fellow candidates who did not abide by the " "Confidentiality Agreement," we have now been forced to turn content off. If divulging content continues, **we will be forced to lengthen the re-take waiting period.**
- The development and operational costs to deliver the ARE in computer based format are significantly higher than the income we receive from candidates who are testing. A large portion of the development and operational costs of the ARE is actually subsidized by NCARB Record holders. If we need to replace compromised content, **NCARB will consider passing this expense on to our candidate population.**
- The ARE is, likely, the last component needed for you to receive your license to practice. NCARB is not here to keep people out of the profession. However, it is our responsibility to accurately assess the competence of all who attempt to become licensed. If a person passes the ARE due to studying actual exam content on a web site, and not because they are truly competent, we are not providing our mandated responsibility to the public and a needed service to the profession.

ARE candidates utilize various tools to prepare for the examination. The ARE Forum is one of many. It is only human to want to help your fellow interns through the process. Next time you sit down to write a review of your most recent exam division, please remember that there is a fine line between "helping" and "cheating."

"Helping" means:

- Sharing what study guides you used;
- Discussing concepts highlighted in study material;
- Reviewing graphic solutions to the NCARB Practice Program and noting obvious errors;
- Supporting each other and celebrating each other's success.

"Cheating" means, quite simply, discussing with others anything that you saw on your exam. This includes:

- Identifying terms or concepts contained in exam questions;
- Sharing answers to questions you had on your exam;

## RELATED CONTENT

**NCARB BOD Takes Action Against ARE Confidentiality Agreement Violators**
Recently, eight ARE candidates had their testing privileges suspended and scores cancelled for posting exam content and/or questions on the internet.
**[more]**

**NCARB Announces ARE Security and Development Fee**
NCARB will increase the fees for the Architect Registration Examination® (ARE®) by $40 per division effective 1 October 2009. The increase is due to recent incidents of exam content disclosure by ARE candidates.
**[more]**

**NCARB Member Boards Approve Four Resolutions at Annual Meeting**
All 54 of the NCARB's Member Boards were present in Chicago, IL, for the Council's 90th Annual Meeting and Conference. Attendees heard updates on the Architect Registration Examination® (ARE®) content disclosure issues, changes to the Intern Development Program (IDP), and plans for the new NCARB web site.
**[more]**

- Referring others to “check out” information you saw on your exam;
- Identifying program elements including building names, building heights, setbacks, parking requirements, etc… and code requirements from your graphic vignettes;
- Asking others to repost content that has been removed from the ARE Forum, or any other web site.

Doing any of the above risks having your exam score(s) canceled, eligibilities suspended and significantly (if not permanently) delaying your architectural registration. **It also could expose you to legal action.** In short, if you follow the guidelines above, you will not hear from me in the future. If you do not abide by the rules set forth in the “Confidentiality Agreement,” you will be hearing from me.

**If you have any doubts about what you are posting, don’t post it.** If you have any questions about what is acceptable to post, please contact us at **are@ncarb.org**.

Sincerely,
Erica Brown, AIA
Director, Architect Registration Examination
National Council of Architectural Registration Boards

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Main (916) 574-7220 Fax (916) 575-7283 cab@dca.ca.gov

Edmund G. Brown Jr.
GOVERNOR

# Security of Examination (Confidentiality)

California law authorizes State agencies to maintain the security of their licensing examinations. Section 123 of the Business and Professions Code makes it a misdemeanor for any person to subvert or attempt to subvert any licensing examination or the administration of an examination. A person found guilty of these actions is liable for the actual damages sustained by the agency administering the examination, not to exceed $10,000 and the costs of litigation. Section 123.5 provides that the superior court may issue an injunction restraining such activity, and Section 496 provides that the Board may deny, suspend, revoke or otherwise restrict the license of an applicant or a licensee who has violated this section. The complete provisions of Sections 123, 123.5, and 496 are on the reverse side of this form.

A violation of Section 123 may disqualify the candidate, and the California Architects Board may initiate appropriate administrative action to deny issuance of a license. If you have any questions regarding these or any other provisions of law regarding architectural practice, please contact the Board at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834, (916) 574-7220.

**The following sections of the Business and Professions Code were enacted to ensure that state agencies can maintain the security of their exams.**

**§ 123. Subversion of Licensing Examinations - Misdemeanor**

It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

(a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

(b) Communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars ($10,000) and the costs of litigation.

(c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

**§ 123.5 Engagement in Practices Constituting a Violation Under § 123; Injunction or Restraining Order**

Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Section 123, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of a board, the Attorney General or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

**§ 496. Denial, Suspension; or Violation of § 123; Revocation of License**

A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

# DEPARTMENTAL PROCEDURES MEMORANDUM

| | |
|---|---|
| **DISCIPLINE** | Office of Professional Examination Services |
| **SUBJECT** | Examination Security |
| **NUMBER** | DPM-OPES 10-01 |
| **SUPERCEDES** | NEW |
| **ISSUE DATE** | April 8, 2010 |

## PURPOSE

This Departmental Procedures Memorandum (DPM) establishes standards and provides guidance for the security of licensing examination programs.

## APPLICABILITY

This memorandum applies to all employees, governmental officials, consultants, and temporary staff of the Department of Consumer Affairs (DCA), and any of its divisions, bureaus, boards, programs, and other constituent agencies.

## AUTHORITY

Business and Professions (B&P) Code sections 123, 123.5, and 496
Penal Code section 496c

## BACKGROUND

It is the policy of DCA that all DCA information shall be protected from unauthorized access, use, modification, disclosure, or destruction. The Office of Professional Examination Services (OPES) recognizes that the security of licensing examinations is critical to the mission of DCA in serving the interests of California consumers. Based on the B&P Code provisions listed above in "Authority," this DPM provides standards and guidelines specific to the development and maintenance of a comprehensive examination security plan.

## PROCEDURES

Roles and Responsibilities
Anyone accessing examination material is responsible for protecting that information according to his or her role(s):

- The information **owner** is the designated program executive or manager responsible for making classification and control decisions regarding the examination (e.g. boards, bureaus, DCA employees, etc.)
- The **custodian** is any person or organizational unit acting as a caretaker of an examination (e.g. exam developers, consultants, contractors, vendors, etc.)
- The **user** is anyone with access to examination material (e.g. proctors, candidates, candidate assistants, and subject matter experts, etc.)

Access Control

Every person granted access to examination material shall be provided a copy of this DPM, and shall be required to sign a security agreement, which includes a copy of the relevant B&P Code sections (Appendix A). Access to or transferal of examination material will only be allowed on a need-to-know basis at all access levels—owner, custodian, or user. All access or transferal shall be documented in order to record chain of custody.

Physical Security

- All examination material shall be properly stored in a secure area from the time it is created until the time it is destroyed. All materials not essential for future reference shall be destroyed (e.g. shred paper documents and/or physically destroy electronic media that cannot be securely overwritten).
- Every person handling examination material shall have access to a secure area for storage.
- Access to any area containing examination material shall be physically restricted to only those persons authorized by the owner, or his or her designee.
- Any entity contracted for printing, reproducing, storing, and/or shipping examination material will be instructed to follow protocols for confidential handling, including requiring official signature(s) for inventory control and/or release.
- Certain items—such as electronic devices, calculators, writing instruments, reference materials, purses, clothing, and food and beverage containers—that present a security risk to or can be used to subvert the examination shall be restricted during examination-related workshops or examination administration.
- Subject matter experts shall present valid identification, sign a security/confidentiality agreement, and secure personal belongings during examination workshops.

Electronic Security

- Electronic records containing examination material shall be stored on network file servers. Examination material may not be stored on local workstation hard drives, Web servers, privately owned computer equipment, publicly accessible computers, or portable electronic media (i.e. floppy disks, CD/DVD/USB devices).
- Computer systems storing examination material shall contain controls that protect the security and integrity of the information; including user IDs and passwords; audit controls such as failed login attempts; security monitoring for malware; and physical security that restricts access to computer systems.
- Desktop and laptop computers used to access examination material shall be encrypted using strong cryptography and security protocols that are compliant with the most current Federal Information Processing Standards (FIPS) issued by the National Institute of Standards and Technology (NIST).
- Computer monitors used to display examination material shall be positioned in a manner such that the material is not visible to unauthorized viewers. An active terminal with access to examination material shall be password protected and never left unattended.

Examination Administration

- Facilities selected for test sites shall be inspected for potential security issues and audited as required by OPES.
- Physical and electronic security standards described above shall also be followed in facilities used for examination administration.
- The Department shall take preventative measures to anticipate sophisticated electronic devices used to subvert examinations; i.e. easily concealed cameras, transmitters, recorders, and wireless devices, etc.
- Contracted computer-based testing vendors shall request approval from the owner of the examination material before entering into any agreements or discussion with a third party concerning that material.
- Proctors should be assigned according to the number of candidates:
  - Written paper and pencil exams – ideally a ratio of one for every 20-30 candidates, with a minimum of two proctors.
  - Computer-based testing – sites with eight-seat capacity shall require one proctor; sites with sixteen-seat capacity shall require a minimum of two proctors at all times; sites with thirty-seat capacity or more shall require a minimum of three proctors.
- Candidates and candidate assistants shall present valid identification, sign a security/confidentiality agreement, and secure personal belongings during the examination administration.
- Candidate assistants (readers, markers, and interpreters) shall be requested by the candidates and approved in advance by the owner.

Legal Issues

- Any and all suspected or actual breaches of examination security should be investigated and reported to the appropriate authorities, i.e. owner, custodian, or administrator.
- Persons who subvert or attempt to subvert any licensing examination or the administration of an examination will be prosecuted to the full extent of the law.
- Where appropriate, boards, bureaus, or committees may be able to supplement the civil and criminal actions with administrative sanctions.

Business Continuity

- Data related to breaches of examination security shall be documented and analyzed for trends; including, but not limited to information such as date, location, individuals involved, witnesses, circumstances, and resolution, if any.
- Owners, as defined above, shall produce, maintain, and test business continuity plans to ensure the security and availability of critical examination programs in the event of a major disruption.

## RELATED DOCUMENTS

- DCA Policies

| | |
|---|---|
| ISO 05-01 | *Acceptable Use of Information Technology Systems* |
| ISO 06-01 | *Information Security Policy* |
| ISO 07-01 | *Communications Devices* |
| ADM 99-02 | *Incompatible Work Activities* |

- DCA DPMs

| | |
|---|---|
| ISO 04-01 | *Firewall Configuration Requirements* |
| ISO 05-01 | *Server Security Standards* |
| ISO 07-01 | *Portable Computing Device Security* |
| ISO 06-02 | *Information Security Incident Reporting Procedures* |
| ISO 05-03 | *Password Standards* |
| ISO 06-03 | *Disposal of Confidential Information* |
| PERS 02-05 | *Examination Proctor Program* |

## QUESTIONS

If you have any questions regarding this DPM, please contact OPES at (916) 575-7240.

Sonja Merold

**Sonja Merold, Chief**
**Office of Professional Examination Services**

Attachment – Examination Security Agreement

# Examination Security Agreement

As an employee, governmental official, consultant, subject matter expert, and/or temporary staff of the Department of Consumer Affairs (DCA); and any of its divisions, bureaus, boards, programs, and other constituent agencies, you may have access to confidential licensing examination materials. These materials include any portions of future, current, or previously administered examinations, answer keys, and other confidential materials, the disclosure of which would subvert the examining process.

California law authorizes state agencies to maintain the security of their licensing examinations. The most specific of these laws, section 123 of the Business and Professions (B&P) Code, makes it a misdemeanor for any person to subvert or attempt to subvert any licensing examination or the administration of an examination. A person found guilty of these actions is liable for the actual damages sustained by the agency administering the examination, not to exceed $10,000 and the costs of litigation. The complete provisions of B&P Code sections 123, 123.5, and 496 are attached.

By signing this form, you agree to assume personal responsibility for keeping examination material secure. You also agree to avoid future activities that would compromise security of examination material.

---

I have read the above statements and understand the law regarding misuse of confidential material. I accept the responsibility for maintaining strict confidentiality of licensing examination material and information to which I have access and agree to keep these materials confidential.

_____
(Printed Name)

_____
(Address)

_____
(City, State, ZIP)

_____
(Signature)

_____
(Date)

_____
(Affiliation)

_____
(Witness Printed Name)

_____
(Witness Signature)

_____
(Date)

- ☐ DCA employee
- ☐ Subject matter expert
- ☐ Consultant/vendor
- ☐ Examination proctor
- ☐ Candidate assistant

## Business and Professions Code

**Division 1, Chapter 1, Section 123:**
It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

(a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

(b) Communicating with any other candidate during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

Nothing in this section shall preclude prosecution under the authority provided for in any other provision of law.

In addition to any other penalties, a person found guilty of violating this section, shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars ($10,000) and the costs of litigation.

(c) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

**Division 1, Chapter 1, Section 123.5:**
Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Section 123, the superior court in and for the county wherein acts or practices takes place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of a board, the Attorney General or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

**Division 1.5, Chapter 5, Section 496:**
A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to subversion of licensing examinations.

# EXAMINATION SECURITY

OPES
PROFESSIONAL EXAMINATION SERVICES

## Purpose

The Office of Professional Examination Services (OPES) recognizes that the security of licensing examinations is critical to the mission of the Department of Consumer Affairs (DCA) in serving the interests of California consumers. California law authorizes State agencies to maintain the security of their licensing examinations. The most specific of these laws, section 123 of the Business and Professions (B&P) Code, makes it a misdemeanor for any person to subvert or attempt to subvert any licensing examination or the administration of an examination. A person found guilty of these actions is liable for the actual damages sustained by the agency administering the examination, not to exceed $10,000 and the costs of litigation.

## Process

As an applicant, licensee, employee, governmental official, contractor, consultant, and/or temporary staff of DCA; and any of its divisions, bureaus, boards, programs, and other constituent agencies, you may have access to confidential licensing examination materials. This may include any portions of future, current, or previously administered examinations, answer keys, and other confidential materials, the disclosure of which would subvert the examination process.

OPES has implemented a variety of controls to ensure the integrity, security and appropriate level of confidentiality of licensure examination programs. These controls vary according to the sensitivity of the information, and will include restricting and/or prohibiting certain items, such as electronic devices, when conducting examination-related workshops or during examination administration. You will be required to sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensing examination material and information to which you have access.

## Authority

The following documents address the security of DCA information in general, which includes confidential testing materials:

B&P Code sections 123, 123.5, 496, and 584

| | | |
|---|---|---|
| DCA Policies: | ISO 05-01 | Acceptable Use of Information Technology Systems |
| | ISO 06-01 | Information Security Policy |
| | ISO 07-01 | Communications Devices |
| | ADM 99-02 | Incompatible Work Activities |
| DCA DPM: | ISO 07-01 | Portable Computing Device Security |
| | ISO 06-02 | Information Security Incident Reporting Procedures |
| | PERS 02-05 | Examination Proctor Program |

## Contact

To learn more about these and other examination-related services, please contact the Office of Professional Examination Services at (916) 575-7240.

Candidate Full Name: _____ SSN (last four digits ONLY) or ID: _____

Exam Name: _____ Telephone Number: _____

**For office use only**

**Identification presented:**

1. Driver's License: State _____ Number _____ Exp. Date _____

2. _____ Number _____

**Authorization Documents presented:**

Type or ID number _____

## PSI & DCA Security Policy

I HAVE READ THE FOLLOWING PSI SECURITY AGREEMENT AND CONSENT TO TAKE THE LICENSING EXAMINATION UNDER THE CONDITIONS STATED HEREIN.

- I will not give or receive assistance while taking the test, including the use of unauthorized notes.
- I will maintain the confidentiality of the test.
- I will not have in my possession a cell phone, pager, camera or other unauthorized materials.
- I understand that violating the confidential nature of the licensing test can result in severe civil or criminal penalties, invalidation of the test scores reports to the authorized agency.

Candidate Signature: _____ Date: _____

PSI Proctor Signature: _____ Date: _____

*DCA Security Procedures are posted in the PSI testing lobby.

**********

**REPORT AND POSSIBLE ACTION ON CSE COST SAVINGS**

As noted earlier, with the transition to the computer-delivered, multiple-choice format of the CSE, the Board's examination development services are now provided by the Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES). These services began in early 2010 and are conducted year round on an ongoing basis. Additionally, with the transition, the new format of the examination (launched in February 2011) is administered six days a week at 13 Psychological Services, LLC (PSI) sites in California and 10 additional sites out of state.

The new examination, along with the change in the method in which it is administered (at computer testing sites), has resulted in overall cost savings for the Board. More specifically, costs have declined as a result of: 1) eliminating facility rental agreements (for administering the previous oral format of the examination) and the use of commissioners; and 2) reducing/eliminating other administration costs (i.e., on site vendor costs).

At the March 2012 Board meeting, staff was asked to provide the Board with the cost savings that has occurred as a result of the CSE transition at its next meeting. Attached is a comparison of the development and administration costs associated with the oral format of the CSE (annual averages) and the new format (actuals and assumptions). It should be noted that the examination development costs shown for the new format are based on services provided by OPES which are substantially lower than if the Board were to contract with a private vendor. Additionally, the comparison does not include costs associated with conducting occupational analyses (which occur every five to seven years) and any changes in future examination development needs or services; etc.

Staff has been working with DCA's Budget Office to determine the appropriate course(s) of action based on the potential ongoing savings. At the present time, the Budget Office is suggesting that the Board pursue a negative budget change proposal (BCP) to reduce the level of funding for examinations. Staff is monitoring and analyzing the actual ongoing savings, which will provide the required information and data for the Board's BCP should the Board pursue the Budget Office's direction.

Also attached is an updated fund condition report showing estimated current year expenditures and revenue. The Board may direct questions to staff and/or provide direction, as needed.

<u>Attachments</u>
1. CSE Cost Comparison
2. Analysis of Fund Condition (Including Estimated Current Year Expenditures and Revenue)

## CSE Cost Comparison

| **Development** | **Oral Format Costs** (4-year Averages) | **Written Format Costs** (Based on FY Assumptions) | **Savings** (Estimated Annually) |
|---|---|---|---|
| Vendor Contract | $87,069 | $102,200 | -$15,131 |
| SME (travel expenses/per diem) | $35,742 | $73,492 | -$37,750 |
| Staff Travel | $2,945 | $0 | $2,945 |
| **Subtotal** | **$125,756** | **$175,692** | **-$49,936 *** |
| | | | |
| **Administration** | | | |
| Vendor Contract | $148,094 | $45,059 ** | $103,035 |
| SME (travel expenses/per diem) | $123,641 | $0 | $123,641 |
| Staff Travel | $5,900 | $0 | $5,900 |
| **Subtotal** | **$277,635** | **$45,059 ** ** | **$232,576** |
| | | | |
| **Hotel & Shipping** | | | |
| Hotel (lodging/exam/meeting rooms/lunch) | $97,628 | $0 | $97,628 |
| Shipping | $1,185 | $0 | $1,185 |
| **Subtotal** | **$98,813** | **$0** | **$98,813** |
| | | | |
| **Proctor** | | | |
| Travel Expenses/Salary | $12,128 | $0 ** | $12,128 |
| **Subtotal** | **$12,128** | **$0 ** ** | **$12,128** |
| | | | |
| **Total** | **$514,332** | **$220,751** | **$293,581** |

**Occupational Analysis costs are not included.**

**Footnotes:**

* Savings not realized due to differences in development processes (i.e., written format development includes additional workshops, forms, exam items, etc.).

** Proctor costs included in Administration Vendor Contract.

# 0706 - California Architects Board
## Analysis of Fund Condition

Prepared 6/4/2012

(Dollars in Thousands)

| 12-13 Proposed Gov Budget + Estimated CY Expenditures & Revenue | ACTUAL 2010-11 | CY 2011-12 | Governor's Budget BY 2012-13 | BY + 1 2013-14 | BY + 2 2014-15 | BY + 3 2015-16 | 2016-17 |
|---|---|---|---|---|---|---|---|
| **BEGINNING BALANCE** | $ 2,446 | $ 2,481 | $ 3,609 | $ 2,682 | $ 3,113 | $ 2,047 | $ 2,317 |
| Prior Year Adjustment | $ 38 | $ - | $ - | $ - | $ - | $ - | $ - |
| Adjusted Beginning Balance | $ 2,484 | $ 2,481 | $ 3,609 | $ 2,682 | $ 3,113 | $ 2,047 | $ 2,317 |
| **REVENUES AND TRANSFERS** | | | | | | | |
| Revenues: | | | | | | | |
| 125600 Other regulatory fees | $ 1 | $ 1 | $ 2 | $ 1 | $ 2 | $ 1 | $ 2 |
| 125700 Other regulatory licenses and permits | $ 418 | $ 373 | $ 318 | $ 373 | $ 318 | $ 373 | $ 318 |
| 125800 Renewal fees | $ 2,374 | $ 3,700 | $ 2,413 | $ 3,700 | $ 2,413 | $ 3,700 | $ 2,413 |
| 125900 Delinquent fees | $ 32 | $ 110 | $ 40 | $ 110 | $ 40 | $ 110 | $ 40 |
| 141200 Sales of documents | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| 142500 Miscellaneous services to the public | $ 1 | $ - | $ 1 | $ - | $ 1 | $ - | $ 1 |
| 150300 Income from surplus money investments | $ 8 | $ 16 | $ 20 | $ 31 | $ 20 | $ 23 | $ 11 |
| 150500 Interest Income From Interfund Loans | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| 160400 Sale of fixed assets | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| 161000 Escheat of unclaimed checks and warrants | $ 2 | $ 1 | $ 2 | $ 1 | $ 2 | $ 1 | $ 2 |
| 161400 Miscellaneous revenues | $ - | $ 1 | $ - | $ 1 | $ - | $ 1 | $ - |
| Totals, Revenues | $ 2,836 | $ 4,202 | $ 2,796 | $ 4,217 | $ 2,796 | $ 4,209 | $ 2,787 |
| | $ - | $ - | $ - | $ - | $ - | $ - | $ - |
| Totals, Revenues and Transfers | $ 2,836 | $ 4,202 | $ 2,796 | $ 4,217 | $ 2,796 | $ 4,209 | $ 2,787 |
| Totals, Resources | $ 5,320 | $ 6,683 | $ 6,405 | $ 6,899 | $ 5,909 | $ 6,256 | $ 5,104 |
| **EXPENDITURES** | | | | | | | |
| Disbursements: | | | | | | | |
| 0840 State Operations | $ 5 | $ 4 | $ 4 | $ - | $ - | $ - | $ - |
| 1110 Program Expenditures (State Operations) | $ 2,832 | $ 3,058 | $ 3,712 | $ 3,786 | $ 3,862 | $ 3,939 | $ 4,018 |
| Financial Information System for California (State Ops) | $ 2 | $ 12 | $ 7 | | | | |
| Total Disbursements | $ 2,839 | $ 3,074 | $ 3,723 | $ 3,786 | $ 3,862 | $ 3,939 | $ 4,018 |
| **FUND BALANCE** | | | | | | | |
| Reserve for economic uncertainties | $ 2,481 | $ 3,609 | $ 2,682 | $ 3,113 | $ 2,047 | $ 2,317 | $ 1,086 |
| **Months in Reserve** | 9.7 | 11.6 | 8.5 | 9.7 | 6.2 | 6.9 | 3.2 |

## UPDATE ON THE RELEASE OF CSE RESULTS AT EXAMINATION SITES

At the September 2011 Board meeting, members inquired whether PSI had the capability of releasing CSE results immediately to candidates at test sites upon completion of their examination. PSI indicated that it was possible with some programming changes. At the December 2011 Board meeting, the Board voted to begin releasing CSE results at test sites beginning June 1, 2012.

PSI performed the required programming in order to carry out the change and on June 1, CSE candidates began receiving results at test sites. Candidates who fail their examination are also provided with a CSE application at the examination site for their next CSE attempt, while candidates who pass their examination are also provided with an initial licensure application. This change will improve efficiencies by eliminating the mailing of results by the Board and by providing candidates with a more expeditious license process.

## Agenda Item I

**PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT**

1. Update on May 16, 2012 PQC Meeting

2. Update on the Discontinuance of the Comprehensive Intern Development Program

3. Review and Approve Recommendation Regarding Allowable Credit Earned for Academic Internship Under Intern Development Program (IDP) 2.0

4. Review and Approve Recommendation Regarding NCARB's Proposed Modification to IDP Related to Academic Internships

5. Review and Approve Recommendation Regarding NCARB's Proposed Modification to IDP Related to Construction Work

6. Review and Approve Recommendation Regarding a System to Audit Completion of Coursework on Disability Access Requirements Pursuant to AB 1746 (Chapter 240, Statutes of 2010)

7. Review and Approve Recommendation Regarding Development of a Continuing Education Strategy and Framework Based on NCARB's Research and Data

8. Review and Approve Recommendation Regarding Proposed Regulations to Amend California Code of Regulations (CCR), Title 16, Section 121, Form of Examinations; Reciprocity (As it Relates to Recognizing NCARB's Broadly Experienced Foreign Architect Program)

9. Review and Approve Proposed Legislation to Amend BPC to Accept Individual Taxpayer Identification Numbers in Lieu of Social Security Numbers for Foreign-Licensed Professionals Pursuing Licensure in California

10. Review and Approve Recommendation Regarding the Establishment of an NCARB "Broadly Experienced Intern" Pathway

**Agenda Item I.1**

**UPDATE ON MAY 16, 2012 PQC MEETING**

The PQC met on May 16, 2012 in Sacramento. Attached is the notice of the meeting. PQC Chair Jeffrey Heller will provide an update on the meeting.

Edmund G. Brown Jr.
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

## NOTICE OF MEETING

## PROFESSIONAL QUALIFICATIONS COMMITTEE

**May 16, 2012**
**10:00 a.m. to 3:00 p.m.**
**Department of Consumer Affairs**
**1747 North Market Boulevard**
**Sapphire Room (Rm-285)**
**Sacramento, CA 95834**

The California Architects Board (CAB) will hold a Professional Qualifications Committee 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 Justin Sotelo at (916) 575-7212, emailing *justin.sotelo@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.

AGENDA

A. Review and Approve the February 28, 2011 Professional Qualifications Committee Summary Report

B. Update on the Discontinuance of the Comprehensive Intern Development Program

C. Update on the California Supplemental Examination (CSE) and Release of Results at Examination Sites

D. Update on the National Council of Architectural Registration Boards' (NCARB) 2012 Practice Analysis and the Board's Upcoming Occupational Analysis for Ongoing CSE Development

E. Update on The American Institute of Architects, California Council Academy for Emerging Professionals' 2011 Architectural Education Summit and Possible Action on Potential Follow-Up Items for the Board

F. Update on Implementation of Final Phase of NCARB's Intern Development Program (IDP) 2.0

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

G. Discuss Allowable Credit Earned for Academic Internship Under IDP 2.0 and Possible Action

H. Discuss and Possible Action on Development of a System to Audit Completion of Coursework on Disability Access Requirements Pursuant to Assembly Bill 1746 (Chapter 240, Statues of 2010)

I. Update and Possible Action on Developing a Continuing Education Strategy and Framework Based on NCARB's Research and Data

J. Discuss and Possible Action on a Regulatory Amendment to Establish a Reciprocal Licensure Pathway for Candidates Holding NCARB Certification Obtained Through the Broadly Experienced Foreign Architect Program

K. Discuss and Possible Action on Legislation to Amend Business and Professions Code to Accept Individual Taxpayer Identification Numbers in Lieu of Social Security Numbers for Foreign-Licensed Professionals Pursuing Licensure in California

L. Discuss and Possible Action on the Establishment of an NCARB "Broadly Experienced Intern" Pathway

The notice and agenda for this meeting and other meetings of the Board can be found at *www.cab.ca.gov*. Any other requests relating to the Professional Qualifications Committee meeting should be directed to Mr. Sotelo at (916) 575-7212.

**UPDATE ON THE DISCONTINUANCE OF THE COMPREHENSIVE INTERN DEVELOPMENT PROGRAM**

On March 29, 2012, the Board's Comprehensive Intern Development Program (CIDP) requirement was repealed as a result of a regulatory change proposal. This action was taken in response to the Professional Qualifications Committee's recommendation on February 28, 2011 and ultimately the Board's vote to discontinue CIDP, which occurred on June 16, 2011.

On March 30, 2012, the Board tweeted the discontinuance of CIDP. The Board then immediately notified: 1) over 3,000 affected candidates that CIDP was no longer a requirement for licensure in California (some of whom became immediately eligible for the California Supplemental Examination); 2) approximately 500 firms from the Board's CIDP/Intern Development Program database; 3) The American Institute of Architects, California Council and all California chapters of the AIA; and 4) all interested parties from the Board's email subscriber lists. Additionally, the Board provided a notice on its home page, along with updates to all other pertinent web pages, and updated all standard letters/notifications to candidates to reflect the discontinuance of CIDP.

Staff can address any additional questions from the Board regarding the discontinuance of CIDP.

**REVIEW AND APPROVE RECOMMENDATION REGARDING ALLOWABLE CREDIT EARNED FOR ACADEMIC INTERNSHIP UNDER INTERN DEVELOPMENT PROGRAM (IDP) 2.0**

IDP 2.0 is the most significant update to IDP since its inception in the 1970s. Using the *2007 Practice Analysis of Architecture* as a guide, the program requirements have been updated since July 2009 (in three phases) to more closely align with the current practice of architecture, to help ensure that interns acquire the comprehensive experience that is essential for competent practice, and to make reporting experience fundamentally easier. The final phase of IDP 2.0, which became effective April 5, 2012, offered some of the most significant changes. Among those changes included the allowance to earn credit through qualifying academic internships.

Page 10 of the April 2012 *IDP Guidelines* reads as follows:

> ***Academic Internships***
>
> *Many schools have programs where interns work in firms as a part of their degree curriculum. Any internship that is integrated into an academic program whether as a requirement or as an elective is considered an academic internship.*
>
> *Interns may earn up to 930 hours of IDP experience through qualifying academic internships. They may earn hours in any of the IDP experience areas (except for Leadership and Service); however, the total earned may not exceed 930 hours. Qualifying programs must be recognized by NCARB, meet the employment requirements, and be in experience setting A or O.*
>
> *In order for interns to qualify for the academic internship opportunity, the institution sponsoring the program must document its understanding of and compliance with the requirements to NCARB annually. If you are at a school that offers an academic internship, please have the IDP educator coordinator contact idp@ncarb.org for further information.*
>
> ***Reporting Academic Internships***
>
> *Indicate that your experience is an academic internship when filling out the employer information in the online reporting system.*

In light of this specific change to IDP, it was recognized that this allowance differs from the Board's regulations with regard to earning experience credit towards the eight-year requirement for licensure. More specifically, California Code of Regulations section (CCR) 117 (b)(7) states in part that:

> *"…A candidate enrolled in a degree program where credit earned is based on work experience courses (i.e., internship or co-op programs) shall not receive more than the maximum credit allowed for degrees earned under subsections (a)(1) through (7)."*

In other words, the regulatory provision currently precludes candidates from receiving additional experience credit towards the eight-year licensure requirement if the experience in question was required for their degree. For example, a candidate who holds an accredited degree in architecture, where work experience was required as part of the degree program, would only receive a maximum of five years of credit towards the licensure requirement. No additional credit would be granted for the experience gained under an academic internship.

It should also be noted that under CCR 117 (a)(11), candidates are granted a minimum of three years credit by the Board for completion of IDP. Through this provision, candidates would potentially receive duplicative experience credit for their academic internship, which is prohibited by CCR 117 (b)(7). Candidates who are exempt from the IDP requirement are not granted this allowance for academic internships under the 117 (b)(7) rule.

At its May 2012 meeting, the Professional Qualifications Committee (PQC) was asked to consider this recent change to IDP, along with the regulatory provisions noted above, and make a recommendation to the Board. The PQC recommended that the Board align its regulations with the new academic internship allowance component of IDP. The Board is asked to consider the PQC's recommendation and direct staff on how or whether to proceed with a regulatory change proposal.

## Agenda Item I.4

**REVIEW AND APPROVE RECOMMENDATION REGARDING NCARB'S PROPOSED MODIFICATION TO IDP RELATED TO ACADEMIC INTERNSHIPS**

As noted under the previous item, on April 5, 2012, the final phase of IDP 2.0 was implemented, which included the allowance to earn credit through qualifying academic internships. More specifically, the change allows interns to earn up to 930 hours of IDP credit (in any of the IDP experience areas, except for Leadership and Service) through qualifying academic internships. Qualifying programs must be recognized by NCARB, meet the IDP employment requirements, and be in experience setting A or O.

On May 9, 2012, the Board was notified by NCARB of a proposal to eliminate the 930 hour cap with regard to earning IDP credit through qualifying academic internships (see NCARB's proposed modification/invitation to provide comments – attached).

At its May 16, 2012 meeting, the Professional Qualifications Committee (PQC) was asked to consider the academic internship allowance change to IDP, along with NCARB's proposal to eliminate the 930 hour cap. The PQC recommended that the Board provide comment to NCARB supporting the proposal to eliminate the cap.

The Board is asked to review and approve the PQC's recommendation.

Attachment
Proposed Modification - Academic Internship Cap

NCARB
National Council of Architectural Registration Boards 1801 K Street NW, Suite 700K Washington, DC 20006 202/783-6500 202/783-0290 Fax

# 30-DAY COMMENT PERIOD: ACADEMIC INTERNSHIPS

**9 May 2012**

**Dear NCARB Member Board Members and Member Board Executives,**

**This document serves to:**

- **inform you of the modifications being proposed to the Intern Development Program that the NCARB Board of Directors voted to support;**
- **inform you that the proposed modifications are posted to the Registration Board section of the website; and**
- **provide you with a 30-day opportunity to review and comment.**

**Please send comments to idp-comments@ncarb.org by 11 June 2011. If you are unable to meet this deadline, please let us know at idp-comments@ncarb.org immediately.**

**Revisions supported by the NCARB Board of Directors to modify the IDP "Academic Internship" experience defined as:**

> *"Interns may earn ~~up to 930 hours of~~ IDP experience through qualifying academic internships. They may earn hours in any of the IDP experience areas ~~(~~except for Leadership and Service.~~); however, the total earned may not exceed 930 hours~~. Qualifying programs must be recognized by NCARB, meet the employment requirements, and be in experience setting A or O."*

Modification:

1. Eliminate the 930 hour cap on earning hours while participating in an Academic Internship in Experience Settings A or O.

**Rationale:**

Prior to 3 April 2012, the IDP has not allowed an intern to receive IDP credit for an internship that is part of an academic program's graduation requirement. Beginning 3 April 2012, the IDP rules have been expanded to allow interns to earn up to 930 hours of IDP experience during internships that are part of an academic program's graduation requirement. The intent of this change was to provide an additional way for students to earn IDP credit, underscoring increased flexibility of the program, emphasizing the validity of academic internship as preparatory for practice, and demonstrating sensitivity to how the economy has limited off-campus internship opportunities.

The Association of Collegiate Schools of Architecture (ACSA), on behalf of its members, reported to NCARB that the earning cap of 930 experience hours negatively affected several well-established academic internship programs. Internships at these programs are run in parallel with the academic program whereby the intern typically works in an office setting for a year or longer. Therefore interns participating in these programs would not be allowed to apply a substantial number of the hours they may work during their internship toward the IDP requirements.

*(continued on next page)*

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A special meeting of the Internship Committee (IC) was held on April 2-3 to review the academic internship supplemental experience option available to interns in IDP 2.0. They were joined by the IDP Advisory Committee (IDPAC) members, President Veazey, First VP/President-elect Blitch, FY10 Committee on the IDP Chair Denis Henmi, and IDP Board Liaison Dennis Ward. ACSA President Judith Kinnard presented the ACSA's findings on academic internships and their integration into the requirements for graduation. Members of these committees were also provided with a document prepared by ACSA that summarized many of the academic internships currently existing at the institutions with NAAB accredited degree programs.

Judith Kinnard described academic internships as being "parallel" to an academic program or "embedded" in an academic program. Parallel programs are those where an intern completes all of the academic requirements in a classroom plus participates in an internship concurrently or at some point during the program. Parallel programs typically are required for graduation but earn no academic hours. Embedded programs are those where an intern completes the program as fulfillment of a specific course or as an elective. These programs may earn academic hours toward graduation. Kinnard acknowledged that the requirements of academic internships vary significantly from school to school: whether or not academic hours are earned; the requirements for graduation; required "course" fees; etc.

Current IDPAC member Glenn Wiggins, Dean at Wentworth Institute of Technology, described the program at Wentworth, other programs of which he is knowledgeable, and the merits of the integration of practice in the academy through internships. The committee also reviewed the ACSA program summary documenting numerous programs offered by schools nationally. It was clear to the IC that academic internships vary greatly; however, each provides valuable work experience to the students. In addition, the structure of the oversight by the academic institution provides a level of quality control for the work experience obtained by the students. Academic internships supplement the academic experience obtained in class and on campus. The internships are not intended to address the NAAB Student Performance Criteria (SPC) required for accreditation, but rather are intended to expose students to the "real world" aspects of the practice, which they believe the profession is better equipped to provide. The IC determined that there should be no differentiation between "parallel" and "embedded" programs.

The committee felt strongly that academic internships provide the participants with valuable work experience. Experience obtained within the guidelines of the IDP should count for credit toward the program. Students at institutions where the work experience is well integrated should not be penalized for participating in such programs by having to work longer to complete the IDP than students in a traditional program, obtaining employment outside of an academic internship. Experience is experience, and should be treated as such with respect to credit toward completion of the IDP without limitation.

**Agenda Item I.5**

**REVIEW AND APPROVE RECOMMENDATION REGARDING NCARB'S PROPOSED MODIFICATION TO IDP RELATED TO CONSTRUCTION WORK**

On May 9, 2012, the Board was notified by NCARB of a proposal to modify IDP which would add "construction work" as an acceptable supplemental experience type (see NCARB's proposed modification/invitation to provide comments – attached). This would provide additional opportunities for interns to receive hands-on construction related experience credit.

California Code of Regulations section 117 (a)(10)(c) and (a)(12)(b) currently allow 50% credit (maximum one year) of experience as, or under the direct supervision of a California licensed general building contractor (note: (a)(10)(c) applies when the candidate is enrolled in a college or university). Candidates who are exempt from the IDP requirement would be granted 50% credit under this rule while candidates required to complete IDP would receive full credit.

At its May 16, 2012 meeting, the Professional Qualifications Committee (PQC) was asked to consider the proposed modification to IDP. The PQC recommended that the Board support the proposal, with the comment that the added supplemental experience type should be better defined, include a broad range of meaningful construction activity, and provide an appropriate duration requirement (interns are required to be employed at least 15 hours per week for a minimum period of eight consecutive weeks in order to earn experience credit).

The Board is asked to review and approve the PQC's recommendation.

Attachment
Proposed Modification - Construction Work

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# 30-DAY COMMENT PERIOD: CONSTRUCTION WORK

**9 May 2012**

**Dear NCARB Member Board Members and Member Board Executives,**

**This document serves to:**

- **inform you of the modifications being proposed to the Intern Development Program that the NCARB Board of Directors voted to support;**
- **inform you that the proposed modifications are posted to the Registration Board section of the website; and**
- **provide you with a 30-day opportunity to review and comment.**

**Please send comments to idp-comments@ncarb.org by 11 June 2011. If you are unable to meet this deadline, please let us know at idp-comments@ncarb.org immediately.**

**Revisions supported by the NCARB Board of Directors to modify the IDP "Experience Setting S - Supplemental Experience" by adding the following experience type defined as:**

**Construction Work**

Addition:

| | |
|---|---|
| 1. Experience Setting: | S = Supplemental Experience |
| 2. Experience Hours: | 930 elective hours, maximum |
| 3. Employment Requirement: | Paid position or volunteer service<br>Note: Volunteer service only applies in a nonprofit organization (Habitat for Humanity, Architecture for Humanity, etc.)<br><br>Minimum of 15 hours per week for a minimum period of eight consecutive weeks |
| 4. Supervision Requirement: | Person who is experienced in the activity that supervises the work (e.g. foreman, project manager, etc.) |

**Rationale:**

The Internship Committee (IC) considered FY12 Charge No. 4:

> *Explore opportunities for interns to receive construction-related supplementary experience activities. Identify how these activities may relate to the IDP experience requirement. Consider options for earning experience hours in both pay and volunteer scenarios. If the committee recommends that experience hours be allowed, provide options for consideration to the Board of Directors.*

Many options exist in the construction industry for an intern to gain hands-on construction experience working for contractors, sub-contractors, materials manufacturers and installers, etc. Through construction, interns develop knowledge and skills valuable in detailing the built environment and other aspects of the profession of architecture.

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Interns are encouraged to volunteer their service with those in need through community or civic architecture programs. Through rebuilding opportunities such as Architecture for Humanity, interns demonstrate the professions' commitment to building community. Through actual construction activities, interns develop knowledge and skills that benefit their whole IDP experience.

Construction work will provide additional opportunities for interns to acquire valuable experience.

Interns will:

a. gain hands-on experience working with/installing materials and a better understanding of their limitations, installation requirements, etc.
b. improve performance in the IDP experience areas through understanding how details "on paper" translate to in the built environment
c. understand and engage with those who construct the final product

"Hands-on" construction experience will enable interns to gain program required knowledge of/skill in:

- Adaptive reuse of buildings and/or materials
- Building systems and their integration
- Characteristics and properties of construction materials
- Constructability
- Construction details
- Construction sequencing
- Implications of design decisions (e.g., cost, engineering, schedule)
- Interpersonal skills (e.g., listening, diplomacy, responsiveness)
- Managing quality through best practices
- Product evaluation, selection and availability
- Problem solving
- Team building, leadership, participation

After hearing research, options, and discussion, the IC unanimously agreed that "hands-on" construction experience expands an intern's knowledge base and recommends construction work, as described below, be accepted for IDP supplemental experience credit:

*General Employment Scenarios:*
Qualifying construction activities include "hands-on" experience working for a variety of organizations including but not limited to:

- General contractor
- Subcontractor
- Fabrication shop
- Materials supplier
- Manufacturers (doors, windows, etc)
- Developer/development corporation
- School district or higher education physical plant or facilities department
- Facilities department for a private corporation
- Military construction battalion (e.g. Navy Seabees)
- Disaster relief efforts
- Nonprofits [i.e. Habitat for Humanity, Community Development Corporation, Youth Corps (youth work training program), Religious/Multi-Denominational development corporations, neighborhood housing services]

*Types of construction work:*
Qualifying construction work that define "hands-on" experience working in qualified general employment scenarios includes, but is not limited to:

- Building layout
- Framing
- Roofing
- Concrete and masonry
- Painting and finishing
- Drywall and plastering
- Flooring
- Tile setting
- Wiring and equipment installation
- Ductwork and mechanical equipment installation
- Plumbing and fixture installation
- Site clearing and preparation
- Backhoe operation, grading, etc.

**Agenda Item I.6**

**REVIEW AND APPROVE RECOMMENDATION REGARDING A SYSTEM TO AUDIT COMPLETION OF COURSEWORK ON DISABILITY ACCESS REQUIREMENTS PURSUANT TO AB 1746 (CHAPTER 240, STATUTES OF 2010)**

On September 28, 2008, Senate Bill 1608 (Corbett) was approved by Governor Arnold Schwarzenegger, which implemented the Board's mandatory continuing education (CE) requirement for architects on disability access requirements.

While the number of required hours was phased in between July 2009 and January 2011, licensees are now required to complete five hours of coursework for every two-year renewal cycle. As a condition of license renewal, architects must: 1) certify completion of the required coursework; and 2) provide completed coursework documentation to the Board, which must include course title(s), subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer or educator's knowledge and experience background.

On September 23, 2010, Assembly Bill (AB) 1746 (Emmerson) [attached] was approved. This bill amended the Board's CE requirement by adding a: 1) mandate to audit at least 3% of the license renewals beginning with the 2013 renewal cycle; 2) citation and disciplinary action provision for licensees who provide false or misleading information; and 3) mandate for the Board to report to the Legislature on the level of licensee compliance, actions taken by the Board for noncompliance, the findings of Board audits, and any recommendations for improving the process.

At its strategic planning session in December 2011, the Board established an objective assigned to the Professional Qualifications Committee (PQC) to develop a CE audit system in response to AB 1746. Staff has researched the audit procedures of architectural licensing boards and boards under the Department of Consumer Affairs.

At the May 16, 2012 PQC meeting, staff presented their findings and a proposed CE audit system for verifying completion of CE coursework requirements. The PQC was asked to consider the proposal, offer any suggested modifications, and make a recommendation to the Board. The PQC suggested minor clarifying revisions to the proposal and recommended that the proposed system be adopted by the Board. The revised audit system proposal will be provided to the Board under separate cover.

The Board will be asked to review and approve the recommended CE audit system.

<u>Attachment</u>
AB 1746 – Emmerson, Chapter 240, Statutes of 2010

## Assembly Bill No. 1746

CHAPTER 240

An act to amend Section 5600 of, and to add Section 5600.05 to, the Business and Professions Code, relating to architects.

[Approved by Governor September 23, 2010. Filed with Secretary of State September 24, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1746, Emmerson. Architects: continuing education.

Existing law provides for the licensure and regulation of persons engaged in the practice of architecture by the California Architects Board. Existing law requires a person licensed to practice architecture to complete, as a condition of license renewal, coursework regarding disability access requirements, as specified, to certify that completion, and to provide specified documentation to the board.

This bill would authorize the board to audit the records of a licensee, would, until January 1, 2015, require the board to audit at least 3% of the license renewals received each year to verify completion of the coursework, and would, commencing with the 2-year license renewal cycle beginning January 1, 2013, require a licensee to provide the specified documentation only upon that audit. The bill would exempt a licensee from these coursework requirements for the licensee's first license renewal in certain circumstances. A licensee who provides false or misleading information relative to the completion of coursework would be subject to an administrative citation or disciplinary action by the board. The bill would require the board to submit, on or before January 1, 2019, a letter to the Legislature relating to these requirements.

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

SECTION 1. Section 5600 of the Business and Professions Code is amended to read:

5600. (a) All licenses issued or renewed under this chapter shall expire at 12 midnight on the last day of the birth month of the licenseholder in each odd-numbered year following the issuance or renewal of the license.

(b) To renew an unexpired license, the licenseholder shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

(c) The renewal form shall include a statement specifying whether the licensee was convicted of a crime or disciplined by another public agency

during the preceding renewal period and that the licensee's representations on the renewal form are true, correct, and contain no material omissions of fact, to the best knowledge and belief of the licensee.

SEC. 2. Section 5600.05 is added to the Business and Professions Code, to read:

5600.05. (a) (1) As a condition of license renewal, a licensee shall have completed coursework regarding disability access requirements pursuant to paragraphs (2) and (3). A licensee shall certify to the board, as a part of the license renewal process, that he or she has completed the required coursework prior to approval of his or her license renewal and shall, until the conclusion of the license renewal cycle beginning January 1, 2011, provide documentation to the board from the course provider that shall include the course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer's or educator's knowledge and experience background. Commencing with the license renewal cycle beginning January 1, 2013, a licensee shall, upon a board audit, provide the documentation from the course provider to the board. A licensee who provides false or misleading information as it relates specifically to the requirements of this paragraph shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, or to disciplinary action by the board.

(2) (A) For licenses renewed on and after July 1, 2009, and before January 1, 2010, a licensee shall have completed one hour of coursework.

(B) For licenses renewed on and after January 1, 2010, and before January 1, 2011, a licensee shall have completed two and one-half hours of coursework.

(C) For licenses renewed on and after January 1, 2011, a licensee shall have completed five hours of coursework within the previous two years.

(3) Coursework regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this paragraph shall be presented by trainers or educators with knowledge and expertise in these requirements.

(b) The board may audit the records of a licensee to verify the completion of the coursework requirements of subdivision (a). A licensee shall maintain records of completion of the required coursework, containing the information specified in paragraph (1) of subdivision (a), for two years from the date of license renewal and shall make those records available to the board for auditing upon request.

(c) Until January 1, 2015, the board shall audit at least 3 percent of the license renewals received each year to verify the completion of the continuing education requirements of this subdivision.

(d) On or before January 1, 2019, the board shall submit a letter to the Legislature on the disability access continuing education provisions required

under this subdivision, including the level of licensee compliance with the requirements, any actions taken by the board for noncompliance with the requirements, the findings of board audits, and any recommendations of the board for improving the process.

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**Agenda Item I.7**

**REVIEW AND APPROVE RECOMMENDATION REGARDING DEVELOPMENT OF A CONTINUING EDUCATION STRATEGY AND FRAMEWORK BASED ON NCARB'S RESEARCH AND DATA**

Continuing education (CE) remains a key issue for California and architectural licensing boards. Currently, more than 40 jurisdictions require CE for licensed architects. Over the years, the Board has devoted extensive attention to the topic of CE and continues to assess the issue within the context of ensuring public health, safety, and welfare.

In June 2011, the National Council of Architectural Registration Boards' (NCARB) Resolution 2011-01 (attached) was approved by Member Boards, which amended NCARB Model Law and Regulations. The amendments established a recommended standard that Member Boards require 12 CE hours in health, safety, and welfare (HSW) subjects each calendar year and revised/standardized terminology within the provisions. Follow up actions to the resolution have included NCARB evaluating the models of other organizations to assist with their overall CE efforts.

At its strategic planning session in December 2011, the Board established an objective to "develop a continuing education strategy and framework based on NCARB research and data." Additionally, staff prepared a draft Continuing Education Paper (attached), which summarizes background on the issue and presents possible recommendations for the Board to consider. Also in December 2011, The American Institute of Architects amended its CE requirement to incorporate 12 hours of HSW CE hours (see NCARB web update attached).

At its May 2012 meeting, the Professional Qualifications Committee (PQC) was asked to discuss the development of a CE strategy and framework for California that could be presented to the Board for consideration. The PQC discussed topics addressed in the draft Continuing Education Paper (i.e., varying CE requirements among jurisdictions, NCARB's efforts to address these differences, recent efforts to adopt a comprehensive requirement in California, concerns regarding piecemealed requirements, the Administration's opposition to CE, etc.). The PQC recommended that the Board further its work on CE for future action, based upon the possible recommendations identified in the draft Continuing Education Paper.

The Board is asked to review and approve the PQC's recommendation and offer any additional direction to staff, if necessary.

<u>Attachments</u>
1. NCARB Resolution 2011-01
2. Draft Continuing Education Paper
3. NCARB Web Page – AIA Amends Continuing Education Requirement
4. NCARB Web Page – Continuing Education Requirements By State

**RESOLUTION 2011-01**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Legislative Guidelines, Model Law and Model Regulations* Amendments – Changes to Continuing Education Requirements

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that the second paragraph of Section 4 of the *Model Law* be amended to read as follows:

> "A registered architect must demonstrate ~~professional development~~ completion of annual continuing education activities. ~~since the architect's last renewal or initial registration, as the case may be;~~ ~~t~~ The Board shall by regulation describe ~~professional development~~ such activities acceptable to the Board and the ~~form of~~ documentation of such activities required by the Board. The Board may decline to renew a registration if the architect's ~~professional development~~ continuing education activities do not meet the standards set forth in the Board's regulations."

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to add the following in appropriate alphabetic order:

> "**Continuing Education (CE)**
> Continuing education is post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare."

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition of "Professional Development Unit" as follows:

> "~~**Professional Development Unit**~~ **Continuing Education Hour (CEH)**
> One continuous instructional hour (50 to 60 minutes of contact) spent in ~~either~~ Structured Educational Activities ~~or Individually Planned Activities~~ intended to increase or update the architect's knowledge and competence in Health, Safety, and Welfare Subjects. If the ~~vendor~~ provider of the Structured Educational Activities prescribes a customary time for completion of such an Activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's time for ~~Professional Development Unit~~ Continuing Education Hour purposes irrespective of actual time spent on the activity."

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition "Structured Educational Activities" as follows:

"**Structured Educational Activities**
Educational activities in which ~~the teaching methodology consists primarily of the systematic presentation of~~ at least 75 percent of an activity's content and instructional time must be devoted to Health, Safety, and Welfare Subjects related to the practice of architecture, including courses of study or other activities under the areas identified as Health, Safety and Welfare Subjects and provided by qualified individuals or organizations, ~~including monographs, courses of study taught in person or by correspondence, organized lectures, presentations or workshops and other means through which identifiable technical and professional subjects are presented in a planned manner.~~ whether delivered by direct contact or distance learning methods."

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to delete the existing definition "Individually Planned Educational Activities" as follows:

"~~**Individually Planned Educational Activities**~~
~~Educational activities in which the teaching methodology primarily consists of the architect himself/herself addressing Health, Safety, and Welfare Subjects, which are not systematically presented by others, including reading or writing articles on such Subjects; studying or researching building types, designs or building systems; rendering services to the public, advancing the profession's and the public's understanding of the practice of architecture; and the like.~~"

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition "Health, Safety, and Welfare Subjects" as follows:

"**Health, Safety, and Welfare Subjects**
Technical and professional subjects~~, which~~ that the Board deems appropriate to safeguard the public~~'s health, safety, and welfare. Such subjects include building design; sustainable design; environmental or land use analysis; life safety; architectural programming; site and soils analysis; accessibility; structural systems considerations; lateral forces; building codes; evaluation and selection of building systems, products or materials; construction methods; contract documentation; construction administration; and the like.~~ and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

LEGAL: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public

BUILDING SYSTEMS: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

ENVIRONMENTAL: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

OCCUPANT COMFORT: Air Quality, Lighting, Acoustics, Ergonomics

MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment

PRESERVATION: Historic, Reuse, Adaptation

PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

DESIGN: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

CONSTRUCTION DOCUMENTS: Drawings, Specifications, Delivery Methods

CONSTRUCTION CONTRACT ADMINISTRATION: Contracts, Bidding, Contract Negotiations"

**FURTHER RESOLVED**, that Section 100.703 of the *Model Regulations* be amended as follows:

"**100.703 Renewal**
**[Describe terms, including fee with cross reference to 100.107, citing applicable statute.]**

**[The Board may require that each registered architect demonstrate pro~~fessional development~~ continuing education by including the following provisions.]**

Continuing Education ~~Professional Development~~ Requirements. ~~To renew registration, i~~ In addition to all other requirements for registration renewal, an architect must ~~have acquired~~ complete a minimum of 12 Continuing Education Hours each calendar year ~~Professional Development Units for each 12-month period since his/her last renewal or initial registration as the case may be~~ or be exempt from these continuing education ~~professional development~~ requirements ~~all~~ as provided below. Failure to comply with these requirements ~~shall~~ may result in non-renewal of the architect's registration.

**(A)** ~~Professional Development Units.~~ Continuing Education Hours. ~~Within any 12-month period during which 12 Professional Development Units must be acquired, at least eight Professional Development Units shall be~~ 12 Continuing Education Hours must be completed in Health, Safety, and Welfare Subjects acquired in Structured Educational Activities. ~~and the remaining four Professional Development Units shall be in Health, Safety, and Welfare Subjects but may be in either Structured Educational Activities or in Individual Planned Educational Activities. Professional Development Units need not be acquired within this jurisdiction, but~~ Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.

~~**[Note: for jurisdictions having renewal periods of longer than one year adjust numbers accordingly.]**~~

**(B)** Reporting and Recordkeeping. An architect shall complete and submit forms ~~prescribed or accepted~~ as required by the Board certifying ~~to~~that the architect~~'s having~~ has ~~acquired~~ completed the required~~ Professional Development Units~~ Continuing Education Hours. Forms may be audited by the Board for verification of compliance with these requirements. ~~Evidence of compliance~~ Documentation of reported Continuing Education Hours shall be maintained by the architect for ~~two~~ six years from the date of award ~~after submission of the form to which it relates~~. If the Board disallows any ~~Professional Development Units, unless~~ Continuing Education Hours ~~the Board finds following a notice and hearing that the architect willfully disregarded these requirements, then~~ the architect shall have ~~six months~~ 60 days from notice of such disallowance either to provide further evidence of having ~~acquired~~ completed the ~~Professional Development Units~~ Continuing Education Hours disallowed or to ~~cure~~ remedy the disallowance by ~~acquiring~~ completing the required number of ~~Professional Development Units~~ Continuing Education Hours (but such ~~Professional Development Units~~ Continuing Education Hours shall not again be used for the next ~~renewal~~ calendar year). If the Board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required Continuing Education Hours, the architect may be subject to disciplinary action in accordance with the Board regulations.

**(C)** Exemptions. An architect shall not be subject to these requirements if:

**1.** The architect has been granted emeritus or other similar honorific but inactive status by the Board; or

**2.** The architect otherwise meets all renewal requirements and is ~~a civilian~~ called to active military service ~~duty in the armed forces of the United States for a significant period of time~~, has a serious medical condition~~is ill or disabled for a significant period of time~~, or can demonstrate to the Board other like hardship, then upon the Board's so finding, the architect may be excused from some or all of these requirements.~~; or~~

~~**3.** The architect otherwise meets all renewal requirements and is registered in any other jurisdiction having continuing professional development requirements which the architect has met, provided that such other jurisdiction accepts satisfaction of this jurisdiction's continuing professional development requirements as meeting its own.~~"

**SPONSORS' STATEMENT OF SUPPORT**

Chaos and confusion have dominated the debate over continuing education for architects for the past several years. Requirements, terminology, types of hours, number of hours, and renewal dates are literally all over the map as almost every jurisdiction now has some form of continuing education requirement. The resolution being presented is a result of the Committee on Professional Development, the Member Board Executives Committee, and the Committee on Procedures and Documents working together, analyzing, and discussing the current situation in order to standardize continuing education requirements.

Since all jurisdictions are charged with protecting the public's health, safety and welfare, NCARB's *Model Law* and *Model Regulations* only concern health, safety, and welfare (HSW) continuing education. Professional development, as it applies to the *Model Law* and *Model Regulations* should be more accurately termed "continuing education," the term used by most jurisdictions in their current laws and regulations.

Despite the variety of renewal requirements imposed by jurisdictions, the committees tried to remedy the difficult issue of mutual acceptance whereby a particular jurisdiction accepts another jurisdiction's requirements. They determined that the language in the *Model Regulations* should be simplified to allow an architect who has met all mandatory continuing educational requirements and is in good standing in one jurisdiction requiring a minimum of 12 continuing education hours per calendar year in HSW subjects acquired in structured educational activities to have met the mandatory continuing education requirements. Any registrant of a jurisdiction will still be subject to that jurisdiction's auditing policies with respect to continuing education requirements.

Since 34 jurisdictions currently require an average of 12 hours per year, the committees also concluded that 12 HSW continuing education hours cited in NCARB's *Model Regulations* was appropriate. However, the way adults learn in the 21st century is very different than that of the previous century. As a result, the committees offered to expand the definition of "structured educational activities" to include both direct contact and distance learning methods, which could include webinars, podcasts, etc. The committees dropped the term "individually planned educational activity" since it is difficult to evaluate the learning objectives, accomplishments, and time devoted to the individually planned educational activity.

The committees determined that the *NCARB Model Regulations* should not allow for any carry-over of continuing education hours earned during a previous calendar year. Under the proposed model regulations there is no justification for carry-over of CEHs. The committees also agreed on 60 days as a reasonable period to make up for any disallowed continuing education hours, and that a reasonable period for record retention would be six years from the date the continuing education hours were awarded.

The committees did not feel it realistic to try to define health, safety, and welfare, but instead chose to identify HSW categories and subjects found in the *NCARB Model Regulations*, AIA's provider manual, and in a variety of jurisdictional regulations. The subjects are aligned with those used for the Intern Development Program (IDP) and Architect Registration Examination® (ARE®), as directed by the Practice Analysis and should reinforce the competence of practitioners in the same areas where the competence of emerging professionals is initially required.

When approved and implemented by the Member Boards, this resolution will lead to greater standardization of continuing education requirements, improved course content and quality, and simplified record keeping processes for Member Boards, while easing the burden for practitioners licensed in multiple jurisdictions.

**D R A F T**

# Continuing Education Paper

Continuing education (CE) remains a key issue for all California licensing boards, as well as within the architectural profession. Most architect registration boards in the United States now have some sort of CE requirement, although many of these requirements are incongruent. Both the Board and the profession (The American Institute of Architects, California Council; or AIACC) have been contending with a number of issues that shape the thinking about CE. The following is a synopsis of key factors and actions on CE and a possible approach for the Board.

## Emerging National Issue

There is encouraging news on the national front. Currently, more than 40 jurisdictions recognize the value of lifelong learning and require CE of some variety. Those requirements vary from state-to-state. Example of differences include number of hours; percentage of health, safety, and welfare (HSW) v. "other" courses; time frame for course completion; specialized requirements (disabled access or sustainability); and quality control for both course providers and course material. The fact that there are so many differences between the states, and because many practitioners hold licenses in numerous states, has caused the National Council of Architectural Registration Boards (NCARB) to examine the issue. In addition, some are asking whether NCARB should assume a more active role in CE, such as managing records of courses taken by NCARB certificate holders. Accordingly, the topic of CE is a key national issue.

## NCARB Resolution

NCARB Resolution 2011-1, which was approved by NCARB Member Boards in June of 2011, amends NCARB Model Law to urge Member Boards to require 12 hours of CE per year and to decouple the "year" from the renewal cycle. This will harmonize Member Boards' time frames for CE requirements by relying on the calendar year as a common standard.

Other features of the resolution include: a definition for CE, standardized terminology, a revised definition of structured educational activities, and the removal of acceptance of individually planned educational activities.

As a follow-up action to the resolution, NCARB's CE Committee is presently evaluating other CE models from related organizations to identify potential program features that could be incorporated into NCARB's CE efforts. Specifically, the committee is charged with:

> *Reviewing the CE Provider Manuals for AIA, LACES, USGBC, CSI and NCEES to understand similarities and differences in establishing quality CE programs. Develop summary overview of similarities and differences. Identify areas of deficiency.*

The national efforts on CE are indeed encouraging. It is also important to be mindful of the history of the issue in California and understand these events, as they may shape the approach to CE in California. (These elements are listed to further inform the Board's action on this issue rather than impact interest in CE.)

California Architect Proficiency Survey

The Board has long been interested in CE and practitioners' proficiency. In 2001, the Board approved a study and recommendation on architects' proficiency. The Task Force on Post-licensure Competency met on June 13, 2001 to review and discuss the results of a major survey in detail. Based on the results of the survey, the Task Force made the following recommendations, which the Board approved at its June 14, 2001 meeting:

> *To accept the report on the results of the California Architect Proficiency Survey as prepared by Professional Management and Evaluation Services, Inc. (PMES) and to agree with the conclusions and recommendations contained therein that, on an overall basis, there is not a significant proficiency problem that would warrant mandatory CE at this time.*

As reflected in the *Executive Summary of the California Architect Proficiency Survey*, the Board concluded that:

1. Overall, California architects do not have serious or significant post-licensure competency problems.
2. At the present time, a broad-based mandatory CE program is not warranted.
3. The Board will continue to review the need for targeted action to correct or improve identified areas of potential competency problems as they relate to public health, safety, and welfare.

Disabled Access Continuing Education

In 2008, as part of a comprehensive bill (Chapter 549, Statutes of 2008) aimed at reforming the civil process for disabled access litigation, the Board was required to implement a program requiring architects to complete five hours of CE on disability access requirements every biennial renewal cycle. During discussions on the bill, the Board offered to drop its opposition to the bill if the language would be amended to also give the Board authority to adopt a CE requirement focusing on HSW coursework. Such amendments were not added to the bill, and accordingly the Board opted to maintain its opposition to the measure.

AIACC Legislation for HSW Continuing Education

In 2009, AIACC introduced legislation (AB 1746) to authorize the Board to require CE on HSW topics. The primary arguments in support of the bill (as well as for the amendment noted above) was that 1) the practice of architecture is changing in such a rapid and dynamic way that it is critical for architects to continually maintain their knowledge base; and 2) a piecemeal approach to CE is not in the public interest because it could be subject to groups adding special requirements that may not be appropriate, rather than a more comprehensive approach that focuses on the public HSW needs of each practitioner. The bill was approved by the Legislature, but vetoed by Governor Arnold Schwarzenegger. The veto message stipulated that the Administration does "not believe we should be placing additional burdens on licensees by demanding they fulfill new continuing education requirements." It should also be noted that prior to the veto, the Senate Business, Professions, and Economic Development Committee inserted language into the bill to make the grant of authority to the Board conditional based upon

empirical evidence. This was in recognition of the findings of the Board's California Architect Proficiency Survey, as noted above.

More recently, with the emergence of the Brown Administration, there was a question as to the prognosis for future CE legislation for professions and trades. The Administration's position on CE was made known via the veto of SB 671 on September 30, 2011 (which would have required CE for court reporters), wherein Governor Brown opined as follows:

> *The whole idea of legally mandated "continuing education" is suspect in my mind. Professionals already are motivated to hone their skills or risk not getting business.*

CE remains a key issue of interest for AIACC. In addition, the positive action at the national level also creates opportunities for the Board to leverage that momentum to improve its current program, and potentially build the case for further action. The following are possible actions the Board can consider to further its work on CE.

<u>Possible Recommendations</u>

1. The Board should analyze NCARB Resolution 2011-1 to identify opportunities to amend its current disabled access CE requirement to be more consistent with other states.

2. Continue to work to improve SB 1608's CE provisions (audit system, course content, implementation issues and clarifications, etc.).

3. Encourage NCARB to take the lead role in HSW CE, including approving providers, courses, tracking hours, etc.

4. Monitor work of NCARB's CE Committee.

5. Encourage NCARB to build empirical evidence regarding changes to profession by comparing its 2012 Practice Analysis with the 2001 version (coincides with the year of the Board's Architect Proficiency Survey) to identify the magnitude of the changes in practice.

6. Should AIACC pursue CE legislation, assist in building a strong coalition of interested groups in support of CE for architects. This will help demonstrate broad interest in such a requirement. Possible groups are: California Building Officials, Seismic Safety Commission, insurance industry, California Council for Interior Design Certification, California Building Industry Association, etc.

# AIA AMENDS CONTINUING EDUCATION REQUIREMENT TO INCORPORATE NCARB MODEL LAW RECOMMENDATION

7 February 2012

Washington, DC—The American Institute of Architects (AIA) has amended its continuing education membership requirement to incorporate 12 hours of health, safety, and welfare (HSW) continuing education hours (CEHs).

In June, NCARB's 54 U.S. Member Boards overwhelmingly passed by resolution significant changes to the continuing education requirements outlined in the NCARB Model Law and Model Regulations. The revisions established a recommended standard of 12 CEHs in HSW subjects each calendar year for registration renewal.

At its 8-9 December 2011 meeting, the AIA Board of Directors amended the AIA Rules of the Board as follows:

> *"2.11 Continuing Education Requirement. The annual continuing education requirement for Architect members is 18 learning units, which must include twelve (12) hours of health, safety, and welfare education. During the years 2009 through 2012, this requirement must also include four (4) hours of sustainable design education within the total 18-hour continuing education requirement. The Institute will re-evaluate this requirement in 2012.The Institute shall determine what activities or programs qualify for learning units. One hour earned in an eligible activity or program shall equal one learning unit. An activity or program may qualify both for health, safety, and welfare education and for sustainable design education."*

"There was broad acceptance among our leadership that higher standards of professional knowledge were crucial to our identity, that AIA strongly supports efforts by NCARB to seek uniform continuing education requirements across its member jurisdictions, and that a better alignment of requirements is more valuable and convenient for our AIA members and NCARB Record holders," said 2012 AIA President Jeff Potter, FAIA.

"We are excited to hear that AIA has decided to modify their requirement in an effort to further promote the standardization of continuing education for licensed architects," said NCARB President/Chair of the Board Scott C. Veazey, AIA, NCARB.

The next vital step to streamline continuing education requirements is for individual jurisdictions to adopt and implement the NCARB recommendation. Some jurisdictions have already adopted this standard, and others are in the process of doing so. NCARB has pledged any assistance necessary to support the jurisdictions in order to facilitate this standardization of requirements.

You can read **Resolution 2011-01** at **www.ncarb.org**.

For more information on AIA's decision, please visit its **website**.

######

**About NCARB**

The National Council of Architectural Registration Boards' membership is made up of the architectural registration boards of all 50 states as well as those of the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. NCARB assists its member registration boards in carrying out their duties and provides a certification program for individual architects.

NCARB protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects. In order to achieve these goals, the Council develops and recommends standards to be required of an applicant for architectural registration; develops and recommends standards regulating the practice of architecture; provides to Member Boards a process for certifying the qualifications of an architect for registration; and represents the interests of Member Boards before public and private agencies. NCARB has established reciprocal registration for architects in the United States and Canada.

Visit: **www.ncarb.org**
Twitter: **www.twitter.com/ncarb**
Facebook: **www.facebook.com/NCARB**

## RELATED CONTENT

**NCARB Member Boards Pass New Continuing Education Standards**
NCARB's 54 U.S. Member Boards overwhelmingly passed by resolution significant changes to the continuing education requirements outlined in the NCARB Model Law and Model Regulations at the 92nd NCARB Annual Meeting and Conference in June.
**[more]**

**Continuing Education Requirements**
Most jurisdictions require that architects complete some form of continuing education to update their skills to renew their license. Learn each state's requirements.
**[more]**


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# CONTINUING EDUCATION REQUIREMENTS BY STATE

More than 40 jurisdictions require that architects complete continuing education to update their professional skills to renew their license while additional states are considering such requirements. Following is a summary of states requiring continuing education for architects, total continuing education hours required, health, safety, and welfare (HSW) continuing education hours required, and frequency of license renewal:

**Note:** You should check with your state board to find out the most current continuing education requirements and renewal dates.

| State | Total Hours | Requirements | Renewal Cycle |
|---|---|---|---|
| Alabama | 12 Hours | 12 HSW | Annual |
| Alaska | 24 Hours | 24 HSW | Biennial |
| Arkansas | 12 Hours | 8 HSW | Annual |
| California | 5 Hours | 5 Disability Access | Biennial |
| Colorado | 16 Hours | 16 HSW | Biennial |
| Delaware | 24 Hours | 24 HSW | Biennial |
| District of Columbia | 24 Hours | 24 HSW | Biennial |
| Florida | 20 Hours | 20 Florida-approved | Biennial |
| Georgia | 24 Hours | 16 HSW | Biennial |
| Hawaii | 16 Hours | 16 HSW | Biennial |
| Idaho | 8 Hours | 8 HSW | Annual |
| Illinois | 24 Hours | 16 HSW | Biennial |
| Indiana | 24 Hours | 16 HSW | Biennial |
| Iowa | 24 Hours | 16 HSW | Biennial |
| Kansas | 30 Hours | Non-HSW Accepted | Biennial |
| Kentucky | 12 Hours | 8 HSW | Annual |
| Louisiana | 12 Hours | 12 HSW | Annual |
| Maryland | 24 Hours | 16 HSW | Biennial |
| Massachusetts | 12 Hours | 8 HSW | Annual |
| Minnesota | 24 Hours | 24 HSW | Biennial |
| Michigan | Pending * | Pending * | Pending * |
| Mississippi | 24 Hours | 24 HSW | Biennial |
| Missouri | 24 Hours | 16 HSW | Biennial |
| Nebraska | 24 Hours | 16 HSW | Biennial |
| Nevada | 8 Hours | 8 HSW | Annual |
| New Hampshire | 24 Hours | 16 HSW | Biennial |
| New Jersey | 24 Hours | 16 HSW | Biennial |
| New Mexico | 24 Hours | 24 HSW | Biennial |
| New York | 36 Hours | 24 HSW | Every 3 Years |
| North Carolina | 12 Hours | 12 HSW | Annual |
| Ohio | 24 Hours | 16 HSW | Biennial |
| Oklahoma | 24 Hours | 24 HSW | Biennial |
| Oregon | 24 Hours | 24 HSW | Biennial |
| Puerto Rico | 50 Hours | 36 HSW | Every 5 years |
| Rhode Island | 24 Hours | 16 HSW | Biennial |
| South Carolina | 24 Hours | 24 HSW | Biennial |
| South Dakota | 30 Hours | 20 HSW | Biennial |
| Tennessee | 24 Hours | 16 HSW | Biennial |
| Texas | 8 Hours | 6 HSW+1SD+1Acc. | Annual |
| Utah | 16 Hours | 16 HSW | Biennial |
| Vermont | 24 Hours | 24 HSW | Biennial |
| Virginia | 16 Hours | Non-HSW Accepted | Biennial |
| Washington | Pending * | Pending * | Pending * |
| West Virginia | 12 Hours | 8 HSW | Annual |
| Wisconsin | 24 Hours | 16 HSW | Biennial |
| Wyoming | 16 Hours | 16 HSW | Biennial |

* Pending - State has pass enabling legislation and regulations are being promulgated; please contact state board for current requirements.

## RELATED PUBLICATIONS

**All Over the Map**
If you have multiple architectural licenses, chances are you know how hard it can be to manage all of your continuing education requirements. NCARB is taking steps to encourage a uniform and universal continuing education requirement.

**Download** (PDF, 1,310K)


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**Agenda Item I.8**

**REVIEW AND APPROVE RECOMMENDATION REGARDING PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, SECTION 121, FORM OF EXAMINATIONS; RECIPROCITY (AS IT RELATES TO RECOGNIZING NCARB'S BROADLY EXPERIENCED FOREIGN ARCHITECT PROGRAM)**

At its September 2011 meeting, the Board was provided with a presentation on the National Council of Architectural Registration Boards' (NCARB) Broadly Experienced Foreign Architect (BEFA) Program by Derek Haese, NCARB's Assistant Director of Member Board Relations.

BEFA Program Background

The BEFA Program was developed by NCARB's Broadly Experienced Architect (BEA) Committee in 2003 and voted on and approved at the 2004 NCARB Annual Meeting. 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. Applicants who meet the Program's eligibility requirements are allowed to demonstrate competence to practice independently in the United States and meet the NCARB examination requirement (Architect Registration Examination) through practice experience in a foreign country.

The Program's eligibility requirements are: 1) professional degree from an accredited/validated/ officially recognized architecture program; 2) current credential as an architect in a country that has a formal record-keeping method for disciplinary action for architects; and 3) 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.

Additionally, the BEFA process requires: 1) establishment and maintenance of an active NCARB Record prior to beginning the Program; 2) preparation and submission of a dossier to demonstrate experience/competence to independently practice architecture in the United States; 3) personal interview with the BEA Committee; and 4) final evaluation of record.

Currently, 36 Member Boards accept an NCARB Certificate granted by satisfaction of the BEFA Program requirements. Currently, California's regulations do not allow acceptance of the NCARB Certificate through the BEFA Program. Existing regulations provide, however, three paths for individuals seeking reciprocal licensure (for architects licensed in: another U.S. jurisdiction; a Canadian province; or the U.K.).

As of last year, 12 individuals have successfully completed the BEFA Program. These individuals were initially from Argentina, Colombia, Germany, Norway, Romania, Serbia, South Africa, and the United Kingdom, and have received licenses in Connecticut, District of Columbia, Louisiana, North Carolina, Pennsylvania, Texas, and Virginia.

At its December 2011 meeting, the Board discussed its reciprocity requirements (California Code of Regulations [CCR] section121) in relation to the BEFA Program and the possibility of recognizing other reciprocal licensure candidates (foreign architects). The Board voted and added an objective to its 2012 Strategic Plan to pursue a regulatory proposal to amend CCR 121

to allow the Board to recognize NCARB Certification obtained via the BEFA Program. The objective was assigned to the Professional Qualifications Committee (PQC) with a target date of June 2013.

At its May 2012 meeting, the Professional Qualifications Committee (PQC) was provided with a detailed update and information regarding the BEFA Program and asked to review a regulatory proposal drafted with legal counsel (attached), which would add a provision to CCR 121 recognizing NCARB Certification obtained via the BEFA Program (for individuals licensed as an architect in a foreign country, other than Canada or the U.K.).

The Board is asked to review and approve the proposed regulation to amend CCR, Title 16, section 121, Form of Examination; Reciprocity, and delegate authority to the Executive Officer to adopt the regulation provided no adverse comments are received during the public comment period and make minor technical changes to the language, if needed.

Attachment
CCR 121 Proposed Regulatory Language

**CALIFORNIA ARCHITECTS BOARD**

**PROPOSED REGULATORY LANGUAGE**

**Article 3. Examinations**

Amend Section 121 as follows:

**Section 121, Form of Examinations; Reciprocity.**

*  *  *

(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.

(3) A candidate who is registered as an architect in a foreign country, other than a Canadian province or the United Kingdom, and who holds a current and valid Certificate issued by the National Council of Architectural Registration Boards obtained by completing the Broadly Experienced Foreign Architect Program shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

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

**Agenda Item I.9**

**REVIEW AND APPROVE PROPOSED LEGISLATION TO AMEND BPC TO ACCEPT INDIVIDUAL TAXPAYER IDENTIFICATION NUMBERS IN LIEU OF SOCIAL SECURITY NUMBERS FOR FOREIGN-LICENSED PROFESSIONALS PURSUING LICENSURE IN CALIFORNIA**

In conjunction with the Board's vote in December 2011 to recognize the National Council of Architectural Registration Boards' Broadly Experienced Foreign Architect Program via a regulatory amendment (previous agenda item), the Board also voted to evaluate and/or pursue a legislative proposal to recognize the Individual Taxpayer Identification Number (ITIN) in lieu of a Social Security Number (SSN) for purposes of facilitating the licensure of foreign-licensed professionals. Currently, Business and Professions Code section (BPC) 30 (attached) requires that an individual hold an SSN in order to obtain and maintain a professional license in California.

More specifically, the intent of the legislative proposal would be to permit foreign-licensed professionals (those who hold a current and valid NCARB Certificate) to become licensed in California, if they are not eligible for an SSN at the time they apply for licensure and they are not in noncompliance with a judgment or order for support pursuant to section 17520 of the Family Code. Acceptance of the ITIN would be consistent with legislation passed by the State Bar of California (State Bar) [Assembly Bill (AB) 664 – Jones, Chapter 610, Statutes of 2005 – attached].

At its May 2012 meeting, the Professional Qualifications Committee (PQC) was asked to further discuss and consider the pursuit of a legislative proposal, as described above. Additionally, the PQC was informed that the Board had an opportunity to insert this proposal into the Board's "term staggering" bill (AB 1822 – Berryhill). The PQC recommended that the Board pursue a legislative proposal similar to what was passed by the State Bar. Staff has drafted language (attached) and has shared it with Assembly Member Berryhill and the Senate Committee on Business, Professions, and Economic Development staff, should the Board vote to have the proposal added to AB 1822. It should be noted that the Franchise Tax Board does not have concerns with this proposal (the agency that enforces BPC 30).

The Board is asked to consider the PQC's recommendation and direct staff on how to proceed with the legislative proposal.

<u>Attachments</u>
1. BPC 30
2. AB 664 – Jones, Chapter 610, Statutes of 2005
3. Proposed Legislation - Draft

**§ 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

## PROPOSED LEGISLATION - DRAFT

**Section XXXX.X is added to the Business and Professions Code, to read:**

XXXX.X. Notwithstanding Section 30 of this code and Section 17520 of the Family Code, the California Architects Board may accept for processing of an original or renewed license to practice architecture, an application from an individual containing a federal tax identification number, or other appropriate identification number as determined by the Board, 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.

**Agenda Item I.10**

**REVIEW AND APPROVE RECOMMENDATION REGARDING THE ESTABLISHMENT OF AN NCARB "BROADLY EXPERIENCED INTERN" PATHWAY**

At the Board's strategic planning session in December 2011, there was discussion regarding the feasibility of establishing a "broadly experienced intern" pathway as an alternate method of satisfying the requirements of the National Council of Architectural Registration Boards' (NCARB) Intern Development Program (IDP). The Board established an objective in its Strategic Plan for the PQC to examine this topic.

At its May 2012 meeting, it was discussed by the PQC that NCARB offers the: 1) Broadly Experienced Architect Program, as an alternate method of obtaining NCARB Certification for U.S. licensed architects who do not hold an accredited degree in architecture; and 2) Broadly Experienced Foreign Architect Program, as an alternate method of obtaining NCARB Certification and licensure in a U.S. jurisdiction for foreign licensed architects who complete a dossier and interview in lieu taking the Architect Registration Examination. It was noted that an alternate method of meeting the IDP requirement does not exist; however, there was indication that NCARB may be considering such an alternative.

It was further explained that there may be interns who are actively working in the profession, with many years of broad professional experience, who have been unable to pursue licensure for various reasons. Those individuals, when and if able to pursue licensure, would be subject to the IDP Six-Month Rule and would be unable to gain credit for valuable and substantial work experience that is beyond six months old.

PQC discussed the feasibility of establishing an alternate method of satisfying the IDP requirement for such individuals. However, these individuals would still be subject to education and examination requirements. It was further noted that the Board has an opportunity to inform NCARB's process and the potential creation of a broadly experienced intern pathway. PQC, therefore, recommended that the Board research and/or develop appropriate criteria for recognizing a broadly experienced intern and provide that information to NCARB.

The Board is asked to consider the PQC's recommendation and determine an appropriate course of action.

## Agenda Item J

**REGULATORY AND ENFORCEMENT COMMITTEE REPORT**

1. Update on May 10, 2012 REC Meeting

2. Review and Approve Recommendation Regarding Proposed Legislation to Amend BPC Section 5588.3 (As it Relates to Confidentiality Agreements)

3. Review and Approve Recommendation Regarding Strategic Plan Objective to Initiate a Conversation with The American Institute of Architects, California Council to Explore the Feasibility of a Qualifications-Based Selection Enforcement Process

4. Review and Possible Action on Strategic Plan Objective to Prepare Memorandum for Board's Review and Discussion Regarding Fingerprint Requirement for Licensees to Determine its Potential Application to the Board

**Agenda Item J.1**

**UPDATE ON MAY 10, 2012 REC MEETING**

The REC met on May 10, 2012, in Sacramento. Attached is the notice of the meeting. Committee Chair Sheran Voigt will provide an update on the meeting.

Edmund G. Brown Jr.
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

## NOTICE OF MEETING

**REGULATORY AND ENFORCEMENT COMMITTEE**
**May 10, 2012**
10:00 a.m. to 2:00 p.m.
California Architects Board
Sequoia Room
2420 Del Paso Road, Suite 109A
Sacramento, CA 95834

The California Architects Board (CAB) will hold a Regulatory and Enforcement Committee (REC) meeting as noted above. A quorum of Board members may be present during all or portions of the meeting, and if so, such members will only observe the REC meeting. Agenda items may not be addressed in the order noted below. The meeting is accessible to the physically disabled. A person who needs a disability-related accomodation or modification in order to participate in the meeting may make a request by contacting Hattie Johnson at (916) 575-7203, emailing Hattie.Johnson@dca.ca.gov, or sending a written request to the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your requests at least five business days before the meeting will help to ensure availability of the requested accomodation.

The notice and agenda for this meeting and other meetings of the CAB can be found on the Board's Web site: *cab.ca.gov*. For further information regarding this agenda, please contact Hattie Johnson at (916) 575-7203.

AGENDA

A. Welcome and Introductions
B. Enforcement Program Update
C. Review and Approve May 11, 2011 REC Summary Report
D. Discuss and Possible Action on Strategic Plan Objective to Pursue an Amendment to Clarify Consumers' Rights with Respect to Confidentiality
E. Discuss and Possible Action on Strategic Plan Objective to Review Department of Consumer Affairs' Best Practices, and Analyze and Adjust CAB's Enforcement Procedures Where Appropriate
F. Discuss and Possible Action on Strategic Plan Objective to Define "Instruments of Service" for a Potential Regulatory Proposal

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G. Discuss and Possible Action on Strategic Plan Objective to Initiate a Conversation with The American Institute of Architects, California Council to Explore the Feasibility of a Qualifications-Based Selection Enforcement Process (Senate Bill 1424)

H. Update on Response to Certified Access Specialist Institute's Questions on Architects Practice Act

I. Update on California Commission on Disability Access

**REVIEW AND APPROVE RECOMMENDATION REGARDING PROPOSED LEGISLATION TO AMEND BPC SECTION 5588.3 (AS IT RELATES TO CONFIDENTIALITY AGREEMENTS)**

The California Architects Board's (Board) 2012 Strategic Plan directs the Regulatory and Enforcement Committee (REC) to pursue an amendment to the Business and Professions Code (BPC) to clarify consumers' rights with respect to confidentiality concerning civil settlement agreements. This objective originated from the Board's 2011 Strategic Plan, which directed the REC to determine the appropriateness of "gag clauses" in civil settlement agreements.

The REC discussed the "gag clause" issue at its May 11, 2011 meeting and determined it was really a "confidentiality clause" matter. After discussion, the REC recommended to the Board that a clause be added to BPC section 5588.3 that would allow other parties to the agreement to report and respond to the Board regarding settlements.

The REC's recommendation was presented to the Board at its June 16, 2011, meeting where the Board agreed and voted to seek the amendment to BPC section 5588.3.

The REC was presented with draft language to amend BPC section 5588.3 at its May 10, 2012, meeting for their consideration. After discussion, the REC recommended that the following language in blue underline be added to BPC section 5588.3:

> *Notwithstanding any other provision of law, a licensee or other parties to a settlement or confidential agreement 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 or in response to a request for information from the board.*

Since this objective was assigned to the REC, Assembly Bill (AB) 2570 (Hill) was introduced. This bill would prohibit a licensee who is regulated by a Department of Consumer Affairs' board or bureau, from including a provision in a settlement agreement that prohibits the other party from contacting, filing a complaint with, or cooperating with the board or bureau, or that requires the other party to withdraw a complaint from a board or bureau. If this bill passes, the REC's recommended amendment to BPC section 5588.3 would be unnecessary, as the Board's concern would be addressed.

The Board is asked to review the REC's recommended amendment to BPC section 5588.3 and AB 2570 (see Agenda Item F.2), and recommend and advise staff how to proceed.

**Agenda Item J.3**

**REVIEW AND APPROVE RECOMMENDATION REGARDING STRATEGIC PLAN OBJECTIVE TO INITIATE A CONVERSATION WITH THE AMERICAN INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL TO EXPLORE THE FEASIBILITY OF A QUALIFICATIONS-BASED SELECTION ENFORCEMENT PROCESS**

The Board's 2012 Strategic Plan directs the Regulatory and Enforcement Committee (REC) to discuss with The American Institute of Architects, California Council the issue of enforcing the law concerning the "qualifications-based selection" process.

Government Code section 4526, also known as the "Mini-Brooks Act," mandates that contracts with state and local agencies for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms, be awarded on demonstrated competence and professional qualifications rather than competitive bidding. This law also allows state agencies to adopt by regulation procedures that prohibit unlawful activity in the contracting process for these services.

Senate Bill (SB) 1424 (Harman) was introduced on February 24, 2012. This bill would have required that architects licensed by the Board, as well as professional engineers and land surveyors registered with the Board for Professional Engineers, Land Surveyors, and Geologists, comply with the above law when competing for contracts with state or local agencies for architectural, engineering, or land surveying services.

The bill was heard on April 23, 2012 by the Senate Business, Professions, and Economic Development Committee. It failed to pass.

The REC discussed this objective at its May 10, 2012 meeting and based on SB 1424's failed passage, voted to recommend to the Board that it monitor the situation. The Board is asked to consider the REC's recommendation.

Attachments

1. Government Code Sections 4525 – 4629.20
2. SB 1424 (Harman)
3. Bill Analysis

# Qualification Based Selection: State Law

Government Code, Title 1, Division 5,
Chapter 10, §§4525—4529.5
Chapter 10.1, §§4529.10—4529.20

**4525. Definitions in the Little Brooks Act**

For purposes of this chapter, the following terms have the following meanings:

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, landscape architecture, engineering, environmental services, land surveying, or construction project management.

(b) "State agency head" means the secretary, administrator, or head of a department, agency, or bureau of the State of California authorized to contract for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services.

(c) "Local agency head" means the secretary, administrator, or head of a department, agency, or bureau of any city, county, city and county, whether general law or chartered, or any district which is authorized to contract for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services.

(d) "Architectural, landscape architectural, engineering, environmental, and land surveying services" includes those professional services of an architectural, landscape architectural, engineering, environmental, or land surveying nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

(e) "Construction project management" means those services provided by a licensed architect, registered engineer, or licensed general contractor which meet the requirements of Section 4529.5 for management and supervision of work performed on state construction projects.

(f) "Environmental services" means those services performed in connection with project development and permit processing in order to comply with federal and state environmental laws. "Environmental services" also includes the processing and awarding of claims pursuant to Chapter 6.75 (commencing with Section 25299.10) of Division 20 of the Health and Safety Code.

[Amended, Chapter 432, Statutes of 1993]

**4526. Selection must be made on demonstrated competence and professional qualifications state and local**

Notwithstanding any other provision of law, selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. In order to implement this method of selection, state agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services shall adopt by regulation, and local agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services may adopt by ordinance, procedures that assure that these services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies. Furthermore, these procedures shall assure maximum participation of small business firms, as defined by the Director of General Services pursuant to Section 14837.

In addition, these procedures shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit government agency employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section which would subject those employees to the prohibition of Section 87100.

[Amended, Chapter 314, Statutes of 1991]

**4526.5 Public contract code**

A state agency head entering into a contract pursuant to this chapter shall, in addition to any other applicable statute or regulation, also follow Section 6106 of the Public Contract Code.

[Added, Chapter 1128, Statutes of 1990]

**4527. Qualification for state contracts—optional locally**

In the procurement of architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services, the state agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data.

(a) When the selection is by a state agency head, statewide announcement of all projects requiring architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services shall be made by the agency head through publications of the respective professional societies. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him or her, no less than three of the firms deemed to be the most highly qualified to provide the services required.

(b) When the selection is by a local agency head, the agency head may undertake the procedures described in subdivision (a). In addition, these procedures shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit government agency employees from participating in the selection process when these employees have a relationship with a person or business entity seeking a contract under this section.

[Amended, Chapter 314, Statutes of 1991]

**4528. Mandatory state procedures—optional locally**

(a) When the selection is by a state agency head the following procedures shall apply:

(1) The state agency head shall negotiate a contract with the best qualified firm for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services at compensation which the state agency head determines is fair and reasonable to the State of California or the political subdivision involved.

(2) Should the state agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the agency head determines to be fair and reasonable to the State of California or the political subdivision involved, negotiations with that firm shall be formally terminated. The state agency head shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the state agency head shall terminate negotiations. The state agency head shall then undertake negotiations with the third most qualified firm.

(3) Should the state agency head be unable to negotiate a satisfactory contract with any of the selected firms, the state agency head shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this chapter until an agreement is reached.

(b) When the selection is by a local agency head, the local agency head may undertake the procedures described in subdivision (a).

[Amended, Chapter 314, Statutes of 1991]

**4529. Exception for non-professional services**

This chapter shall not apply where the state or local agency head determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest.

[Amended, Chapter 1016, Statutes of 1988]

**4529.5. Evidence of expertise and experience**

Any individual or firm proposing to provide construction project management services pursuant to this chapter shall provide evidence that the individual or firm and its personnel carrying out onsite responsibilities have expertise and experience in construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

[Added, Chapter 698, Statutes of 1987]

**4529.10. A/E defined**

For purposes of Article XXII of the California Constitution and this act, the term "architectural and engineering services" shall include all architectural, landscape architectural, environmental, engineering, land surveying, and construction project management services.

**4529.11. STIP projects subject to Article XXII**

All projects included in the State Transportation Improvement Program programmed and funded as interregional improvements or as regional improvements shall be subject to Article XXII of the California Constitution. The sponsoring governmental entity shall have the choice and the authority to contract with qualified private entities for architectural and engineering services. For projects programmed and funded as regional improvements, the sponsoring governmental entity shall be the regional or local project sponsor. For projects programmed and funded as interregional improvements, the sponsoring governmental entity shall be the State of California, unless there is a regional or local project sponsor, in which case the sponsoring governmental entity shall be the regional or local project sponsor. The regional or local project sponsor shall be a regional or local governmental entity.

**4529.12. A/E services must be procured by fair process**

All architectural and engineering services shall be procured pursuant to a fair, competitive selection process which prohibits governmental agency employees from participating in the selection process when they have a financial or business relationship with any private entity seeking the contract, and the procedure shall require compliance with all laws regarding political contributions, conflicts of interest or unlawful activities.

**4529.13. Design and safety standards not changed: alternate design-build procurement permitted**

Nothing contained in this act shall be construed to change project design standards, seismic safety standards or project construction standards established by state, regional or local governmental entities. Nor shall any provision of this act be construed to prohibit or restrict the authority of the Legislature to statutorily provide different procurement methods for design-build projects or design-build-and-operate projects.

**4529.14. Standard accounting practices apply**

Architectural and engineering services contracts procured by public agencies shall be subject to standard accounting practices and may require financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

**4529.15. Article XXII only applies to A/E**

This act only applies to architectural and engineering services defined in Government Code section 4529.10. Nothing contained in this act shall be construed to expand or restrict the authority of governmental entities to contract for fire, ambulance, police, sheriff, probation, corrections or other peace officer services. Nor shall anything in this act be construed to expand or restrict the authority of governmental entities to contract for education services including but not limited to, teaching services, services of classified school personnel and school administrators.

**4529.16. No loss of federal funds**

This act shall not be applied in a manner that will result in the loss of federal funding to any governmental entity.

**4529.17. Provisions severable**

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**4529.18. Supremacy of Proposition 35**

If any act of the Legislature conflicts with the provisions of this act, this act shall prevail.

**4529.19. Proposition 35 to be construed liberally**

This act shall be liberally construed to accomplish its purposes.

**4529.20. Applicable to all governmental agencies**

This act seeks to comprehensively regulate the matters which are contained within its provisions. These are matters of statewide concern and when enacted are intended to apply to charter cities as well as all other governmental entities.

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# SENATE BILL No. 1424

**Introduced by Senator Harman**

February 24, 2012

An act to add Sections 5536.23, 6749.5, and 8759.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1424, as introduced, Harman. Professions and vocations: architects, professional engineers, and land surveyors: contracting with state or local agencies.

Existing law provides for the licensure and regulation of persons engaged in the practice of architecture by the California Architects Board and authorizes that board to discipline architects. Existing law provides for the licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, and authorizes that board to discipline professional engineers and licensed land surveyors.

Existing law allows the making of contracts by state and local agency heads for architectural, landscape architectural, engineering, environmental services, land surveying, or construction project management services based on demonstrated competence and professional qualifications rather than competitive bidding. Existing law also requires state and local agencies to adopt procedures that prohibit unlawful activity in the making of contracts for these services, including rebates or kickbacks, and requires that individuals or firms proposing to provide services under these provisions provide evidence to the state or local agency of their expertise and experience in the provision of these services.

This bill would require that architects licensed by the California Architects Board, as well as professional engineers and land surveyors

licensed by the Board for Professional Engineers, Land Surveyors, and Geologists, comply with these provisions when competing for contracts with state or local agencies for the provision of architectural, engineering, or land surveying services.

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 5536.23 is added to the Business and Professions Code, to read:

5536.23. When competing to provide architectural services to a state or local agency, an architect shall comply with the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

SEC. 2. Section 6749.5 is added to the Business and Professions Code, to read:

6749.5. When competing to provide engineering services to a state or local agency, a professional engineer shall comply with the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

SEC. 3. Section 8759.5 is added to the Business and Professions Code, to read:

8759.5. When competing to provide land surveying services to a state or local agency, a professional land surveyor shall comply with the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

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# BILL ANALYSIS

| Hearing Date:April 16, 2012 | Bill No:SB 1424 |
|---|---|

SENATE COMMITTEE ON BUSINESS, PROFESSIONS
AND ECONOMIC DEVELOPMENT
Senator Curren D. Price, Jr., Chair

Bill No: SB 1424Author:Harman
As Introduced: February 24, 2012 Fiscal:Yes

SUBJECT: Professions and vocations: architects, professional engineers, and land surveyors: contracting with state or local agencies.

SUMMARY: Requires architects, engineers and land surveyors, when competing to provide services to a public agency, to comply with the law relating to entering into contracts based on demonstrated competence and professional qualifications rather than competitive bidding.

Existing law, the Business and Professions Code (BPC):

1) Licenses and regulates the practice of architecture under the Architects Practice Act by the California Architects Board (CAB) within the Department of Consumer Affairs (DCA).

   a) Provides that CAB may take disciplinary action against an architect for the commission of an act or omission that is grounds for disciplinary action under the Architects Practice Act. (BPC § 5560)

   b) Provides that the fact that an architect is practicing in violation of the Architects Practice Act is grounds for

disciplinary action. (BPC § 5578)

2)Licenses and regulates the practice of professional engineers under the Professional Engineers Act, and land surveyors under the Professional Land Surveyors Act by the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG), within the DCA.



a) Provides that BPELSG may take disciplinary action against an engineer for a violation of any provision of the Professional Engineers Act. (BPC § 6775)

b) Provides that BBELSG may take disciplinary action against a land surveyor for any violation of any provision of the Professional Land Surveyors Act or of any other law relating to or involving the practice of land surveying. (BPC § 8780)

Existing law, the Government Code (GC):

1) Requires state and local agencies (public agencies) to enter into contracts for architectural, landscape architectural, engineering, environmental services, land surveying, or construction project management services based on demonstrated competence and professional qualifications rather than competitive bidding. (GC § 4526)

2)Requires public agencies to adopt procedures that prohibit unlawful activity in the making of contracts for these services, including rebates or kickbacks. (GC § 4526)

3)Requires that individuals or firms proposing to provide services under these provisions provide evidence to the state or local agency

of their expertise and experience in the provision of these services. (GC § 4529.5)

This bill:

1) Provides within the Architects Practice Act, that when competing to provide architectural services to a public agency, an architect shall comply with the law relating to entering into contracts based on demonstrated competence and professional qualifications rather than competitive bidding.

2) Provides within the Professional Engineers Act, that competing to provide engineering services to a public agency, a professional engineer shall comply with the law relating to entering into contracts based on demonstrated competence and professional qualifications rather than competitive bidding.

3) Provides within the Professional Land Surveyors Act, that when competing to provide land surveying services to a public agency, a professional land surveyor shall comply with the law relating to entering into contracts based on demonstrated competence and professional qualifications rather than competitive bidding.



FISCAL EFFECT: Unknown. This bill has been keyed "fiscal" by Legislative Counsel.

COMMENTS:

1. Purpose. This bill is sponsored by American Institute of Architects, California Council (Sponsor) to add a clause in the Practice Acts of architects, professional engineers, and land surveyors that they are

required to follow the Mini-Brooks Act (Government Code 4525 et seq).

According to the Sponsor, the Mini-Brooks Act, requires a Qualifications Based Selection (QBS) criteria which allows for a process for selecting competing design professional firms according to their qualifications for the project rather than price. If the public agency and the design firm can reach an agreement that includes a fair and reasonable price to the public agency, the two parties can enter into a contract.

The Sponsor indicates that more public agencies are using price as a selection criteria, asking for an estimate of cost before qualifications and the scope of the project have been established, with some coming very close to selecting design professionals using a low-bid method of selection. Likewise, more design professionals are engaging in competition practices that violate the QBS law

The Sponsor believes that the bill will allow architects, professional engineers, and land surveyors to not be pressured into providing a price before entering into negotiations that will determine the level of services needed to design the project and meet the needs of the public agency. This bill would make a violation of the Mini-Brooks Act a violation of the design professional's licensure, thus empowering the design professional to follow the intent of existing California law, according to the Sponsor.

2.Background. The California Qualifications Based Selection (QBS) statute, effective January 1, 1990, allows for a process designed to rank competing design professional firms according to their qualifications for the project. After ranking the competing firms, the public agency negotiates with the top ranked firm on the scope of services and fees. If the two parties can reach an agreement that includes a price that is "fair and reasonable" to the public agency, the two parties can enter into a contract.

The Sponsor states that while the QBS statute is very clear that price is a negotiation item, as opposed to a selection item, a 2000 statute enacted by the voters with the passage of Proposition 35 arguably allows public agencies to use price as a selection item. This was not, according to the Sponsor, the intent of Proposition 35; nevertheless, it is being used to justify the use of price as a selection criteria by some public agencies.

The reason for qualifications and competence being the ranking criteria and price being a negotiated item is a recognition that the success of a project depends on the quality of the work performed by the design professional. Additionally, at the time for the Request for Qualifications, there is nothing for the design professional to competitively bid because full expectations of the project have not been determined.

3.Qualifications Based Selection (QBS). QBS refers to a procurement process established by the United States Congress as a part of the federal Brooks Act (40 USC 1101 et. seq.) and further developed as a process for public agencies to use for the selection of architectural and engineering services for public construction projects. It is a competitive contract procurement process whereby consulting firms submit qualifications to a procuring entity (public agency) who evaluates and selects the most qualified firm, and then negotiates the project scope of work, schedule, budget, and fees.

A primary element under a QBS procurement is that the cost of the work (price) is not considered when making the initial selection of the best or most appropriate provider of the professional services required. Fees for services will be negotiated, however, following selection and before contracting.

Many states in the US have adopted their own versions of the Brooks Act, commonly called a "Mini-Brooks Act."

The QBS process is intended for public agencies to select a qualified and competent design professional for the project at a fair and reasonable price to the public agency. For example, a local health care district that is building a hospital should hire an architect with experience and demonstrated competence in designing health care facilities, and the state when building a bridge or dam should hire a design team with experience and demonstrated competence in designing bridges or dams, respectively. The QBS process is intended to enable the design professionals to be selected based upon their qualifications and experience rather based upon the



lowest bid.

4.Proposition 35. In 2000, California voters enacted Proposition 35 which amended the California Constitution to allow the state and local governments to contract with qualified private entities for architectural and engineering services for all phases of a public works project. Since 1934, governmental entities in California had

been allocated most public works architectural and engineering contracts because courts interpreted the Constitution to give civil servants a first right to these projects.

Since enacted, it has been argued that by requiring "a fair competitive selection process" Proposition 35 limited public agencies to choosing the lowest bidder, rather than using a qualifications-based procedure. The Sponsor states that was not the intent of the authors of Proposition 35; nevertheless, it is being used to justify the use of price as a selection criteria by some public agencies.

5.Arguments in Support. The California Land Surveyors Association (CLSA) states that the QBS bid/selection process initially ensures that all design professionals are qualified for the project, and that the price of the project is not considered until after the selection and ranking of the qualified design professional. Unfortunately, according to CLSA, many state and local agencies are forcing design professionals to compete on the basis of price, rather than on the basis of qualification for the specific project. SB 1424 merely requires that design professionals (architects, engineers, and land surveyors) comply with the existing provisions of California's QBS statute contained in Government Code 4525 et seq. If a design professional fails to comply with this existing and well known body of California law, the architect, engineer, or land surveyor would be subject to a disciplinary action from their specific licensing board, according to CLSA.

6.Arguments in Opposition. Professional Engineers in California Government (PECG) believes existing law provides sufficient clarity with respect to how architects and engineers bid on services. PECG does not believe any additional legislation is necessary. Further, PECG believes that the qualification based selection system does not provide the best deal to the taxpayer because cost is not the

primary rationale for awarding contracts. Anything governments can do to inject cost as more of a subjective factor can only benefit taxpayers, according to PECG.

7. Policy Issues . By explicitly stating within the respective licensing acts for architects, engineers and land surveyors, that an



architect, engineer or land surveyor must comply with the provisions of the Government Code relating to entering into contracts based on demonstrated competence and professional qualifications, rather than competitive bidding, this bill shifts enforcement of the contract process to the respective licensing boards. It is unclear whether the California Architects Board or the Board for Professional Engineers, Land Surveyors, and Geologists is capable of, or equipped to enforce the law relating to contracting with public agencies.

In addition, the requirements that this bill would place upon architects, engineers and land surveyors may be unclear. The bill requires the architects, engineers and land surveyors to comply with contracting law requirements placed upon public agencies (specifically, Chapter 10 (commencing with Section 4525) of Division 5 of Title I of the Government Code). That law places requirements upon state agencies and local agencies contracting for projects. It is unclear how design professionals comply with mandates placed upon public agencies.

SUPPORT AND OPPOSITION:

Support:

American Institute of Architects, California Council (Sponsor)
California Land Surveyors Association

Opposition:

Professional Engineers in California Government

Consultant:G. V. Ayers

**Agenda Item J.4**

**REVIEW AND POSSIBLE ACTION ON STRATEGIC PLAN OBJECTIVE TO PREPARE MEMORANDUM FOR BOARD'S REVIEW AND DISCUSSION REGARDING FINGERPRINT REQUIREMENT FOR LICENSEES TO DETERMINE ITS POTENTIAL APPLICATION TO THE BOARD**

The Board's 2012 Strategic Plan directs staff to prepare a memorandum for the Board's review concerning fingerprint requirements for licensees to determine its potential application.

In 2009, Senate Bill (SB) 389 was introduced and required the healing arts boards that were not already statutorily mandated to do so, to compel their applicants for licensure or a petitioner for reinstatement of a revoked, surrendered, or canceled license be fingerprinted. The bill did not include non-healing arts boards and did not pass.

SB 543 (Steinberg) was introduced in February 2011 and signed by the Governor on October 3, 2011. It added the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) to the list of boards within the Department of Consumer Affairs who are required to fingerprint applicants for initial licensure pursuant to Business and Professions Code (BPC) section 144. BPELSG is currently drafting regulations to implement this new requirement.

Fingerprints are commonly obtained by either a manual fingerprint card or a Live Scan which are digitally scanned and transmitted immediately to the California Department of Justice for processing. Live Scan is only available in California.

One example of a board that implemented a fingerprint program is the Board of Registered Nursing (BRN). The BRN first required fingerprinting in 1990. An emergency regulation approved by the BRN in 2008 required that it obtain fingerprints from licensees that were licensed prior to 1990, beginning with their March 2009 license renewals. BRN sent a letter in November 2008 to affected licensees stating that fingerprints would be required at the time of license renewal. As a result, licensees began getting fingerprinted before they received their renewal, resulting in between 1,000 and 1,500 paper "clearances" received by BRN per day. BRN was provided 12 additional staff for this new requirement and charged out-of-state licensees a fingerprint fee of $51 for fingerprint card processing. In-state licensees were required to submit their prints via Live Scan and all fees were paid directly to the vendor.

Another example is the California Board of Accountancy (CBA), which began fingerprinting their applicants in 1998. CBA receives about 3,000 applications per year that include fingerprints. CBA receives approximately 250 Records of Arrests and Prosecution (RAP) sheets per year, which is eight percent of the applications received. Based on the RAP sheets, 15 – 20 cases are sent to their Enforcement Unit for investigation. Last year the Board received 880 Applications for Eligibility (including re-licensure and reciprocity) and 474 Applications for Licensure. Based on CBA's data, the Board might receive 70 RAP sheets per year if fingerprints are required at the time of Application for Eligibility or 38 RAP sheets per year if fingerprints are required at time of Application for Licensure.

At this point, the Board is not included in any legislation that would require its applicants or licensees to be fingerprinted. If and when fingerprinting is included in legislation for the Board and passed, staff would need to draft implementation plans and processes. This would include, but not be limited to:

1. Draft proposed regulatory changes and complete rulemaking process.
2. Internal process:
    - Publicize new statute on Board's website
    - Determine which staff will review RAP sheets
    - Training on how to interpret a RAP sheet
    - Determine which crimes are substantially related to the practice of architecture and grounds for discipline
    - Obtain police and court documents
    - Determine what enforcement actions should be taken for specific crimes
    - Determine what modification will be needed for new computer system (BreEZe)
    - Draft procedures for the above

The Board is asked to review the information provided and take action it feels appropriate at this time.

<u>Attachments</u>
1. BPC Section 144
2. BPELSG's Draft Regulation Concerning Applicant Fingerprint Submittal

**BUSINESS AND PROFESSIONS CODE**
**GENERAL PROVISIONS**
**SECTION 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.

**DRAFT**

## Engineering and Land Surveying
### Section 420.1 – Applicant Fingerprint Submittal

**420.1. Applicant Fingerprint Submittal and Review.**

(a) Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of licensure pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code or Sections 6751, 6762.5, 6796.3, 8747.5, or 8803 of the Business and Professions Code.

(b) Each applicant shall, at the time of application, submit fingerprint images to the Department of Justice for the purposes of obtaining criminal offender record information regarding state and federal level convictions and arrests, including arrests where the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(c) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a fitness determination to the Board.

(d) The Department of Justice shall provide a response to the Board pursuant to subdivision (p) of Section 11105 of the Penal Code.

(e) The Board shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code.

(f) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.

(g) No application shall be processed if the applicant fails to submit fingerprint images to the Department of Justice as required by this section. However, if an applicant has already submitted fingerprint images to the Department of Justice as part of a previous application, as provided in this section or Section 3021.1 of Division 29 of Title 16 of the California Code of Regulations, the applicant shall not be required to submit fingerprint images to the Department of Justice with any subsequent application.

(h) Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.

(i) This section shall apply to all applications, including those applications submitted pursuant to Sections 6758, 6759, 6763, 6796.3, 8746, 8748, and 8803 of the Business and Professions Code submitted on or after January 1, 2013.

# Agenda Item K

**NCARB REPORT**

1. Review of the 2012 NCARB Annual Meeting Agenda, Policies, and Procedures

2. Review and Approve Recommended Positions on Resolutions and Candidates

**Agenda Item K.1**

**REVIEW OF THE 2012 NCARB ANNUAL MEETING AGENDA, POLICIES, AND PROCEDURES**

The National Council of Architectural Registration Boards Annual Meeting and Conference will be held on June 20-23, 2012, in Minneapolis, Minnesota. Attached is the Annual Meeting and Conference Program.

The Board will be asked to review and discuss the upcoming Annual Meeting and Conference.

Attachment
NCARB 2012 Annual Meeting and Conference Program

# CONFERENCE SCHEDULE

### WEDNESDAY, 20 JUNE 2012

| | |
|---|---|
| 8:00 a.m. – 5:00 p.m. | Registration |
| 8:00 a.m. – 9:00 a.m. | MBE/Legal Counsel Breakfast |
| 9:00 a.m. – Noon | MBE/Legal Counsel Forum |
| Noon – 1:30 p.m. | MBE/Legal Counsel Lunch |
| 1:30 p.m. – 4:30 p.m. | New Member Board Member Orientation |
| 6:30 p.m. – 9:00 p.m. | Icebreaker Reception/Dinner: Minnesota History Center |

### THURSDAY, 21 JUNE 2012

| | |
|---|---|
| 7:30 a.m. – 4:30 p.m. | Registration |
| 7:30 a.m. – 9:30 a.m. | Delegate/Guest Breakfast |
| 9:00 a.m. – Noon | First Business Session |
| Noon – 1:30 p.m. | Annual Luncheon |
| 2:00 p.m. – 4:30 p.m. | Workshops (two sessions):<br>▪ *The Evolution of Internship*<br>▪ *A Little NAAB Will Do You: An Introduction to NAAB Accreditation and Why it Matters*<br>▪ *Making it Count: NCARB by the Numbers* |

### FRIDAY, 22 JUNE 2012

| | |
|---|---|
| 7:30 a.m. – 4:30 p.m. | Registration |
| 7:30 a.m. – 9:00 a.m. | Regional Chairs Breakfast Meeting |
| 7:30 a.m. – 9:30 a.m. | Delegate/Guest Breakfast |
| 9:00 a.m. – Noon | Second Business Session |
| 12:15 p.m. – 4:00 p.m. | Delegate Luncheon & Regional Meetings |
| 6:00 p.m. – 7:00 p.m. | Regional Receptions |

### SATURDAY, 23 JUNE 2012

| | |
|---|---|
| 7:30 a.m. – 4:30 p.m. | Registration |
| 7:30 a.m. – 9:30 a.m. | Delegate/Guest Breakfast |
| 9:00 a.m. – 4:00 p.m. | Third Business Session |
| 2:00 p.m. – 5:00 p.m. | NAAB Team Member Training |
| 6:00 p.m. – Midnight | President's Reception/ Annual Banquet & Dance |

click here to **register online**

**Agenda Item K.2**

**REVIEW AND APPROVE RECOMMENDED POSITIONS ON RESOLUTIONS AND CANDIDATES**

Attached are copies of the resolutions that will be acted upon at the 2012 National Council of Architectural Registration Boards Annual Meeting and Conference along with a list of the recommended positions for each resolution.

The Board will be asked to review and approve the recommended positions.

Included are the resumes for NCARB officer candidates.

Attachments
1. NCARB Resolutions
2. Recommended Positions on NCARB Resolutions
3. NCARB Candidate Resumes

NCARB

# Resolutions

to be Acted Upon at the

# 2012 Annual Meeting

MAY 2012

National Council of Architectural Registration Boards
1801 K Street NW, Suite 700K
Washington, DC 20006
202/783-6500
www.ncarb.org

**RESOLUTION 2012-01**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Voting Delegates

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that Section 3 of Article V of the *Bylaws* be amended to read as follows:

> "SECTION 3. Delegates and Credentials. Each Member Board shall be entitled to be represented at meetings of the Council by one or more official delegates who shall be members of that Member Board.
>
> A delegate attending the Annual Meeting or any Special Meeting of the Council who is entitled to cast the vote of its Member Board shall be identified by a letter of credentials from the delegate's Member Board, which voting delegate the Member Board may change by a subsequent letter of credentials. A Member Board may be represented by as many delegates as attend, but only one vote may be cast for each Member Board by its delegates."

**SPONSORS' STATEMENT OF SUPPORT:**
Currently, the *Bylaws* are silent on the transfer of voting credentials. The Bylaws Task Force proposes the changes above to clarify the Council's longstanding practice that allows a Member Board to transfer the voting rights from one delegate to another through the submission of a new letter of credentials.

**RESOLUTION 2012-02**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendments – Removal of Directors and Officers

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that new Section 4 of Article VII of the *Bylaws* be amended to read as follows and that all existing Sections following such new Section be renumbered:

> "SECTION 4. Removal. As provided by applicable Iowa law, a Regional Director may be removed with or without cause by the Regional Conference electing such Director by a majority vote of those present and voting at a meeting duly called for such purpose; the Member Board Executive Director and the Public Director may be removed with or without cause by a majority vote of those present and voting at a meeting duly called for such purpose, respectively by the Member Board Executives Committee in the case of the Member Board Executive Director and the Council Board of Directors in the case of the Public Director; and the Past President may be removed with or without cause by appropriately amending these Bylaws at a meeting of the Member Boards duly called for such purpose. Because any Officer is a Director on account of his or her election as an Officer, any Officer removed as such Officer in accordance with these Bylaws shall cease to be a Director upon such removal."

**FURTHER RESOLVED,** that new Section 6 of Article VIII of the *Bylaws* be amended to read as follows and that all existing Sections following such new Section be renumbered

> "SECTION 6. Removal. As provided by applicable Iowa law, an Officer may be removed with or without cause by the Council Board of Directors by a majority vote of those present and voting at a meeting duly called for such purpose."

**SPONSORS' STATEMENT OF SUPPORT:**
Iowa nonprofit corporation law, which applies to NCARB because it is incorporated in Iowa, currently provides the means for removing directors and officers. The proposed amendments do not add to or diminish from what Iowa law provides, but simply includes those provisions in the *Bylaws.* The Regions nominate their regional directors, the Member Board Executives Committee nominates the Member Board Executive director, and the Council Board of Directors nominates the public director. For all of these directorships, the *Bylaws* provide that such nominated persons "shall be elected at the Annual Meeting." Iowa law provides that any group selecting a director shall be the group that removes the director. The amendment follows Iowa law in providing that the Regions, committee, and directors respectively may remove the directors they have selected. Because the *Bylaws* stipulate that the past president shall be a director, Iowa law requires that the *Bylaws* be amended to remove such a person who holds office because of his or her position. If an officer is removed as an officer, that person automatically ceases to be a director.

**RESOLUTION 2012-03**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendments – Miscellaneous

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that the Section 10 of Article VIII of the *Bylaws* be amended to read as follows:

> "SECTION 10. Treasurer. The Treasurer shall generally oversee the financial affairs of the Council and be the primary liaison of the Council Board of Directors with the person designated by the Chief Executive Officer as the chief financial officer of the Council. The Treasurer shall report to the Council Board of Directors and Annual Meeting on financial matters of the Council. The Treasurer shall perform such duties and have such powers additional to the foregoing as the Council Board of Directors may designate."

**FURTHER RESOLVED,** that the order of Sections 9 (Secretary) and 10 (Treasurer) of Article VIII as now appearing in the *Bylaws* be reversed.

**FINALLY RESOLVED,** that the duties of the Executive Committee in Section 8(D) of Article VII of the *Bylaws* be amended to read as follows:

> "D. prior to the start of the new fiscal year of the Council, ~~prepare a~~ review the budget for the next fiscal year for presentation to the Council Board of Directors; periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Council Board of Directors for appropriate action."

**SPONSORS' STATEMENT OF SUPPORT:**
The Bylaws Task Force recommends these incidental changes:

- Under the "Resolved" section, clarify that it is the responsibility of the chief executive officer to designate the staff member that serves as the chief financial officer of the Council. This staff member is assigned to work with the treasurer on the financial affairs of the Council.
- Under the "Further Resolved" section, ensure that the usual order of listing the offices of secretary and treasurer is consistent throughout the *Bylaws*.
- Under the "Finally Resolved" section, the Executive Committee does not actually prepare the Council's budget; it reviews the budget prepared by staff before it is presented to the full Board of Directors.

**RESOLUTION 2012-04**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Clarifying Board Approval of Committee Charges

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Section 7(D) of Article VIII of the *Bylaws* be amended to read as follows:

> "D. develop charges for all committees that will serve during his or her term as President/Chair of the Board. Following approval of the charges by the Council Board of Directors, oversee the work of all committees in discharging their responsibilities;"

**SPONSORS' STATEMENT OF SUPPORT:**
The Bylaws Task Force recommends this change to formalize the longstanding practice that the incoming president/chair of the Board develops all committee charges for his/her year as president. This change further recognizes that all charges are then approved by the Board of Directors.

**RESOLUTION 2012-05**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Membership Dues

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Section 1(A) of Article XI of the *Bylaws* be amended to read as follows:

> "A. ~~Membership dues: Effective July 1, 2013, annual membership dues from each Member Board will be $6,500; and effective July 1, 2014, $7,000; effective July 1, 2015, $7,500; effective July 1, 2016, $8,000; effective July 1, 2017, $8,500.~~ Annual membership dues may be changed for any period after July 1, 2018, by resolution adopted at an Annual Meeting with implementation of any change to take place not less than three years after such resolution is adopted."

**FURTHER RESOLVED**, that membership dues were established by Resolution 2011-08 as follows: Effective July 1, 2013, annual membership dues from each Member Board will be $6,500; and effective July 1, 2014, $7,000; effective July 1, 2015, $7,500; effective July 1, 2016, $8,000; effective July 1, 2017, $8,500. All future membership dues changes shall be approved by resolution at the Annual Meeting.

**SPONSORS' STATEMENT OF SUPPORT**:
Both the Governance Task Force and the Bylaws Task Force believe that identifying the dollar amount of the annual dues in the *Bylaws* is not customary for organizations such as NCARB. Dues changes for FY18 or later would be set by resolution adopted at an Annual Meeting to take effect no sooner than three years after the resolution is adopted. Resolutions require an absolute majority vote, or a majority of all Member Boards regardless of the number actually voting (28), for a resolution to be adopted. *Bylaws* amendments require an absolute two-thirds vote, or two-thirds of all Member Boards regardless of the number actually voting (36). One effect of this amendment is to change the vote required to adjust membership dues from 36 to 28.

**RESOLUTION 2012-06**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Changing "Regional Conferences" to "Regions"

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that the Section 1 of Article VI of the *Bylaws* be amended to read as follows:

> "SECTION 1. Purpose. In order to ~~establish~~ foster closer communication between Member Boards and the Council, as well as ~~between~~ among Member Boards ~~within geographical areas~~, and further to foster the development of future leaders and assist the Council in achieving its stated purpose, ~~A.~~ six geographical Regions comprising, in the aggregate, all the Member Boards~~Jurisdictions, and B. Six Regional Conferences, one within each Region, comprising the Member Boards in that Region,~~ are hereby established. Each Member Board shall be required to be a member of its ~~Regional Conference~~ Region."

**FURTHER RESOLVED,** that throughout the *Bylaws* wherever the words "Regional Conference" or "Conference" appear the word "Region" alone be substituted, and that any appropriate grammatical corrections be made with respect to such changes.

**SPONSOR'S STATEMENT OF SUPPORT**:
The Governance Task Force and the Bylaws Task Force believe that the purpose of the Regions can be better stated, and that the notion of a "Regional Conference" is confusing. This resolution does not change any of the Regions, which continue as before and are identified in Article VI Section 2 of the *Bylaws*.

**RESOLUTION 2012-07**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Legislative Guidelines, Model Law and Model Regulations* Amendment – Broadening Legislative Guideline III to Include Misconduct in Connection with the ARE and IDP

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that paragraph C of *Legislative Guideline* III, Qualification for Registration Under State Procedure, be revised to read as follows:

> **"C** If the state wishes to invest its state board with discretion to reject or take disciplinary action against an applicant who is not of "good moral character," the statute should specify only the aspects of the applicant's background germane to the inquiry, such as
>
> (i) conviction for commission of a felony;
> (ii) misstatement or misrepresentation of fact or other misconduct ~~by the applicant~~ in connection with seeking registration ~~his/her application~~, including without limitation misconduct involving violation of applicable rules protecting the integrity of the architect licensing process such as the Architect Registration Examination or the Intern Development Program;
> (iii) violation of any of the rules of conduct required of registrants and set forth in the statutes or regulations (See Guideline II); and
> (iv) practicing architecture without being registered in violation of registration laws of the jurisdiction in which the practice took place.
>
> If the applicant's background includes any of the foregoing, the state board should be allowed, notwithstanding, to register the applicant on the basis of suitable evidence of reform."

**SPONSORS' STATEMENT OF SUPPORT**:
The Procedures and Documents Committee recommends that the *Legislative Guidelines* include a more defined position relating to the conduct of interns. The committee recommends that the section on the Qualifications for Registration be broadened to provide language for Member Boards to reject an application or take disciplinary action against an applicant for licensure based on misconduct that may include violation of rules relating to the Architect Registration Examination® (ARE®) or the Intern Development Program (IDP). NCARB, which administers both of these programs, will itself take disciplinary measures when appropriate that can include withdrawal of rights to continue in such programs for periods of time. The proposed change further reinforces the Member Boards authority to take appropriate disciplinary action when warranted.

**RESOLUTION 2012-08**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Rules of Conduct* and *Legislative Guidelines, Model Law and Model Regulations* Amendments – Broadening *Model Regulation* and the *Rules of Conduct* to Include Verification of Qualifications in Connection with the Intern Development Program

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Section 100.805 of the *Model Regulations* be amended to add the following as new paragraph D and renumbering the remaining two paragraphs, and that the same text be included in the *Rules of Conduct* as new Section 3.7:

> "**(D)** An architect possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant, the Board and/or NCARB by responding appropriately regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not knowingly sign any verification document that contains false or misleading information."

**SPONSORS' STATEMENT OF SUPPORT:**
The Internship Committee and the Procedures and Documents Committee believe that architect supervisors have an obligation to verify the work experience completed by interns under their direct supervision in a timely manner to support the intern's pursuit of the IDP and initial licensure. Further, the IDP depends on architects providing truthful verifications of experience and related information about interns. The committees recommend that the *Rules of Conduct* and *Model Regulations* should be modified to include these provisions.

**RESOLUTION 2012-09**
The Council Board of Directors took no position in favor or in opposition (7-7)

**TITLE:** *Handbook for Interns and Architects* Amendment – Addition of Canadian Education Evaluation Alternative.

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that Chapter 1 of the *Handbook*, Section 2 (B) be revised to read as follows and make corresponding changes to the *Education Guidelines*:

> "B. With respect to applicants with a degree in the field of architecture granted by an academic institution outside the U.S. and Canada, either an EESA-NCARB evaluation report stating that you have met the *NCARB Education Standard* or an evaluation from the Canadian Architectural Certification Board sought in connection with licensing in Canada stating that you have met the requirements of the *Conditions and Procedures for the Certification of Educational Qualifications Required for Admission (Registration or Licensing) to the Architectural Licensing Authorities in Canada*, the Canadian Education Standard."

**SPONSORS' STATEMENT OF SUPPORT:**
The Education Committee has reviewed the Canadian Education Standard and the *NCARB Education Standard* and concluded that these two standards are substantially equivalent. The Education Committee recommends that the *NCARB Education Standard* be modified to allow acceptance of the CACB evaluation of a foreign degree to satisfy the education requirement for an intern.

Under current requirements, NCARB accepts the CACB evaluation of a foreign degree *if* the architect is actively licensed in Canada and qualifies for NCARB certification through the requirements for Canadian architects. NCARB does not accept the CACB evaluation of a foreign degree for an applicant in an intern (non-licensed) status. Without the changes recommended above, an intern in this situation would be required to have their education re-evaluated by the NAAB. According to NAAB, this duplicate evaluation process has impacted less than one intern a year.

**RESOLUTION 2012-10**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Handbook for Interns and Architects* Amendment – Correction of Canadian Intern Architect Program Reference.

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that Chapter 1 of the *Handbook*, Section 3 be amended to read as follows:

> "In lieu of completing the IDP, NCARB will accept ~~either of the following: 1)~~ ~~R~~registration by an NCARB Member Board for at least five consecutive years together with a certification by the applicant that his or her experience as a registered architect met the intent of the IDP in each of the training areas, and verification by one or more other architects that the applicant obtained such experience. This alternative shall not apply to applicants initially registered after January 1, 2011.
> ~~2) Satisfactory completion of the Canadian Intern Architect Program.~~"

**SPONSORS' STATEMENT OF SUPPORT:**
Chapter 1 of the *Handbook for Interns and Architects* identifies the requirements for certification of U.S. architects. Chapter 2 of the *Handbook* identified the requirements for certification of Canadian architects. Reference to the Canadian Intern Architect Program is misplaced in Chapter 1 and should be removed. It already exists in Chapter 2.

**RESOLUTION 2012-11**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Handbook for Interns and Architects* Amendment – Correction of the Canadian Examination Requirement.

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that Chapter 2 of the *Handbook*, Section 4 (C) be revised to read as follows:

> "C. Written professional practice examinations administered in the province of Quebec ~~since~~ from 1977 through 2001."

**SPONSORS' STATEMENT OF SUPPORT:**
Chapter 2 of the *Handbook for Interns and Architects* documents the requirements for the certification of Canadian architects. This chapter provides alternatives to the ARE when certain Canadian examinations were accepted for certification of Canadian architects. The provision C noted above was adopted to deal with the circumstance where the ARE was not available in French in Quebec after 1977. However, the final translation of all ARE divisions into French was completed and made available to Canadian candidates for examination in 2001. The end date for this alternative should have been set to 2001 at that time. This recommended change will properly limit the application of this alternative.

**RESOLUTION 2012-12**
Supported by the Council Board of Directors (14-0)

**TITLE:** *Handbook for Interns and Architects* Amendment – Correction of Canadian Equivalency Requirement.

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that Chapter 2 of the *Handbook*, Section 6 be revised to read as follows:

> "6. In lieu of the requirements set out in Sections 2 through 4 above, you must have been certified by a Canadian provincial association as having achieved the education, training, and/or examination which ~~the provincial association~~ NCARB deems equivalent to the current NCARB requirements for education, training, and/or examination, and have 10 years experience in practice as a principal as defined in the *IDP Guidelines*."

**SPONSORS' STATEMENT OF SUPPORT:**
Chapter 2 of the *Handbook* establishes the requirements for the certification of Canadian architects. In the event that the standard education, training, and examination requirements are not met, paragraph 6 indicates that a Canadian provincial association has the authority to determine equivalence of education, training, and examination requirements for NCARB certification. The Procedures and Documents Committee determined that this responsibility lies with NCARB and recommends that the *Handbook* be modified to reflect that only NCARB can deem any other alternatives as equivalent for the purpose of NCARB certification.

**Agenda Item K.2, Attachment 2**

## RECOMMENDED POSITIONS ON NCARB RESOLUTIONS

**Resolution 2012-01 ..... Support**
*Bylaws Amendment – Voting Delegates*

**Resolution 2012-02 ..... Support**
*Bylaws Amendments – Removal of Directors and Officers*

**Resolution 2012-03 ..... Support**
*Bylaws Amendments - Miscellaneous*

**Resolution 2012-04 ..... Support**
*Bylaws Amendment – Clarifying Board Approval of Committee Charges*

**Resolution 2012-05 ..... Support**
*Bylaws Amendment – Membership Dues*

**Resolution 2012-06 ..... Support**
*Bylaws Amendment – Changing "Regional Conferences" to "Regions"*

**Resolution 2012-07…… ..... ……Support**
*Legislative Guidelines, Model Law and Model Regulations Amendment – Broadening Legislative Guide III to Include Misconduct in Connection with the ARE and IDP*

**Resolution 2012-08 ..... Support**
*Rules of Conduct and Legislative Guidelines, Model Law and Model Regulations Amendment – Broadening Model Regulation and the Rules of Conduct to Include Verification of Qualifications in Connection with the Intern Development Program*

**Resolution 2012-09 ..... No Action**
*Handbook for Interns and Architects Amendment – Addition of Canadian Education Evaluation Alternative*

**Resolution 2012-10 ..... No Action**
*Handbook for Interns and Architects Amendment – Correction of Canadian Intern Architect Program Reference*

**Resolution 2012-11 ..... No Action**
*Handbook for Interns and Architects Amendment – Correction of the Canadian Examination Requirement*

**Resolution 2012-12 ..... No Action**
*Handbook for Interns and Architects Amendment – Correction of Canadian Equivalency Requirement*

NCARB

# 2012 CANDIDATE RESUMES

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.

# Blakely C. Dunn, AIA, NCARB

Candidate for
First Vice President/President-Elect

**Education**

Bachelor of Architecture, 1985
Louisiana Tech University

Bachelor of Arts, 1984
Louisiana Tech University

Pensacola Junior College
Pensacola, Florida

**Practice**

CADM Architecture, Inc.
President (2001 to Present)
76 year-old, 8-person firm specializing in educational, senior care, institutional, and commercial projects.

| | | | |
|---|---|---|---|
| **Registration** | Arkansas, Florida, Illinois, Louisiana, Texas, Wisconsin | | |
| | NCARB Certification | | 1999 |
| **NCARB Service** | NCARB Board of Directors | *Second Vice President* | 2011-2012 |
| | NCARB Board of Directors | *Treasurer* | 2010-2011 |
| | NCARB Board of Directors | *Secretary* | 2009-2010 |
| | NCARB Board of Directors | *Director/Region* 3 | 2007-2009 |
| | NCARB/Region 3 | *Chair* | 2005-2007 |
| | NCARB/Region 3 | *Secretary* | 2004-2005 |
| | NCARB/Region 3 | *Board of Directors* | 2002-2006 |
| | NCARB Bylaws Task Force | *Chair* | 2009-2010 |
| | NCARB Bylaws Task Force | | 2011-2012 |
| | NCARB Governance Task Force | *Chair* | 2011-2012 |
| | NCARB Intern Development Program Advisory Committee | *Co-Chair* | 2008-2009 |
| | NCARB Member Board Executives Committee | *Board Liaison* | 2011-2012 |
| | NCARB Member Board Executives Committee | *Board Liaison* | 2009-2010 |
| | NCARB Intern Development Program Committee | *Board Liaison* | 2008-2009 |
| | NCARB ARE Committee | *Board Liaison* | 2007-2008 |
| | NCARB Committee on Procedures and Documents | | 2006-2007 |
| | NCARB Practice Analysis Task Force | | 2006-2007 |
| | NCARB Regional Chairs Committee | | 2005-2007 |
| | NCARB Broadly Experienced Architect Committee | | 2004-2007 |
| | NCARB Broadly Experienced Architect Committee Interview Pool | | 2007-2009 |
| | NCARB Committee on Education | | 2003-2004 |
| | NCARB Electronic Experience Verification Report Task Force | | 2008-2009 |
| | NCARB IDP/Practice Analysis Linking Study Task Force | | 2009 |
| | NCARB Annual Meeting Credentials Committee | | 2003 |
| **NCARB Member Board Service** | Arkansas State Board of Architects | | 1999-2010 |
| | President | | 2002-2006 |
| **NAAB Service** | NAAB/NCARB Accreditation Team Pool | | 2004-2012 |
| | NAAB Accreditation Review Team, Louisiana Tech University | | 2005 |
| | NCARB Observer/NAAB Study of Higher Education | | 2011 |
| **Professional Service** | Arkansas Chapter AIA | *Board Member* | 2004-2012 |
| | Arkansas Chapter AIA | *Member* | 1991-present |
| | American Institute of Architects | *Member* | 1991-present |
| | Historic Preservation Alliance of Arkansas | | *Member* |

**Family/Community**

El Dorado Historic District commission, former Commissioner
El Dorado Rotary Club, former Director
United Cerebral Palsy of South Arkansas, former President
United Cerebral Palsy of South Arkansas, former Director
El Dorado Main Street Program, former Director
El Dorado Boys & Girls Club, former Baseball Coach

**Dale McKinney, FAIA, NCARB**

**Candidate for Second Vice President**

| | |
|---|---|
| **Education** | BA in Architecture, 1975<br>Iowa State University |
| **Practice** | M+ Architects Inc.<br>President and Principal |
| **Registrations** | Iowa, Nebraska, South Dakota,<br>Minnesota, Maryland, North Carolina,<br>South Carolina, Arizona |
| **Certification** | NCARB |

**NCARB Service**

**NCARB Board of Directors**

| | |
|---|---|
| Treasurer | 2011-2012 |
| Secretary | 2010-2011 |
| Director | 2009-2010 |
| Chair, Region 4 | 2006-2009 |
| Vice Chair, Region 4 | 2005-2006 |

**NCARB Committees**

| | |
|---|---|
| Chair, Audit Committee | 2011-2012 |
| NCARB Education Grant Jury | 2011-2012 |
| Long Range Strategic Issue #1 Committee | 2011-2012 |
| Member Board Executives | 2009-2010 |
| ARE Research and Development | 2009-2010 |
| Liaison to AIA National Associates | 2009-2010 |
| Chair, Intern Development Program | 2008-2009 |
| Procedures and Documents | 2008-2009 |
| Intern Development Advisory Committee | 2008-2009 |
| Regional Chairs Committee | 2006-2009 |
| Intern Development Program | 2006-2008 |
| Chair, IDP Employment Task Settings Task Force | 2007-2008 |
| Jury, Intern Development Program Firm of the Year | 2007,2009 |
| IDP Supervisor Task Force | 2006-2007 |
| IDP Coordinating Committee | 2006-2007 |
| Committee on Professional Development | 2005-2006 |

**Professional Service**

| | |
|---|---|
| **Iowa Board of Architectural Examiners Board Member** | 2001-2010 |
| Chair | 2003-2004 & 2009-2010 |
| **AIA National Director Central States** | 1997-1999 |
| Component Resources Committee | 1990-1992 |
| Component Affairs Membership Advisory Committee | 1997-1999 |
| Chair, Component Affairs Membership Advisory Committee | 1999 |

**AIA Iowa**

| | |
|---|---|
| President | 1989 |
| President Elect | 1988 |
| Treasurer | 1996-1998 |
| Board of Directors | 1992-1995 & 1985-1987 |
| Convention Committee | 1983 & 1992 |
| Architectural Foundation Board | 1990-1991 & 1998-2000 |

**Honors & Awards**

| | |
|---|---|
| Iowa AIA Medal of Honor Recipient | 2011 |
| AIA/NCARB IDP Firm of the Year | 2004 |
| Iowa Governor's Volunteer Award | 1995 |
| Partner in Aging Award | 1995 |
| Main Street Iowa Best Volunteer | 1994 |

| | | |
|---|---|---|
| **Community Service** | | |
| **City of Sioux City** | Main Street Sioux City/Downtown Partners Board | 2008-2012 & 1991-1996 |
| | Chair, Main Street Sioux City/Downtown Partners Board | 1992-1996 |
| | Design Works Executive Committee | 2009-2010 |
| | Historic Preservation Commission | 2004-2012 |
| | Chair, Vision 2020 Urban Design | 1990-1992 |
| | Highland Park Development Commission | 1989 |
| **Other** | Center for Siouxland | 2011-2012 |
| | Council on Sexual Assault & Domestic Violence Board | 2005-2010 |
| | Chair, Norm Waitt Sr. YMCA Board | 2002-2008 |
| | Norm Waitt Sr. YMCA Board | 1999-2008 |
| | Executive Director, Siouxland Housing Development Corporation | 2011-2012 |
| | Siouxland Housing Development Corporation | 1991-2012 |
| | President, Hinton Community School Board of Education | 1979-1991 |

# DENNIS S. WARD, NCARB, AIA
**Candidate for Treasurer**

**Education**

Master of Architecture 1981
Clemson University
Charles E. Daniel Center for Design
Genoa, Italy 1980
Bachelor of Science in Design 1979
*Cum laude*
Clemson University

**Practice**

F W Architects, Inc. – Florence, SC
President (1982 – Present)

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**REGISTRATION**

South Carolina, North Carolina
NCARB Certificate

**MEMBER BOARD SERVICE**

| | | |
|---|---|---|
| South Carolina State Board of Architectural Examiners | | 2001-2011 |
| | Vice Chair | 2003 |
| | Chair | 2004-2006, 2009 |

**NCARB (National Council of Architectural Registration Boards) SERVICE**

| | | |
|---|---|---|
| NCARB – Board of Directors | National Secretary | 2011-Present |
| NCARB – Board of Directors | Region 3 Director | 2009-2011 |
| NCARB ExCom Committee | | 2011-Present |
| NCARB Audit Committee | | 2011-Present |
| NCARB Bylaws Task Force | Chair | 2011-Present |
| NCARB Procedures and Documents Committee | Board Liaison | 2011-Present |
| SCNCARB - Region 3 | Region Director | 2009-2011 |
| SCNCARB - Region 3 | Vice Chair | 2007-2008 |
| SCNCARB - Region 3 | Secretary | 2006 |
| SCNCARB - Joint Region Meeting - Savannah | Program Chair | 2009 |
| NAAB/NCARB - School of Architecture Accreditation Team | | 2003-Present |

**Texas A&M –** Prairie View (2006 Visiting Team)
**Yale University –** (2007 Visiting Team)
**University of South Florida –** (2008 Focused Evaluation)
**University of Kentucky –** (2010 Focused Evaluation)
**Rochester Institute of Technology –** (2011 Visiting Team)
**North Dakota State University –** (2012 Visiting Team - Chair)

| | | |
|---|---|---|
| NCARB ARE Subcommittee - CD&S | Member | 2002 |
| NCARB ARE Subcommittee - CD&S | Coordinator | 2003-2004 |
| NCARB ARE Subcommittee | Assistant Chair | 2005-2006 |
| NCARB ARE Subcommittee | Chair | 2006-2008 |
| NCARB Committee on Examination | | 2005-2008 |
| NCARB ARE Technology Committee | Chair | 2005-2007 |
| NCARB IDPAC | Chair | 2009-2011 |
| NCARB Committee on Intern Development | Board Liaison | 2009-2011 |
| NCARB IDP Educators Conference | | 2010 |
| NCARB ARE Cut Score Committee | | 2008 |
| NCARB ARE Spec. Conversion Task Force | | 2007 |
| NCARB ARE Item Writing Workshops | | 2006-2008 |
| NCARB ARE Outreach – Univ. Chicago Illinois | | 2008 |
| NCARB IDP Outreach – Clemson University | | 2009 |
| NCARB IDP Outreach – Chicago AIA | | 2010 |
| NCARB IDP Outreach – Colegio de Arquitectos de Puerto Rico | | 2010 |
| NCARB IDP Outreach – Austin AIA | | 2011 |

**PROFESSIONAL SERVICE**

| | | |
|---|---|---|
| AIA South Carolina | Member | 1986-Present |
| AIA South Carolina | Board of Directors | 1999 |
| AIA South Carolina – Florence Chapter | Member | 1996-2001 |
| | President | 1998 |
| AIA South Carolina – Grand Strand Chapter | Member | 2002-Present |
| South Carolina Office of School Facilities Advisory Committee | | 2003-Present |
| Clemson University College of Architecture, Arts, & Humanities | | |
| Chair Search Committee – 2006 | | |
| Chair Search Advisor – 2010 | | |
| Construction Specifications Institute (CSI) – Grand Strand | Member | 1993-Present |
| International Codes Council (ICC) | Member | 1998-Present |
| Tau Sigma Delta, Architectural Honor Society – Clemson University | | |
| Brick Association of the Carolinas Board | Board Member | 1989-1991 |

**COMMUNITY**

Dawsey United Methodist Church
Florence Lions Club – Past Board of Directors
First Reliance Bank – Board of Advisors
Pee Dee Speech and Hearing Board – Past Chairman
Florence Symphony Guild
Florence Museum Association
Florence Downtown Development Association
McLeod Regional Medical Center – Fundraising Board
Florence Symphony Orchestra – Past Orchestral Member
Florence Little Theater Orchestra – Past Orchestral Member
Mu Beta Psi – Music Honor Society
Sigma Chi Fraternity

Jon Alan Baker, FAIA, LEED AP
Candidate for Secretary
*R E S U M E*

## Bio General

Partner, BakerNowicki Design Studio, LLP
San Diego, California

Specializing in the design of educational, medical and long-term care facilities Jon's professional experience covers 30-years of professional practice. He holds an NCARB certificate and is licensed to practice architecture in 9 states.

In November 2005, Mr. Baker was appointed by Gov. Arnold Schwarzenegger to the California Architect's Board. During his term of office, he has chaired the CAB Professional Qualifications Committee and Executive Committee. He was elected President of the CAB for two terms (2007 & 2008). At the National level with the National Conference of Architectural Boards (NCARB), Mr. Baker was elected in 2008 (and re-elected in 2009) to the position of Regional Chair for the Western Conference of 12 states. In 2010, Mr. Baker was elected to the NCARB Board of Directors as Region 6 Director. Mr. Baker has been successful in developing strong relationships with the National components improving California's standing and influence on a National level.

In 2009, Mr. Baker was inducted into the AIA College of Fellows by the American Institute of Architects in recognition of his career-long achievements in advancing the profession of architecture. He is the former President of the American Institute of Architects (AIA), San Diego Chapter including eight years as a board member. He also served two years on the board of the AIA California Council.

Mr. Baker is a current board member for two nonprofits: Jr. Achievement for San Diego & Imperial Counties and The Poway Unified School District Educational Foundation.

As a LEED Accredited Professional, Mr. Baker provides professional leadership in the design of sustainable facilities and contributes to the implementation of sustainable practices among his firm and clients that influence the development of Green and environmentally responsible design.

## Architecture

Mr. Baker's professional experience in Healthcare and Educational Architecture encompasses the programming, management, design and production of a broad range of large-scale, complex building types including medical facilities, outpatient facilities, Senior Care & CCRC's, facilities for K-12, community colleges and university campus'.

His extensive experience includes both public and private projects and has included all phases of project development, from programming and design through construction and occupancy, assuring the careful and deliberate execution of each project. Mr. Baker has extensive experience in the alternative delivery of design and construction projects including Fast-Track, Design-Build, Lease Lease-Back, Construction Management, and all aspects of publicly bid construction delivery. With over 25-years of specialization in healthcare and educational architecture, Mr. Baker has extensive experience with all California State agencies governing their design including OSHPD, DSA, CDE, OPSC, and DTSC.

## Education

School of Architecture, Cal Poly
Pomona, California

## Professional Experience

| | |
|---|---|
| James Caulkins Architect | 1977-1979 |
| Tucker Sadler Associates | 1979-1981 |
| Paul Thoryk Architect | 1981-1983 |
| NTD Architecture | 1983-2011 |
| BakerNowicki Design Studio | 2011-Present |

## Professional Registrations

Architect, State of California, 1983
Architect, State of Nevada, 1987
Architect, State of Ohio, 2004
Architect, State of Idaho, 2004
Architect, State of Florida, 2005
Architect, State of Arizona, 2008
Architect, State of New Mexico, 2008
Architect, State of Oregon, 2010
NCARB Certified, 1987

## Professional Appointments

| | |
|---|---|
| California Architects Board | 2005-Present |
| President | 2007-2009 |
| Executive Committee | 2006-Present |
| Chair, Professional Qualifications Committee | 2006 |
| National Conference of Architectural Registration Boards | (NCARB) |
| NCARB Board Member - Region 6 Director | 2010-Present |
| WCARB Regional Chair | 2007-2010 |
| NCARB Regional Chairs Committee | 2007-2010 |
| WCARB Region-6 Executive Committee | 2006-2010 |
| Education Foundation - Poway Unified School District | 2003-present |
| Board of Directors | |
| Jr. Achievement of San Diego & Imperial Counties | 2007-2011 |
| Board of Directors | |

## Professional Affiliations

ACE Arrowhead School Conference
- Annual Planning Committee, 1990-1992
- Conference Chair, 1992

American Institute of Architects, California Council
- Director 1994-1996
- School Facilities Steering Comm. (1993 Chair), 1992-1996
- Schools Task Force 1990-1992

American Institute of Architects, San Diego Chapter
- Chair, AIA/AGC Joint Commission 2008-2011
- Board President 1995
- Board of Directors, 1987-1995
- Commissioner of Governmental Affairs 1990-1992
- Legislative Interaction Committee, Chair 1989

City Architect's Advisory Committee, San Diego
- Founding Chair, 1990-1991

California Building Industry Association, San Diego
Commercial Industrial Council, 1986-1990
Progress 88 - Schools Task Force, 1988
Coalition for Adequate School Housing
CASH Architects Advisory Group, 1990-Present
Council of Educational Facility Planners International
Member 1991-2005
Educational Advisory Committee
Assemblywomen Tricia Hunter (76th District), 1991-1992
LEAD San Diego
Graduate 1993
UCLA Extension Program
Certification of Facility Planners, Guest Speaker, 1992
SDSU Extension Program
Certification of Facility Planners, Guest Speaker, 1995

## K-12 Clients

Bonsall Union School District, Bonsall, California
Carlsbad Unified School District, Carlsbad, California
Chula Vista Elementary School District, Chula Vista, California
Del Mar Union School District, Del Mar, California
Elk Grove Unified School District, Elk Grove, California
Escondido High School District, Escondido, California
Escondido Union School District, Escondido, California
Jamul/Dulzura Union School District, Jamul, California
Julian Union School District, Julian, California
Julian High School District, Julian, California
Montebello Unified School District, Montebello, California
Mountain Empire Unified School District, Pine Valley, California
Pauma Union School District, Pauma Valley, California
Poway Unified School District, Poway, California
Rescue Union School District, Rescue, California
Riverside Unified School District, Riverside, California
San Diego County Office of Education, San Diego, California
San Diego Unified School District, San Diego, California
San Dieguito High School District, Encinitas, California
San Marcos Unified School District, San Marcos, California
San Ysidro Elementary School District, San Ysidro, California
Solana Beach School District, Solana Beach, California
Temecula Unified School District, Temecula, California
Vallecitos School District, Rainbow, California
Walnut Valley Unified School District, Walnut, California
William S. Hart Union High School District, Santa Clarita, California

## Higher Education Clients

California State University, Fullerton, California
California State University, Northridge, California
Grossmont-Cuyamaca Community College District, El Cajon, California
Southwestern Community College District, Chula Vista, California

## Healthcare Clients

Catholic Healthcare West (CHW)
Bakersfield Memorial Hospital, California
Alvarado Convalescent & Rehabilitation Center, San Diego, California
Alvarado Psychiatric Institute, San Diego, California
US Army Corps of Engineers, California
Heart Institute of Nevada, Las Vegas, Nevada
Walsh Medical Arts Building, Murrieta, California
Vista Community Clinic, Vista, California
Loma Linda University Medical Center, Loma Linda, California

## Civic/Government Clients

City of Hemet, California
YMCA of San Diego, California
County of San Diego, California
Boys & Girls Club of San Diego County, California
City of Solana Beach, California
San Diego County Librarian, San Diego, California

## Office/Commercial Clients

Glendale Financial Square, Glendale, California
Home Federal Savings & Loan, California
Neste Brudine & Stone Corporate Headquarters, Rancho Bernardo, California

## Senior Housing & Care Clients

Retirement Inns of America, Los Angeles, California
Forum Group, Indianapolis, Indiana
Retirement Centers of America, Inc., Irvine, California
Radnor Corp., Radnor, Pa.
Starboard Development, San Diego California

# MARGO P. JONES, NCARB, AIA

**Candidate for SECRETARY**
**NCARB**

Margo Jones, Architects
308 Main Street
Greenfield, MA 01301
413-773-5551
mj@margojones.com

**Education**

**M.I.T. School of Architecture**--Master of Architecture, 1976

**University of Chicago**--Bachelor of Arts, Art History, 1971

**Practice**

**Margo Jones Architects, Inc.**, Greenfield, MA, President (1984–present)
*7 person firm founded in 1984, specializing in educational facilities, historic preservation, and cultural institutions.*

**Registration**

Massachusetts, Vermont, New Hampshire, Connecticut
NCARB Certification 1980

**Member Board Service**

| | | | | |
|---|---|---|---|---|
| Massachusetts Board of Registration of Architects | *Secretary* | 2008 | - | 2012 |
| Massachusetts Board of Registration of Architects | *Member* | 2005 | - | 2008 |

**NCARB Service**

| | | | | |
|---|---|---|---|---|
| Committee on Intern Development Program | *Member* | 2006 | - | 2009 |
| EPC/Core Competency Linking Study TF | *Member* | 2007 | - | 2008 |
| NAAB Visiting Team, Morgan State University, Baltimore, MD | *Member* | | | 2011 |
| EPC 2.0/IDP Core Competency Linking Study Task Force | *Member* | 2008 | - | 2009 |
| Board of Directors, Region 1 | *Director* | 2009 | - | 2012 |
| IDP Supplemental Experience Task Force | *Member* | 2009 | - | 2010 |
| ARE Subcommittee | *OD Liaison* | 2010 | - | 2011 |
| Continuing Education Committee | *BOD Liaison* | 2011 | - | 2012 |
| Governance Task Force | *Member* | 2011 | - | 2012 |
| Audit Committee | *Member* | 2011 | - | 2012 |
| Long Range Strategic Initiative of “Agility.” | *Board leader* | | | 2012 |

**Professional Service**

| | | | | |
|---|---|---|---|---|
| Board of Trustees, The Bement School | *Vice President* | 2004 | - | 2012 |
| Council, Pocumtuck Valley Memorial Association | *Secretary* | 2003 | - | 2012 |
| Western Massachusetts AIA, | *President* | 1994 | - | 1996 |
| Western Massachusetts AIA | *Member* | 1984 | - | 2012 |
| Board of Directors, Greenfield Community YMCA | *President* | 1992 | - | 2000 |
| Board of Directors, Greenfield Community YMCA | *Trustee* | 1995 | - | 2010 |
| Massachusetts Historical Commission | *Commissioner* | 1991 | - | 1996 |
| Board of Directors, Arts Council of Franklin County | *President* | 1986 | - | 1989 |
| Board of Directors, Greenfield Community College Foundation | *Past Member* | 1982 | - | 1986 |

**Awards:**

Three winning school projects, Massachusetts School Building Authority's "School Building Design Awards," 2006. Recognized were Williamstown Elementary School, Crocker Farm School, and New Hingham School.

Honor Award for Sanderson Academy, Western Massachusetts AIA Design Awards Jury, 1998.

Best Accessible Design Award for The Montague Book Mill, Architectural Access Board and Boston Society of Architects, 1994.

Preservation Award for Newton Street School Addition & Renovation, Massachusetts Historical Commission, 1993.

"Fellow", American Association of University Women, Tuition and Stipend, 1976 - 1979.

Alpha Rho Chi Award for Service, M.I.T. Architecture Class of 1976.

Finalist, Rotch Travelling Scholarship, 1980.

## Agenda Item L

**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT**

1. Update on May 4, 2012 LATC Meeting

2. Review and Approve Draft LATC 2012-13 Strategic Plan

3. Review and Adopt CCR, Title 16, Division 26, Sections 2615 Form of Examinations; and 2620, Education and Training Credits

**Agenda Item L.1**

**UPDATE ON MAY 4, 2012 LATC MEETING**

The LATC met on May 4, 2012 in Sacramento. Attached is the notice of the meeting. Program Manager Trish Rodriguez will provide an update on the meeting.

# REVISED
# NOTICE OF MEETING

**May 4, 2012**
**(Rescheduled from April 26, 2012)**
**10:00am – 3:00pm**
**Landscape Architects Technical Committee**
**Sequoia Room**
**2420 Del Paso Road, Suite 105**
**Sacramento, CA 95834**
**(916) 575-7230**

The Landscape Architects Technical Committee (LATC) will hold a meeting as noted above. The agenda items may not be addressed in the order noted. The meeting is open to the public and held in a barrier free facility according to the Americans with Disabilities Act. Any person requiring a disability-related modification or accommodation to participate in the meeting may make a request by contacting Maryann Moya 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.

## Agenda

A. Call to Order – Roll Call – Establishment of a Quorum
   Chair's Remarks
   Public Comment Session

B. Approve January 23 -24, 2012 LATC Summary Report

C. Review and Approve July 1, 2012 through June 30, 2013 Draft Strategic and Communications Action Plan

D. Program Manager's Report

E. Budget Update

F. Report on Council of Landscape Architectural Registration Boards (CLARB)
   1. Update on CLARB Activities
   2. Discuss and Possible Action on 2012 CLARB Spring Meeting Relating to Structured Internship; PLA, Professional Landscape Architect; CLARB vs. State Processing of Candidates; and Landscape Architectural Accreditation Board, Accreditation of Non-Degree Granting Programs

G. Discuss and Possible Action of Impact on System Requirements and Workload, of California Code of Regulations (CCR), Title 16, Division 26, Sections 2614, Examination Transition Plan; 2615, Form of Examinations; and 2620, Education and Training Credits

H. Review and Approve Proposed Amendment to CCR, Title 16, Division 26, Sections 2615, Form of Examinations; and 2620, Education and Training Credits

I. Discuss and Possible Action for University of California Extension Certificate Programs Self Evaluation Reports

J. 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 L.2**

**REVIEW AND APPROVE DRAFT LATC 2012-13 STRATEGIC PLAN**

On January 23-24, 2012, the LATC participated in a strategic planning session to update its Strategic Plan for 2012-13. 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 May 4, 2012 meeting.

The Board is asked to review and approve the attached draft LATC 2012-13 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 2012-13 Strategic Plan

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

# STRATEGIC PLAN

## July 1, 2012~~1~~ through June 30, 2013~~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~~ consisting 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~~,~~
- ~~f~~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
- Development of ~~S~~specifications
- Preparation of ~~C~~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 most relevant to current practice, 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, and 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:

- ~~r~~Reviews its progress towards achieving its~~on~~ objectives over the previous year~~,~~
- Conducts an ~~updates the~~ environmental scan and updates the Strategic Plan summary of key external issues in response to changing ~~economic and technological climates~~social, economic and environmental conditions~~,~~
- ~~r~~Reviews and confirms its mission and vision statements~~, and~~
- ~~s~~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~~continues to be impacted by the economic downturn and, despite greater economic stability, recovery is slow and unemployment and underemployment remain high. This section identifies current trends ~~Eight major factors have been identified~~ based on perceptions and observations of LATC members and practitioners~~:~~. These trends are presented and organized according to eight general categories:

- Changes in landscape architecture practice
- Landscape architecture academic preparation
- Professional collaboration
- Public/client relations
- Professional development, licensure and certification
- Information technology
- Government, policy and regulation
- Culture, lifestyle and environment

## 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~~ A competitive marketplace with a decrease in the number of jobs available for landscape architects
- Lower retirement rate in practice due to the 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 and a widening body of knowledge required to practice landscape architecture~~; growing demand for landscape architects; increasing functional specialization;~~
- ~~g~~Greater need for landscape architects with working knowledge of key technical areas, especially universal design and accessibility~~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 and demand for "green" and low-impact design due to diminished natural resources~~,~~ and increasing 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~~
- Increasing functional specialization
- Growing number of landscape architects taking on more "environmental" responsibilities such as sustainable design, site hydrology, and environmental technologies; increasing number of landscape architects in leadership or "prime roles" for these issues
- Increasing mobility of landscape architects, with more professionals working around the globe from multiple locations
- Segmentation of landscape architecture production, which impacts the integrity and quality of services delivered

## ~~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 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
- Need to understand the differing impacts of science, technology, nature, and sustainability on landscape architectural practice
- Greater need for writing, communication, business, and critical reasoning skills in practice
- A move towards for-profit schools and programs, evidenced by greater supply of and enrollment in landscape architecture programs offered by for-profit education institutions

## PROFESSIONAL COLLABORATION

- Increasing involvement of landscape architects 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
- Need for greater cooperation and communication between landscape architecture practitioners and academics
- Increasing level of landscape architect involvement earlier in the planning process

## 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, LICENSURE AND CERTIFICATION

- 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
- Rapidly advancing ~~T~~technological ~~advances~~ changes that are ~~make it~~ difficult to keep up with in professional development

- ~~Rise in landscape architects seeking employment abroad in light of economic downturn~~
- A "leveling out" in the number of landscape architects becoming licensed
- A greater number of graduates with landscape architecture degrees electing not to pursue licensure
- Increasing public and professional demand for specialty certification
- Interest in establishing a national certification process that would allow landscape architects more job flexibility

## INFORMATION TECHNOLOGY

- Continuing/expanding use of technology including (e.g., CAD, GIS, Building Information Modeling ~~(~~[BIM]~~)~~, electronic plans, electronic plan checking, and 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~~ Increasing use of e-drawings and e-boards, which have inherent limits and 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 technical or software-based certifications that do not address health, safety, and welfare concerns and distract candidates who would otherwise seek licensure
- Recognition that use of interactive and real-time technology tools will be an increasingly important element in design~~used~~ and will play a role in~~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, POLICY AND REGULATION

- Continuing ~~s~~State budget crisis, resulting in fiscal constraints and related 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 f~~Federal government's Public Service Initiative may affect profession
- Out-sourcing of plan checking by local and city agencies

- Persistent economic uncertainty, which has led to deep government cut backs, ~~which results~~resulting in reduced staff resources, restricted out-of-state travel for government agencies, and pressure to increase licensure
- Continuing pressures to deregulate, restructure, and streamline government operations
- Continuing effects of drought and water conservation-related legislation on practice
- Increasing complexity of building codes and standards affecting the practice of landscape architecture
- Loss of redevelopment agencies in California in response to the recent legislative decision, and a resulting impact on local public works

**CULTURE, ~~AND~~ LIFESTYLE AND ENVIRONMENT**

- Growth pressure throughout California which has place~~s~~d 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
- Emerging critical issues 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
- Rise in demand for green design as it relates to infrastructure and storm water management

~~**LATC SPECIFIC**~~

- ~~Sunset Review focused the LATC's resources on its ability to demonstrate competency, efficiency and necessity for review by the Legislature~~

# RECENT ACCOMPLISHMENTS

Through strategic action and ongoing collaboration, LATC has successfully advanced or accomplished its top priorities in recent years. This section briefly reviews key accomplishments as identified during the 2012 strategic planning session.

## SUNSET REVIEW

On October 1, 2011, LATC successfully submitted its required sunset report to the Joint Legislative Sunset Review Committee (JLSRC). In this report, LATC described actions it has taken since its prior review to address the recommendations of JLSRC, including programmatic and operational changes, enhancements, and other important policy decisions or regulatory changes.

## EXPANDED ENFORCEMENT

LATC strengthened its enforcement program by adding 0.4 of a position to enforce laws, codes, and standards affecting the practice of landscape architecture. This addition has helped ensure that complaints are addressed in a timely manner. The LATC redoubled efforts to meet Department of Consumer Affairs (DCA) goals set forth relating to case aging and as a result the LATC reduced the pending caseload by 52% between January 2011 and January 2012.

## CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

The Office of Professional Examination Services (OPES) completed development of a new CSE and the exam was launched in August 2011. An Intra-Agency Contract Agreement with OPES to redevelop the exam was approved by DCA and OPES conducted five exam development workshops in Sacramento between September 2010 and March 2011. These workshops covered the Test Plan, existing item review, and writing new items.

## STAFF POSITIONS FILLED

The Enforcement Coordinator, Special Projects Coordinator, and Administrative Licensing Coordinator positions have been filled.

## COLLABORATION WITH OTHER ORGANIZATIONS

LATC has had a consistent presence at recent California Architects Board (CAB), American Society of Landscape Architects (ASLA), California Chapter of American Society of Landscape Architects (CCASLA), and Council of Landscape Architectural Registration Boards (CLARB) meetings, reflecting strong, ongoing relations and collaboration with partner agencies.

## TWO LATC MEMBERS ELECTED TO THE CLARB BOARD OF DIRECTORS

CLARB is governed by a volunteer Board of Directors comprised of leaders in the landscape architecture community. Each year, the CLARB membership elects a Board of Directors to provide oversight and direction to the organization. CLARB's 2011-2012 Board of Directors includes LATC members Stephanie Landregan (CLARB Vice President) and Christine Anderson (CLARB Region V Director).

# 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.

# V A L U E S

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

# G O A L S

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<br>(consumers/clients, users, general public) | Competent professionals<br>Assurance of recourse<br>Stewardship/environmental protection/safety<br>Information on contracting with landscape architects |
| Licensees | Fair enforcement<br>Regulation of practice<br>High standards of competency and equitable licensing |
| Students | Information<br>Coordinating with schools to communicate licensure and practice requirements |
| Candidates | Fair examinations<br>Timely response to requests<br>Quality, accurate, and relevant information |
| Public Agencies (e.g., Building, Planning, Parks and Recreation, and Public Works departments) | Maintaining standards, regulation, and information<br>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<br>Information on practice standards for landscape architects |
| Employers | Carry out and promote the Practice Act<br>Communicate the benefits of licensure to employees<br>Provide training opportunities to interns |
| Architects<br>Engineers<br>Landscape Contractors<br>Geologists<br>Landscape Designers | Collaboration on joint efforts<br>Clarity of responsibility |
| Legislators | Consumer protection<br>Clear definition of standards |
| CLARB | Information and participation |

| DCA | Support and information |
| --- | --- |
| American Society of Landscape Architects (ASLA), 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** ..... 15~~4~~

**Professional Qualifications** ..... 17~~5~~

**Public and Professional Awareness** ..... 18~~6~~

**Organizational Relationships** ..... 19~~7~~

**Organizational Effectiveness** ..... 20~~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 w~~W~~eb~~-~~site~~.~~
- Maintain currency of enforcement actions on LATC w~~W~~eb~~-~~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. Develop and implement Complaint Disclosure Procedures.~~ | ~~October 2011~~ |
| 1. Appoint and convene a task force to address Landscape Architecture/APLD/Residential Designer issues, including BPC section 5641. | June 2012 |
| 2. Update procedures for enforcement case review. | ~~January~~ June ~~2012~~2013 |
| 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~~ December ~~2012~~ 2013 |
| 4. Monitor CLARB's efforts to define "public welfare" for potential regulatory impacts. | December 2013 |
| 5. Develop a communications piece informing students and graduates about what they can and cannot do as unlicensed professionals. | January 2014 |

| | |
|---|---|
| 6. Review regulations to identify sections that need clean-up, minor revisions. | January 2014 |

# 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. Update the California Supplemental Examination (CSE).~~ | ~~September 2011~~ |
| ~~2. Appoint and convene a task force to address Landscape Architecture/APLD/Residential Designer issues, including BPC section 5641.~~ | ~~October 2011~~ |
| 1. Amend California Code of Regulations (CCR) section 2614 to conform with the LARE transition. | September 2012 |
| ~~4~~2. Modify, implement and monitor examination eligibility requirements under CCR sections 2615 and 2620, if necessary. | ~~January~~March~~2012~~ 2013 |
| 3. Update ~~the California Code of Regulations (~~CCR~~)~~ section 2620.5 in accordance with new Landscape Architectural Accreditation Board (LAAB) accreditation criteria. | ~~January~~June ~~2012~~2013 |
| 4. Amend CCR section 2620 (b)(2) to conform to updated LAAB accreditation standards. | November 2012 |
| 5. Develop a process for reviewing extension certification programs. | November 2012 |
| 6. Conduct extension program reviews. | November 2013 |

| | |
|---|---|
| 7. Request that OPES review the CLARB Occupational Analysis (OA) and determine a course of action. Conduct new OA~~occupational analysis and evaluate alternative ways (including CSSE) to ensure comptency~~. | ~~June~~December ~~2012~~2013 |
| ~~6~~8. 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. | ~~November~~ December ~~2012~~ 2013 |
| 9. Review and incorporate CLARB's determinants of success into California's experience requirements, as appropriate. | January 2014 |

# 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.~~ | ~~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~~ |
| 1. Implement the frequently asked questions (FAQ) strategy as defined in the LATC Communications Plan. | January 2014 |

# 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
- Work with the California Landscape Contractors Association (CLCA) to serve as an educational resource and political advocate around shared interests in support of the profession.

| Objectives | Target Date |
|---|---|
| 1. Recommend thatMonitor CLARB's efforts modify its by-laws to facilitate member participation in light of travel bans. | OctoberJanuary 2011 2014 |
| 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. 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~~ |
| 1. Develop interim solutions for candidate tracking prior to BreEZe implementation. | September 2012 |
| ~~4~~2. Work with DCA staff to implement the BreEZe system for LATC. | September 2013 |
| 3. Explore ways to use technology to increase licensee participation in LATC meetings. | January 2014 |

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
- Schools (educators and students)
- Public (consumers/clients, users, general public)
- 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.

## 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.

## 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.

## 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*
- Use of Social Media Networks*
- "FAQ"**
- 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 development and/or 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.

**A set of FAQs will be developed with multiple audiences in mind, and is intended for print and web publication. Content will be updated regularly. Initial FAQs for FY 2013-14 will provide information on the following:

**Enforcement**

- Unlicensed Activity
- Stamping Authority

## Professional Qualifications

- "Welfare"
- Educational Dialogue

## Organizational Relationships

- CLCA
- LATC Role in CAB
- CCASLA
- CLARB
- PSI

## High Priority Target Audiences

| Audience | Candidate Publication | Consumer Guides | Newsletter and FAQs | Practice Act | Website and Social Media | | Message | Activity |
|---|---|---|---|---|---|---|---|---|
| Candidates, Pre-Candidates, and Students | X | 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 | | 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 | | 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 | X | | Steps to achieve a license | |
| Public Agencies | | | X | | 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 Satisfaction Survey | To gauge satisfaction with LATC resolution process | Annual | November | Online complaintant survey |
| Examination Pass Rate Data | To monitor LA candidate success | Quarterly | June, September, December, March | CLARB |
| Enforcement Report | To monitor enforcement cases | Annual | October | TEALE reports |
| Candidate Eligibility and Success Report | To correlate candidate qualifications with examination success | Annual | November | Applicant Tracking System (ATS) |
| Strategic Plan Action Status Report | To monitor strategic plan objective completion | Quarterly | April, July, October, January | LATC staff |

**REVIEW AND ADOPT CCR, TITLE 16, DIVISION 26, SECTIONS 2615, FORM OF EXAMINATIONS; AND 2620, EDUCATION AND TRAINING CREDITS**

Amendments to CCR sections 2615 and 2620, the regulations which outline eligibility requirements, were approved by the Office of Administrative Law (OAL) on March 7, 2012. Additional amendments are necessary to properly reference changes to the multiple choice sections of the Landscape Architect Registration Examination (LARE), as well as the updated publication of the Landscape Architectural Accreditation Board (LAAB) "Accreditation Standards for Programs in Landscape Architecture" dated February 26, 1990.

One of the prior amendments includes allowing candidates who have received a Board-approved degree in landscape architecture or an extension certificate in landscape architecture from a Board-approved school to be eligible to apply for the "multiple choice" sections of the LARE. When the amendment proposal was first initiated, sections A, B, and D were the only sections designated as "multiple choice" sections. However, the LARE is transitioning from the current five-section (A-E) exam to four-section (1-4) exam beginning in September 2012 and each section will be comprised of "multiple choice" sections. In anticipation of the impending changes to the LARE, the LATC drafted proposed amendments to CCR 2615, to clarify that these candidates would be eligible to take sections 1 and 2 of the new LARE effective in September 2012. The proposed regulatory changes were noticed by OAL on March 30, 2012, and a public hearing was held on May 14, 2012. No public comments were received. The LATC anticipates passage of the amendments to the exam transition regulation by September 2012, in time for the administration of the new LARE.

An issue identified with the amendment to CCR 2615, allowing specified candidates to take sections 1 and 2 of the LARE, is that the Council of Landscape Architectural Registration Boards (CLARB) is unable to screen and limit these candidates to be eligible for only certain sections of the LARE (i.e., sections 1 and 2). Since candidates register directly with CLARB once they are deemed eligible by the LATC, they would have the ability to schedule and take all sections of the LARE including Sections 3 and 4 after registering with CLARB. Therefore, a candidate could potentially schedule and take all sections before they were deemed eligible by LATC. The proposed amendment to CCR section 2615 clearly states that a candidate's LARE score shall not be recognized in California if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations.

CCR section 2620 currently references the outdated LAAB "Accreditation Standards for Programs in Landscape Architecture" publication dated February 26, 1990. The regulation needs to be amended to reflect the proper reference to the current accreditation standards publication.

Prior amendments to CCR section 2620 effective March 7, 2012, includes providing one year of educational credit for:

1. partial completion of a degree in landscape architecture from an approved school;
2. partial completion of an extension certificate in landscape architecture from an approved school; and

3. a degree in architecture which consists of at least a four-year curriculum that has been accredited by the National Architectural Accrediting Board.

Six years of training and educational eligibility requirements outlined in Business and Professions Code section 5650 (Examination – Qualifications, Application, Fee) are required to be deemed eligible to take the LARE. Candidates must meet a minimum of one year of educational credit and a minimum of two years of training credit as part of the combined six years of training and educational eligibility requirements. Additionally, one of the two years of training credit must be obtained under the direct supervision of a landscape architect licensed in a United States jurisdiction after graduation OR; with adoption of the amendments to CCR section 2620, one of the two years of training credit may be obtained under the direct supervision of a landscape architect licensed in a United States jurisdiction after partial completion of a degree in landscape architecture, or after partial completion of an extension certificate in landscape architecture. Partial completion is defined as completion of at least 80 percent of the total units required for the four-year landscape architect degree or extension certificate program.

Programming changes to the Department of Consumer Affairs' (DCA) Applicant Tracking System (ATS) are necessary to provide one year of credit on the candidate's computer record to those that meet the new minimum educational requirements, as described in 1-3 above. Additional staff workload has also been identified in calculating the partial completion of the degree or extension certificate as described above [CCR section 2620(b)(5)]. It will be very difficult to collect, and on an ongoing basis maintain and update, the courses and units required to obtain the four-year degree for each catalog year at each approved school.

Additionally, programming changes to ATS are also necessary to provide transitional credit for pending candidates and process LARE results in the new file format once the exam transitions from five to four sections.

On April 23, 2012, Doug McCauley, Vickie Mayer, and Trish Rodriguez appealed before the DCA Change Control Board (CCB) to modify ATS to include the recent regulation changes. However, due to limited staff resources designated to focus on development and implementation of the BreEZe system, which affects the whole department, the CCB advised that the LATC will have to convert all existing automated ATS processes (cashiering, application evaluation, exam eligibility, exam results, license issuance, letter generation, etc.) to new manual workaround processes created and developed by staff until the LATC converts to BreEZe planned for the fall 2013.

Converting all ATS automated processes to new manual processes will result in a substantial increase of workload for LATC staff. BreEZe representatives provided the LATC with further details at its meeting on May 4, 2012, on the impact of implementing the regulatory changes to the BreEZe project. Staff are currently outlining business processes and preparing for the developer to create a workaround database before August 27, 2012, the deadline to transfer candidates to CLARB for the September 10-22, 2012, administration of sections 1 and 2.

The Board is asked to review and adopt the proposed regulations to amend CCR, Title 16, Division 26, sections 2615, Form of Examinations; and 2620, Education and Training Credits and delegate authority to the Executive Officer to adopt the regulations and make minor technical changes to the language, if needed.

Attachments

1. Notice of Proposed Changes in the Regulations
2. Initial Statement of Reasons
3. Proposed Regulatory Language CCR 2615 and 2620

**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS**
**CALIFORNIA ARCHITECTS BOARD**
**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**
**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 office of the **California Architects Board, 2420 Del Paso Road, Sequoia Room, Sacramento, California 95834, on July 2, 2012, at 11:00 a.m**. 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 no later than 5:00 p.m. on July 2, 2012, or must be received by the Board 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 proposals if such modifications are 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 this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 5630 of the Business and Professions Code (BPC) and to implement, interpret, or make specific sections 5650 and 5651 of the BPC, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest/Policy Statement Overview

BPC section 5630 authorizes the Board to adopt, amend, modify, or repeal rules and regulations that govern the examination of applicants for licenses to practice landscape architecture in California. BPC sections 5650 and 5651 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.

**Section 2615 – Form of Examinations:**
The Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination (LARE), the licensing examination, to the Landscape Architects Technical Committee. In September 2012, CLARB will implement modest structural changes to the LARE to better align the content of the LARE with current practice. The new exam will consist of four (1-4) rather than five (A-E) sections and will move to a fully computerized model. All sections of the LARE will consist of multiple choice questions.

**CCR section 2615 (a) – Form of Examinations** states:

> "(2) Notwithstanding subdivision (a)(1), a candidate who has a Board-approved degree in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(3) shall be eligible and may apply for **the multiple choice sections** of the Landscape Architect Registration Examination."

This regulation needs to be updated to refer to the "multiple choice sections" of the LARE to "Sections 1 and 2" of the new LARE. This section also needs to address candidates who take Sections 3 and 4 of the new LARE before they have met California's eligibility requirements. Candidates can potentially take Sections 3 and 4 of the new LARE before meeting California's eligibility requirements because CLARB's exam scheduling system does not screen or limit candidates based on California's requirements. This section needs to be amended to state:

> "(2) Notwithstanding subdivision (a)(1), a candidate who has a Board-approved degree in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(3) shall be eligible and may apply for **Sections 1 and 2** of the Landscape Architect Registration Examination. **Such candidates shall be not be eligible for Sections 3 and 4 of the LARE until the candidate has a combination of six years of education and training experience as specified in section 2620.**
>
> **A candidate's score on the LARE shall not be recognized in this State if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.**"

This change will update the criteria for eligibility to reflect the changes in the LARE format that will be implemented in September 2012, and clearly state that the LATC will not recognize the LARE scores of candidates that were not eligible to take the exam at the time they took the LARE.

**Section 2620 – Education and Training Credits:**
The Landscape Architectural Accreditation Board (LAAB) is the accrediting organization for landscape architectural programs. As such, the LAAB develops standards to objectively evaluate landscape architectural programs and judges whether a school's landscape architectural program is in compliance with the accreditation standards. LAAB implemented new standards and procedures during fall 2010. LAAB released their updated "Accreditation Standards And Procedures" publication on February 6, 2010.

CCR section 2620 currently references the outdated LAAB "Accreditation Standards for Programs in Landscape Architecture" publication dated February 26, 1990. The attached

proposed language will update the name and release date of this publication to the most recent version.

CCR section 2620(a)(4) includes the phrase "city/community college." This phrase needs to be corrected to say "community college" because city colleges and community colleges are both two-year Associate Degree programs.

B. Anticipated Benefits of Proposal

The proposed change to CCR section 2615 will update the criteria for eligibility to reflect the changes in the LARE format that will be implemented in September 2012. If the regulation is not modified, candidates with a degree or extension certificate in landscape architecture could potentially take Sections 3 and 4 of the new LARE before completing all of the eligibility requirements, and potentially be given examination credit for Sections of the LARE that they were not eligible to take. Updating this regulation will ensure that LARE examinees will only be given examination credit for sections of the exam that they were eligible to take at the time of examination.

The proposed change to CCR section 2620 will update the name and release date of the LAAB Accreditation Standards and Procedures publication to the most recent version. CCR section 2620 currently references the outdated LAAB "Accreditation Standards for Programs in Landscape Architecture" publication dated February 26, 1990. This update will ensure that CCR section 2620 references the most current publication of the CLARB accreditation standards and procedures.

The proposed change to CCR section 2620(a)(4) will remove unnecessary redundancy in referring to community colleges and result in regulation language that is easier to read.

C. Consistency and Compatibility with Existing State Regulations

This Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/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 Require Reimbursement
None

Business Impact
The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A

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 Board has determined that the proposed regulation would not affect small businesses because it only affects candidates for examination and licensure.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses
The Board has determined 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

Benefits of Regulation
The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment: N/A

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation 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, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

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 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 Landscape Architects Technical Committee 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 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:

| | |
|---|---|
| Name: | John Keidel |
| Address: | California Architects Board<br>Landscape Architects Technical Committee<br>2420 Del Paso Road, Suite 105<br>Sacramento, CA 95834 |
| Telephone No.: | (916) 575-7233 |
| Fax No.: | (916) 575-7283 |
| E-mail Address: | John.Keidel@dca.ca.gov |

The backup contact person is:

| | |
|---|---|
| Name: | Trish Rodriguez |
| Address: | California Architects Board<br>Landscape Architects Technical Committee<br>2420 Del Paso Road, Suite 105<br>Sacramento, CA 95834 |
| Telephone No.: | (916) 575-7230 |
| Fax No.: | (916) 575-7283 |
| E-mail Address: | trish.rodriguez@dca.ca.gov |

Website Access: Materials regarding this proposal can be found at www.latc.ca.gov.

**CALIFORNIA ARCHITECTS BOARD**
**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**
**INITIAL STATEMENT OF REASONS**

Hearing Date: **July 2, 2012**

Subject Matter of Proposed Regulation: Education and Training Credits

Sections Affected: California Code of Regulations (CCR), Title 16, Division 26, Sections 2615 and 2620

As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the California Architects Board (Board). Business and Professions Code section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary in order to carry out the provisions under the Landscape Architects Practice Act.

Specific Purpose of each adoption, amendment, or repeal:

1. Problems being addressed:

   CCR section 2615 – Form of Examinations. This section needs to be updated to reflect upcoming changes in the Landscape Architect Registration Examination (LARE). The Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the LARE, the licensing examination, to the LATC. In September 2012, CLARB will implement modest structural changes to the LARE to better align the content with current practice. The new exam will consist of four (1-4) rather than five (A-E) sections and will move to a fully computerized model. All sections of the new LARE will consist of multiple choice questions. The current regulation language of CCR section 2615 provides that all multiple choice sections can be taken by candidates who have received their degree or extension certificate in landscape architecture. If the regulation is not modified, candidates with a degree or extension certificate in landscape architecture could potentially take Sections 3 and 4 of the new LARE before completing all of the eligibility requirements. The regulation needs to be amended to refer to the multiple choice sections as Sections 1 and 2 of the new LARE. This regulation also needs to be updated to clearly state that a candidate's LARE score shall not be recognized in California if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations.

   CCR section 2620 – Education and Training Credits. This section currently references the outdated Landscape Architectural Accreditation Board (LAAB) "Accreditation Standards for Programs in Landscape Architecture" publication dated February 26, 1990. The regulation needs to be amended to reflect the proper reference to the current accreditation standards publication.

CCR section 2620(a)(4) includes the phrase "city/community college." This phrase needs to be corrected to say "community college" because city colleges and community colleges are both two-year Associate Degree programs.

2. Anticipated benefits from these regulatory actions:

   The proposed change to CCR section 2615 will clarify which sections of the new LARE candidates, who have their degree or extension certificate in landscape architecture, will be eligible to take when the new LARE is implemented. Candidates with a degree or extension certificate in landscape architecture will only be able to take Sections 1 and 2 of the new LARE instead of potentially being able to take Sections 3 and 4 of the new LARE before they are eligible to take it.

   The proposed change to CCR section 2620 will update the name and release date of the LAAB's Accreditation Standards and Procedures publication to the most recent version. CCR section 2620 currently references the outdated LAAB's "Accreditation Standards for Programs in Landscape Architecture" publication dated February 26, 1990. This update will ensure that CCR section 2620 references the most current publication of the CLARB accreditation standards and procedures.

   The proposed change to CCR section 2620(a)(4) will remove unnecessary redundancy in referring to community colleges and result in regulation language that is easier to read.

Factual Basis/Rationale

**Section 2615 – Form of Examinations**

CLARB is the national test vendor that supplies the LARE, the licensing examination, to the LATC. In September 2012, CLARB will implement modest structural changes to the LARE to better align the content of the LARE with current practice. The new exam will consist of four (1-4) rather than five (A-E) sections and will move to a fully computerized model. All sections of the LARE will consist of multiple choice questions. **CCR section 2615 (a) – Form of Examinations** states:

> "(2) Notwithstanding subdivision (a)(1), a candidate who has a Board-approved degree in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(3) shall be eligible and may apply for **the multiple choice sections** of the Landscape Architect Registration Examination."

This regulation needs to be updated to refer to the "multiple choice sections" of the LARE to "Sections 1 and 2" of the new LARE. This section also needs to address candidates who take Sections 3 and 4 of the new LARE before they have met California's eligibility requirements. Candidates can potentially take Sections 3 and 4 of the new LARE before meeting California's

eligibility requirements because CLARB's exam scheduling system does not screen or limit candidates based on California's requirements. This section needs to be amended to state:

> "(2) Notwithstanding subdivision (a)(1), a candidate who has a Board-approved degree in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(3) shall be eligible and may apply for **Sections 1 and 2** of the Landscape Architect Registration Examination. **Such candidates shall be not be eligible for Sections 3 and 4 of the LARE until the candidate has a combination of six years of education and training experience as specified in section 2620.**
>
> **A candidate's score on the LARE shall not be recognized in this State if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.** "

This change will update the criteria for eligibility to reflect the changes in the LARE format that will be implemented in September 2012, and clearly state that the LATC will not recognize the LARE scores of candidates that were not eligible to take the exam at the time they took the LARE.

**Section 2620 – Education and Training Credits**

The LAAB is the accrediting organization for landscape architectural programs. As such, the LAAB develops standards to objectively evaluate landscape architectural programs and judges whether a school's landscape architectural program is in compliance with the accreditation standards. LAAB implemented new standards and procedures during fall 2010. LAAB released their updated "Accreditation Standards And Procedures" publication on February 6, 2010.

CCR section 2620 currently references the outdated LAAB's "Accreditation Standards for Programs in Landscape Architecture" publication dated February 26, 1990. The attached proposed language will update the name and release date of this publication to the most recent version.

Underlying Data

1. CLARB September 2012 LARE Transition – Frequently Asked Questions
2. LARE Transition Chart
3. Landscape Architectural Accreditation Board, Accreditation Standards And Procedures, February 6, 2010

Business Impact

This regulation will not have a significant adverse economic impact on directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only candidates for examination and licensure.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it only affects candidates for examination and licensure.
- It will not create new business or eliminate existing businesses within the State of California because it only affects candidates for examination and licensure.
- It will not affect the expansion of businesses currently doing business within the State of California because it only affects candidates for examination and licensure.
- This regulatory proposal does not affect the health and welfare of California residents because it only affects candidates for examination and licensure.
- This regulatory proposal does not affect worker safety because it only affects candidates for examination and licensure.
- This regulatory proposal does not affect the state's environment because it only affects candidates for examination and licensure.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

The LATC did not consider other alternatives to the proposed regulation because this is the best way to carry out the purpose for which the action is proposed.

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

**CALIFORNIA ARCHITECTS BOARD**
**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**
**PROPOSED LANGUAGE**

Amend Section 2615 of Division 26 of Title 16 of the California Code of Regulations to read as follows:

**§ 2615 Form of Examinations**

(a) (1) A candidate who has a combination of six years of education and training experience as specified in section 2620 shall be eligible and may apply for the Landscape Architect Registration Examination.

(2) Notwithstanding subdivision (a)(1), a candidate who has a Board-approved degree in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(3) shall be eligible and may apply for ~~the multiple choice s~~Sections 1 and 2 of the Landscape Architect Registration Examination. Such candidates shall not be eligible for Sections 3 and 4 of the LARE until the candidate has a combination of six years of education and training experience as specified in section 2620.

A candidate's score on the LARE shall not be recognized in this State if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.

(b) A candidate shall be deemed eligible and may apply for the California Supplemental Examination upon passing all sections of the Landscape Architect Registration Examination.

(c) All candidates applying for licensure as a landscape architect shall pass all sections of the Landscape Architect Registration Examination or a written examination substantially equivalent in scope and subject matter required in California, as determined by the Board, and the California Supplemental Examination subject to the following provisions:

(1)A candidate who is licensed as a landscape architect in a U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter required in California as determined by the board shall be eligible for licensure upon passing the California Supplemental Examination.

(2)A candidate who is not a licensed landscape architect and who has received credit from a U.S. jurisdiction, Canadian province, or Puerto Rico for a written examination substantially equivalent in scope and subject matter required in California shall be entitled to receive credit for the corresponding sections of the Landscape Architect

Registration Examination, as determined by the Board, and shall be eligible for licensure upon passing any remaining sections of the Landscape Architect Registration Examination and the California Supplemental Examination.

**NOTE: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5651, Business and Professions Code.**

Amend Section 2620 of Division 26 of Title 16 of the California Code of Regulations to read as follows:

**§ 2620 Education and Training Credits**

The Board's evaluation of a candidate's training and educational experience is based on the following table:

| Experience Description | Education Max. Credit Allowed | Training and/or Practice Max. Credit Allowed |
|---|---|---|
| (a) Experience Equivalent: | | |
| (1) Degree in landscape architecture from an approved school. | 4 years | |
| (2) Degree in landscape architecture from a non-approved school. | 3 years | |
| (3) Extension certificate in landscape architecture from an approved school. | 2 years | |
| (4) Associate degree in landscape architecture from a ~~city/~~community college which consists of at least a 2-year curriculum. | 1 year | |
| (5) Extension certificate as specified in subdivision (a)(3) and a degree from a university or college which consists of a 4-year curriculum. | 4 years | |
| (6) Associate degree from a college specified in subdivision (a)(4) | 3 years | |

| Experience Description | Education Max. Credit Allowed | Training and/or Practice Max. Credit Allowed |
|---|---|---|
| and an extension certificate as specified in subdivision (a)(3) of this section. | | |
| (7) Partial completion of a degree in landscape architecture from an approved school. | 1 year | |
| (8) Partial completion of an extension certificate in landscape architecture from an approved school where the applicant has a degree from a university or college which consists of a four-year curriculum. | 1 year | |
| (9) A degree in architecture which consists of at least a four-year curriculum that has been accredited by the National Architectural Accrediting Board. | 1 year | |
| (10) Self employment as, or employment by, a landscape architect licensed in the jurisdiction where the experience occurred shall be granted credit on a 100% basis. | | 5 years |
| (11) Self employment as, or employment by, a | | 1 year |

| Experience Description | Education Max. Credit Allowed | Training and/or Practice Max. Credit Allowed |
|---|---|---|
| licensed architect or registered civil engineer in the jurisdiction where the experience occurred shall be granted credit on a 100% basis. | | |
| (12) Self employment as a California licensed landscape contractor or a licensed landscape contractor in another jurisdiction where the scope of practice for landscape contracting is equivalent to that allowed in this State pursuant to Business and Professions Code Section 7027.5 and Cal. Code Regs. Title 16, Section 832.27 shall be granted credit on a 100% basis | | 4 years |

(b) Educational Credits.

(1) Candidates shall possess at least one year of educational credit to be eligible for the examination.

(2) A degree from a school with a landscape architecture program shall be defined as one of the following:

(A) Bachelor of Landscape Architecture.
(B) Bachelor of Science in landscape architecture.
(C) Bachelor of Arts in landscape architecture.
(D) Masters degree in landscape architecture.

(3) The maximum credit which may be granted for a degree or combination of degrees from an approved school shall be four years of educational credit.

(4) A degree from a school with a landscape architecture program shall be deemed to be approved by the Board if the landscape architectural curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB) as specified in its publication: "Accreditation Standards ~~for Programs in Landscape Architecture~~ And Procedures" dated February ~~26, 1990~~ 6, 2010 or the Board determines that the program has a curriculum equivalent to a curriculum having LAAB accreditation.

(5) For purposes of subdivisions (a)(7) and (8), “partial completion” shall mean that the candidate completed at least 80 percent of the total units required for completion of the 4-year degree or extension certificate program.

(6) Except as provided in subdivisions (a)(7) and (8), no credit shall be granted for academic units obtained without earning a degree or extension certificate under categories of subdivisions (a)(1), (2), (3) or (4) of this section.

(7) A candidate enrolled in a degree program where credit earned is based on work experience courses (e.g., internship or co-op program) shall not receive more than the maximum credit allowed for degrees under subdivision (a)(1), (2) or (3) of this section.

(8) Except as specified in subdivision (a)(5) and (6) of this section, candidates with multiple degrees shall not be able to accumulate credit for more than one degree.

(9) The Board shall not grant more than four years of credit for any degree or certificate or any combination thereof for qualifying educational experience.

(c) Training Credits

(1) (A) Candidates shall possess at least two years of training/practice credit to be eligible for the examination.

(B) At least one of the two years of training/practice credit shall be under the direct supervision of a landscape architect licensed in a United States jurisdiction, and shall be gained in one of the following forms:

1. After graduation from an educational institution specified in subdivisions (a)(1), (2), (3) or (4) of this section.

2. After completion of education experience specified in subdivisions (a)(7) and (8) of this section.

(C) A candidate shall be deemed to have met the provisions of subdivision (c)(1)(B) if he or she possesses a degree from a school specified in subdivision (a)(1) and has at least two years of training/practice credit as a licensed landscape contractor or possesses a

certificate from a school specified in subdivision (a)(3) and has at least four years of training/practice credit as a licensed landscape contractor.

(2) Candidates shall be at least 18 years of age or a high school graduate before they shall be eligible to receive credit for work experience.

(3) A year of training/practice experience shall consist of 1500 hours of qualifying employment. Training/practice experience may be accrued on the basis of part-time employment. Employment in excess of 40 hours per week shall not be considered.

(d) Miscellaneous Information

(1) Independent, non-licensed practice or experience, regardless of claimed coordination, liaison, or supervision of licensed professionals shall not be considered.

(2) The Board shall retain inactive applications for a five (5) year period. Thereafter, the Board shall purge these records unless otherwise notified by the candidate. A candidate who wishes to reapply to the Board, shall be required to re-obtain the required documents to allow the Board to determine their current eligibility.

**NOTE: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.**

**Agenda Item M**

## REVIEW OF SCHEDULE

| | | |
|---|---|---|
| June | | |
| 14 | Board Meeting | Sacramento |
| 20 | Communications Committee Meeting | Sacramento |
| 20-22 | National Council of Architectural Registration Boards Annual Meeting and Conference | Minneapolis, MN |
| July | | |
| *4* | *Independence Day* | *Office Closed* |
| August | | |
| 14 | Landscape Architects Technical Committee Meeting | Sacramento |
| September | | |
| *3* | *Labor Day* | *Office Closed* |
| 10-22 | LARE Sections 1 & 2 Administration | Various |
| 13 | Board Meeting | Los Angeles |
| 13-15 | Council of Landscape Architectural Registration Boards Annual Meeting | San Francisco |
| 28-1 | American Society of Landscape Architects (ASLA) 2012 Annual Meeting & Expo | Phoenix, AZ |
| October | | |
| 1 | ASLA Annual Meeting (cont'd) | Phoenix, AZ |
| November | | |
| *12* | *Veterans Day Observed* | *Office Closed* |
| *22-23* | *Thanksgiving Holiday* | *Office Closed* |
| December | | |
| 3-15 | LARE Sections 3 & 4 Administration | Various |
| 5-6 | Board Meeting/Strategic Planning | San Francisco |
| *25* | *Christmas* | *Office Closed* |

**Agenda Item N**

**ADJOURNMENT**

Time: _____