CALIFORNIA ARCHITECTS BOARD

SEPTEMBER 13, 2012

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Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF BOARD MEETING

September 13, 2012
10:00 a.m. – 5:00 p.m.
Mt. San Antonio College
Building 6, Room 160
1100 North Grand Avenue, Walnut, CA 91789
(908) 594-5611

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 June 14, 2012, Board Meeting Minutes

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

(Continued)

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G. 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 Section 123

H. Report on National Council of Architectural Registration Boards (NCARB)

I. Review and Approve Proposed Regulations to Amend California Code of Regulations, Title 16, Division 2, Section 109, Filing of Applications and Section 117, Experience Evaluation

J. Communications Committee Report
   1. Update on June 20, 2012, Communications Committee Meeting
   2. Review and Approve Recommendation Regarding 2012 Strategic Plan Objective to Prepare a Concise Board Mission Statement for Use in All Communications
   3. Review and Approve Recommendation Regarding 2012 Strategic Plan Objective to Establish a Social Media Presence for the Board
   4. Review and Approve Recommendation Regarding 2012 Strategic Plan Objective to Review and Finalize Board School Presentation Materials
   5. Review and Approve Recommendation Regarding 2012 Strategic Plan Objective to Expand the Board e-News Distribution List

K. Landscape Architects Technical Committee (LATC) Report
   1. Update on August 14, 2012, LATC Meeting
   2. Review and Approve Recommendation Regarding Application Fee for Approval of Landscape Architecture School

L. Review of Schedule

M. 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

Pasqual V. Gutierrez

Jeffrey D. Heller

Marilyn Lyon

Matthew McGuinness

Michael Merino

Fermin Villegas

Sheran Voigt

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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.

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Agenda Item C

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

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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.

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Agenda Item E

APPROVE THE JUNE 14, 2012, BOARD MEETING MINUTES

The Board is asked to approve the minutes of the June 14, 2012, Board meeting.

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MINUTES

REGULAR MEETING

CALIFORNIA ARCHITECTS BOARD

June 14, 2012

Sacramento, 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 (Arrived at 10:30 a.m.)
Jeffrey Heller
Pasqual Gutierrez
Fermin Villegas

Board Members Absent
Michael Merino
Hraztan Zeitlian

Guests Present
Kurt Cooknick, Director of Regulation and Practice, The American Institute of Architects, California Council (AIACC)
Yeaphana LaMarr, Legislative Analyst, Division of Legislative and Policy Review, Department of Consumer Affairs (DCA)
David Allen Taylor, Chair, Landscape Architects Technical Committee (LATC)

Staff Present
Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Justin Sotelo, Program Manager, Examination/Licensing Unit
Marccus Reinhardt, Administration Analyst
Hattie Johnson, Enforcement Officer
Robert Carter, Architect Consultant
Don Chang, Legal Counsel, DCA

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

B. PRESIDENT'S REMARKS

Ms. Lyon stated that there would be several key agenda items [committee procedures, on-site release of California Supplemental Examination (CSE) results, report on CSE cost savings, CSE development contract, and fingerprinting requirement] discussed during the meeting.

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

There were no items to be considered in closed session.

D. PUBLIC COMMENT SESSION

There were no public comments.

E. APPROVE THE MARCH 7, 2012 BOARD MEETING MINUTES

Ms. Lyon asked for a motion to approve the March 7, 2012, Board Meeting Minutes.

- **Sheran Voigt moved to approve the March 7, 2012, Board Meeting Minutes.**

  Pasqual Gutierrez seconded the motion.

  The motion passed 6-0.

F. EXECUTIVE OFFICER'S REPORT

Ms. Lyon asked Doug McCauley to present this agenda item.

Mr. McCauley reported that the next Board meeting (September 13, 2012) would be in southern California. He stated that the details for the September meeting are still being finalized. He also reported that the December Board meeting is planned for San Francisco.

Mr. McCauley reported that work on the state budget was underway in the Legislature and the deadline for it is tomorrow. He also reported that without a budget the typical fiscal control mechanisms would likely be implemented and would include restrictions on contracts, travel, and hiring as they have previously. He said there is another budget related item being discussed and that it is concerning a shift in the state work week from five 8-hour days to four 9.5-hour days along with a five percent reduction in pay. He stated this would definitely impact staff workload in relation to accomplishing Board objectives. He also stated that discussions with the various unions are ongoing with hopes to have an agreement by July 1. He further stated that with a state constitutional amendment lowering the vote requirement to 50% for budget approval, the probability for an on-time budget could increase. He added this would help avoid the budget stalemates that have endured, sometimes for months, in previous years.

Mr. McCauley briefly reported on the 2012 National Council of Architectural Registration Boards (NCARB) Practice Analysis and how fortuitous the timing is given that the Board is about to conduct

its practice analysis for the CSE. He also reported that part of the Board's process includes a comparison of the national practice analysis results to the Board's when determining what content is already covered in the Architect Registration Examination (ARE) so that there is no "double testing" of content. He further reported that the deadline for responding to NCARB's practice analysis was extended to May 6, 2012. He reported the goal is for the vendor conducting the practice analysis to have an initial report ready for the NCARB Board's review by September 2012.

Mr. McCauley reported on the NCARB 2012 Annual Meeting and Conference being held next week. He also reported that due to the fiscal restrictions that California and other states are experiencing, NCARB has developed an electronic method for participating in the conference. He encouraged the Board members to take advantage of the electronic method and added that an email would be sent to them with the relevant information tomorrow.

Mr. McCauley applauded the Board's Enforcement Unit for their efforts at reducing case backlog and aging, both of which are within the DCA mandated goals. He also reported on the planning department advisory letter, which had previously been discussed by the Board at its March 7, 2012 meeting. He said that after the letter was sent to the planning departments, the Board received six responses, most all of which were positive. Robert Carter stated he attended the Tri-Chapter (which consists of the East Bay, Monterey and Peninsula chapters of the International Code Council) Annual Meeting and the feedback that he received relative to the letter was also positive.

Mr. McCauley reported that the Governor had made several new appointments to the LATC that included Andrew Bowden of Newport Beach, Katherine Spitz of Los Angeles, and Nicki Johnson of Roseville.

Mr. McCauley reported on pending legislation beginning with Senate Bill (SB) 975, which is sponsored by the American Council of Engineering Companies, California and clarifies only professional boards authorized by the Legislature to issue licenses may mandate continuing education or other licensing requirements. He stated that SB 975 would mandate that such a requirement(s) be placed in the respective profession's practice act. He also stated the bill is moving forward with amendments. He further stated that since the Board had previously voted to support the bill no additional action was necessary at this meeting.

Mr. McCauley next reported on Assembly Bill (AB) 1822, which restructures Board member term expiration dates and staggers them in such a manner as to avoid having a significant number of the member terms expire in any given year. He said the bill had cleared the Assembly and was in the Senate where it is anticipated to be heard at the first policy committee hearing in July. He added that at a previous meeting, the Board had discussed the Social Security Number (SSN) requirement for licensure and how it could be an obstacle for foreign practitioners who would like to become licensed in California. He stated that an amendment to the Architects Practice Act (Act) would be required to allow for the acceptance of the Individual Taxpayer Identification Number in lieu of the SSN. He also stated that AB 1822 could be used as a vehicle for achieving the amendment. Mr. McCauley stated that within the meeting packet was a copy of the language that staff developed for the Board's consideration. He recommended that the Board approve the amendment to AB 1822.

- **Sheran Voigt moved to approve the recommended amendment to AB 1822 that permits the Board to accept the Federal Tax Identification Number or other appropriate identification number in lieu of a Social Security Number for licensure.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

Mr. McCauley reported that AB 2482 regarding interior designer licensing died in committee and was not heard. He also reported that the bill had no support in the committees except from the bill's author. He further reported that proponents of the bill will be participating in the Sunset Review process for the California Council for Interior Design Certification (CCIDC). Jeffrey Heller suggested developing a collective letter from the Board, AIACC, and other opposition groups which could be used when interest in licensing interior designers is raised in the future. Mr. McCauley suggested waiting until the Sunset Review process (for CCIDC) and then drafting a joint letter with AIACC expressing opposition and then explaining the rationale.

Mr. McCauley reported on AB 2570 which would prohibit an architect or their agent from including or allowing the inclusion of any provision that would prevent the other party in a settlement action from contacting, filing a complaint, or cooperating with the Board or that would require the other party to withdraw their complaint; such a provision would be a violation of public policy. He also reported that there is another provision of the bill that would prohibit requiring the architect to pay additional monetary damages to the other party through an administrative process after an agreement is reached in a settlement action. He recommended the Board support the bill because it (along with AIACC) supported a similar measure several years ago, and the bill also touches upon a Strategic Plan objective assigned to the Regulatory and Enforcement Committee (REC).

- **Sheran Voigt moved to support to AB 2570.**

  Pasqual Gutierrez seconded the motion.

  The motion passed 6-0.

G. REVIEW AND APPROVE COMMITTEE PROCEDURES

Ms. Lyon asked Mr. McCauley to present this agenda item.

Mr. McCauley stated that at the previous Board meeting the Board undertook discussion regarding the committee procedures. He also stated that during the discussion several themes arose such as the: 1) value and continuity of a chair serving more than one year; 2) size of the committees; 3) committees meeting regularly; 4) roles of the chair and vice chair; and 5) review process for committee members. He further stated that draft procedures included in the meeting packet take all of these into consideration while allowing the Board a measure of flexibility. Jon Baker stated that the "Review" section of the proposed procedures only address the participation and contribution of the committee member in the required report. He opined that the report should be broader in scope and include the progress with Strategic Plan objectives. Mr. Gutierrez stated that the procedures were silent on the assignment of the committees and the appointment of the committee chair and members. He also stated that when he took office as Board president, it was a long-standing practice but there was nothing defining that it was the president's role and responsibility to appoint committee chairs and members. He suggested the Board should perhaps take a lesson from NCARB resolution 2012-04 that is in the meeting packet, and formalize the process of the Board president making the

appointments. Mr. McCauley responded that a procedure is within the Board Member Administrative Procedures Manual. Ms. Lyon asked that the procedure within the manual be cross-linked to the new committee procedures the Board is considering. Mr. McCauley said it would be done. Mr. Baker suggested the completion of the committee chairs' reports be timed in relation to when the Board president is selected and when they would begin making appointments. He stated it would be quite helpful to have the reports before the last Board meeting of the year. Mr. McCauley suggested the reports be completed by Thanksgiving of every year. Mr. Gutierrez suggested that the committee chair and member appointments made by the Board president in concert with the Board's Executive Committee. Mr. McCauley stated there would be open meeting law issues to consider with that suggestion, and the procedures already allow for the Board president to consult with the Board vice president and executive officer.

- **Sheran Voigt moved to accept the committee procedures as amended.**

  Jon Baker seconded the motion.

  The motion passed 6-0.

H. CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

Ms. Lyon asked Justin Sotelo to present this agenda item.

Mr. Sotelo stated that first item for the Board's consideration is the new intra-agency contract agreement with the Office of Professional Examination Services (OPES) related to development of the CSE for fiscal year (FY) 2012/2013. He also stated that incorporated in the contract is a provision, in accordance to the Board's directive, for a process to provide CSE results to candidates at the test center. He further stated that the current contract has to be amended to also incorporate the same provision.

- **Sheran Voigt moved to approve the new intra-agency contract agreement with the OPES for FY 2012/13 and authorize staff to proceed with an amendment of the current inter-agency contract agreement.**

  Fermin Villegas seconded the motion.

Mr. Gutierrez asked for the costs of the 2010/11 intra-agency agreement with OPES. Mr. Sotelo responded that the 2010/11 OPES contract was multi-year and included the costs for the initial development of the computer-delivered CSE. He stated that the single FY cost was approximately $100,000.

The motion passed 6-0.

Mr. Sotelo stated that the agenda item, regarding examination security for both the ARE and CSE, was continued from the Board's previous meeting in March. He said that at the March meeting the Board directed staff to provide a report in June, which included the results of the NCARB discussion (from their April meeting) on the issue. He summarized the issues that had been raised by AIACC and are listed on the relevant agenda item in the meeting packet. Mr. Baker stated that he had discussed the issue with the NCARB Board and they were not amenable to changing the current

language in their security agreement after consulting with their legal counsel on the matter. He also stated that the NCARB Board did acknowledge a need to find a mechanism by which to better communicate to interns their options related to discussing examination content with their mentors. He further stated that he would continue to press the issue with the NCARB Board. Mr. Baker said that he was hopeful a change could be made to the security agreement wording that would specify and clarify what interns are permitted to discuss with mentors. Kurt Cooknick suggested establishing something analogous to an attorney-client privilege that would allow interns to communicate issues, concerns, or difficulties regarding the exam with their mentor. Mr. Baker stated that the vagueness of the language creates a situation that is counter to the purpose of mentors providing guidance to interns.

Mr. McCauley stated that California has a specific statute regarding examination security and the subversion of licensing examinations. Don Chang stated the act of an intern discussing issues, concerns, or difficulties related to the exam would not typically be sufficient to constitute subversion of an examination in California. He also stated the California statute focuses on the intent while the NCARB position is broad and prohibits any discussion with anyone using any method. He further stated that in California the concern is whether an individual is attempting the unauthorized removal of or obtaining unauthorized access to examination content and has the intent to subvert the examination. He said the concern is not typically the discussion of the examination with a mentor for teaching purposes. Mr. Baker asked Mr. Chang for a legal opinion that he could share with the NCARB Board in his discussions. Mr. McCauley stated this issue arose out of several incidents that had occurred involving the ARE Forum website and is NCARB's reaction to those incidents. Mr. Baker said Mr. McCauley was correct in his conclusion and that a compromise of the ARE content is extremely expensive for NCARB to rectify. Ms. Lyon asked that this item be reported on at future Board meetings.

Mr. Sotelo stated that at the March meeting, staff was asked to provide a cost savings comparison for the CSE. He stated that included in the meeting packet was the requested cost comparison. He explained that to calculate the data in the comparison for the oral format costs four-year averages were used because some of the development costs are spread over an extended time period. He added that the computer-delivered format data was based on actual costs because development is done on a continuous basis. He also explained that data in the comparison was further divided into development, administration, and other associated costs.

Ms. Lyon suggested that staff should postpone pursuing a negative Budget Change Proposal (BCP) until such time as they can ascertain there are no unintended or unforeseen costs. Mr. McCauley stated that he concurred with Ms. Lyon's suggestion to postpone a negative BCP and that the DCA Budget Office had made a similar recommendation. He explained that the differences in the budgeting process between the private and government sectors is such that the Board cannot readily adjust its funding to accommodate unforeseen or additional costs without approvals from the control agencies.

Mr. Sotelo reported that as of June 1, 2012, CSE test results are now being released to candidates at test sites as previously directed by the Board. He stated that several methods have been used to communicate to candidates that results are now being released after they complete their examination. He also stated that there have no reported incidents or issues related to the release of the CSE results at test centers.

I. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

Ms. Lyon asked Mr. Sotelo to present this agenda item. Mr. Sotelo reported that the PQC met on May 16, 2012, and the agenda for that meeting is included in the meeting packet. He stated that many of the items on the agenda are also on the Board's agenda for discussion.

Jeffrey Heller summarized the key issues addressed at the PQC meeting and the outcome of those discussions. He stated that the PQC was receptive to rotating its members and adding fresh perspectives and insight to the Committee. He said that there was extensive discussion with respect to continuing education. He further said that while there was some sentiment expressed among the Committee members and the Board regarding continuing education, he opined the current political atmosphere is such that state government would not be receptive to the idea. He stated that because the PQC consolidated with the Examination Committee there would be an added importance when the Board determines who is appointed to the PQC and the direction it takes. He stated that during discussions related to the Academy of Emerging Professionals' Educational Summit the issue arose regarding the role of the schools of architecture and the need for them to provide stronger professional practice courses. He said the sentiment of the PQC (and the Board) is that there should continue to be a pursuit of integrating professional practice.

Mr. Sotelo stated on March 29, 2012, the regulatory package to repeal the Comprehensive Intern Development Program (CIDP) was approved by the Office of Administrative Law. He also stated that notification was made to affected candidates through a variety of available means (e.g., email, letter, Twitter, et. al.). He further stated that candidates eligible for the CSE after the repeal of CIDP were sent an application.

Mr. Baker stated that there is area of concern for him related to a program change in the NCARB Intern Development Program (IDP). He said the concern is the inequity between academic and non-academic internships. He said that the NCARB IDP Advisory Committee considered the issue and recommended that candidates who are participating in academic internships should receive the same IDP experience credit regardless of whether or not the academic internship is required by the school as part of the curriculum. He said that he understands in California this is not permitted. He asked Mr. McCauley to explain whether this is because of a regulation or policy. Mr. McCauley responded that it is a regulatory prohibition and that measures are being taken to address the issue. He asked Mr. Sotelo to explain the specific actions being taken to align with the NCARB IDP guidelines. Mr. Sotelo advised that the issue raised is actually the next agenda item for consideration.

Mr. Sotelo explained that the issue regarding academic internship credit was raised at the PQC meeting in May noting the difference between the IDP Guidelines and the Board's regulations. He said it is the recommendation of the PQC to align the Board's regulations with the IDP Guidelines. He said further research (including consulting legal counsel) is needed to develop a regulatory proposal for the Board's consideration. He also said that proposed language would be presented at a later Board meeting. Mr. Baker asked for a clarification about the regulation that prohibits credit for academic internships. Mr. Sotelo responded by stating that as it currently reads, the regulatory language prohibits candidates from receiving experience credit for an accredited degree and additional experience credit for an academic internship that was completed to meet the degree requirements.

- **Pasqual Gutierrez moved to accept the PQC's recommendation and direct staff to proceed with a regulatory proposal to align with the new academic internship allowance component of NCARB's IDP 2.0.**

  Jon Baker seconded the motion.

  The motion passed 7-0.

Mr. Sotelo stated that in early-May a proposal was submitted by NCARB to the Board for consideration and comment. He said the proposal is related to a modification of the IDP Guidelines that would eliminate the 930-hour cap on experience earned for work performed while in an approved academic internship program. The proposal was brought before the PQC for consideration and their recommendation is to support the proposal.

- **Pasqual Gutierrez moved to accept the PQC's recommendation to support NCARB's proposed modification to IDP-related academic internships removing the 930-hour cap and provide comments to NCARB as requested.**

  Jon Baker seconded the motion.

  The motion passed 7-0.

Mr. Sotelo said a second proposal submitted by NCARB for the Board's consideration and comment is to add construction work as an acceptable supplemental experience type under the IDP Guidelines. He said this would provide additional opportunities for interns to receive "hands-on" construction experience credit. He also said the PQC after reviewing and discussing the proposal, recommended support for it with the added comments that "construction work" be better defined, and include a range of meaningful construction activities, with an appropriate minimum duration requirement.

Mr. Baker commented that the NCARB Internship and IDP Advisory Committees extensively deliberated defining "construction work." He said the committees opted to find a middle ground that was neither too specific nor general in defining the qualifying construction activities. He said with the "hands-on" approach the expectation is that an intern working in a specific trade is performing the work of that trade. He said the minimum duration of the work experience was also extensively debated and ultimately the Committees determined they would recommend to the NCARB Board the elimination of the minimum work duration requirement. He stated the Committees considered numerous scenarios where interns could work less than the current (eight week) minimum duration but would receive no credit for the experience. He stated that the committees opined that if an intern worked for one hour, then they should receive one hour of IDP credit. He also stated that the NCARB Board made the proposal a charge of the Internship Committee for further research effectively tabling it for later reconsideration. Mr. Baker opined this might be due to resistance from other state boards that believe the minimum work duration should have remained as it used to be (a minimum of six consecutive months) and would be disinclined to approve such a change at present.

- **Jeffrey Heller moved to accept the PQC's recommendation to support NCARB's proposed modification to the IDP Guidelines adding "construction work" as an acceptable supplemental experience type and provide comments to NCARB as requested.**

Jon Baker seconded the motion.

Mr. Gutierrez stated that the minimum duration of eight consecutive weeks presents a problem for him due to the inevitability of delays that can occur during the construction process, and suggested it be changed to eight total weeks minimum. Mr. Baker stated if there is something in the proposal which the Board feels is contrary to the way it should be, then perhaps the Board should find a mechanism (i.e., a letter to the NCARB Board) to convey its concerns to NCARB. He said it would be best that any changes made to IDP occur at the NCARB level. He opined that there is significant support for the proposed changes and the NCARB Board will likely approve them.

The motion passed 7-0.

Mr. Sotelo stated that a supplemental handout was being provided to the Board members related to the mandatory continuing education audits that commence with the renewal cycle beginning January 1, 2013. He said that at the Strategic Planning meeting in December 2011, an objective was assigned for staff to develop a continuing education audit system for review by the PQC. He explained the mandated audits are a change to the continuing education requirement because of the passage of AB 1746. He stated the significant components of the law are that it: 1) requires a minimum 3% audit of license renewals; 2) provides language authorizing the Board to issue citations or take disciplinary action against licensees who knowingly providing false or misleading information regarding the completion of continuing education; and 3) requires the Board to provide the Legislature a report in 2019 on the level of license compliance, actions taken for non-compliance, the findings of the Board's audits and any recommendations to improve the system.

Mr. Sotelo said that for the consideration of the Board is the audit system researched and developed by staff and recommended by the PQC. He explained to the Board how the audit system would work once implemented should the Board approve it as presented. Mr. Baker stated that during discussions at the NCARB Board level one of the topics that arose is the appropriate role of NCARB with respect to continuing education. He said it was considered whether NCARB could fulfill the auditing role to assist member boards instead of each state board doing it themselves. He asked about the sentiment among the Board and staff for having NCARB performing this work. Mr. McCauley stated that there could be some contractual and/or legal limitations that would prohibit the Board from using NCARB to perform this service. Mr. Chang stated that at present the state is prohibited from contracting for work that could be performed by a public employee. He also said that as the law reads the Board is required to perform the work itself.

- **Sheran Voigt moved to accept the continuing education audit system as presented.**

  Pasqual Gutierrez seconded the motion.

  The motion passed 7-0.

Mr. Sotelo stated that at the PQC meeting there was discussion regarding a comprehensive continuing education requirement. He said the consensus among the Committee was there should be a plan ready for implementation should a comprehensive continuing education requirement become mandated by the Legislature. He stated that included in the Board meeting packet are the recommendations from the PQC for the Board's consideration. He said that the PQC's position was that the Board should consider the six recommendations provided and use any or all of them to

formulate a plan for comprehensive continuing education. Mr. Gutierrez stated that he was opposed to the idea of NCARB eliminating individually planned educational activities in the model law. He opined that the essence of the profession is research and innovation and to eliminate the opportunity is a detriment to the profession.

- **Pasqual Gutierrez moved to accept the PQC's continuing education strategy recommendation to monitor the work of NCARB's Continuing Education Committee.**

  Sheran Voigt seconded the motion.

Mr. Cooknick stated that the Public Utilities Commission (PUC) and California Energy Commission (CEC) are considering possibly requiring architects complete a continuing education requirement in energy and sustainable design. He said this concerns the AIACC because of the piecemeal approach to continuing education it presents. He also expressed concern whether the development of a continuing education strategy gives groups that would like to see additional continuing education requirements a platform from which to launch their agenda. Mr. Baker stated that with SB 975 (which was previously discussed) such requirements for continuing education and licensing would need to be placed within the practice act thereby preventing PUC, CEC, and others from advancing piecemeal continuing education requirements. He said the creation of a comprehensive program could demonstrate to other organizations that the profession is diligent about continuing education and help avoid the piecemeal approach that has been taken.

- **Pasqual Gutierrez withdrew his motion to accept the PQC's continuing education strategy recommendation to monitor the work of NCARB's Continuing Education Committee.**

  Ms. Voigt agreed to accept Mr. Gutierrez's withdrawal of his motion.

Ms. Voigt also said that, as she understands it, part of the reason the Board is not supporting comprehensive continuing education is because it has not been demonstrated that there is a need for it. Mr. Gutierrez suggested approving the PQC recommendation that should AIACC pursue continuing education legislation, the Board would assist in building a coalition of interested groups in support of CE for architects. Mr. Heller suggested monitoring the situation for now and observing other states to see how many that do not currently have a continuing education requirement adopt one. Mr. Cooknick stated that while the AIACC is not planning on sponsoring legislation mandating continuing education, for clarification, the AIACC fully supports it, just not in a piecemeal manner.

- **Pasqual Gutierrez moved to accept the PQC's continuing education strategy recommendations to monitor the work of NCARB's Continuing Education Committee and that should the AIACC pursue legislation the Board will assist and support them in the effort.**

  Sheran Voigt seconded the motion.

Mr. Baker suggested asking the Legislature to grant the Board the authority to develop a comprehensive continuing education so that a constructive discussion within the Board could take place.

The motion passed 7-0.

Mr. Sotelo stated that the issue of recognizing and accepting an NCARB Certificate obtained through the Broadly Experienced Foreign Architects (BEFA) program has been discussed at several previous Board meetings. He reminded the Board that in September 2011 a presentation was provided by NCARB to inform the Board about the BEFA program and how it functions. He said that at the December 2011 Board meeting an objective was developed to amend the regulations relevant to reciprocal licensure and permit the Board to recognize and accept applications from foreign architects who have met the requirements of the BEFA program and been granted an NCARB Certificate. He stated that staff has drafted proposed regulatory language which was reviewed by the PQC in May. He said the PQC made the recommendation to pursue the regulatory change in furtherance of the objective's goals.

- **Pasqual Gutierrez moved to accept the PQC's recommendation to amend California Code of Regulations section 121 which would permit the Board to recognize and accept an NCARB Certificate obtained through the BEFA program for foreign architects seeking reciprocal licensure in California.**

  Sheran Voigt seconded the motion.

  The motion passed 7-0.

Mr. Sotelo stated that agenda item I.9 was previously discussed during the Executive Officer's report and a motion was passed which would amend AB 1822 to include language permitting the acceptance of a Federal Individual Taxpayer Identification Number in lieu of a Social Security Number for licensure in California.

Mr. Sotelo stated that at the December 2011 Board meeting an objective was developed to determine the feasibility of establishing a Broadly Experienced Intern pathway as an alternate method of satisfying the IDP requirements. He said that NCARB has the Broadly Experienced Architect (BEA) program for those architects who do not have an accredited degree as alternate means to achieve an NCARB Certificate. He stated that no similar program exists for interns who have not completed IDP and they would be prevented from documenting their prior experience because of the NCARB Six-Month Rule. Mr. Gutierrez explained that there are candidates who for whatever reason fell out of the process for licensure and now are subject to the Six-Month Rule which essentially negates their years of experience. He said by allowing an intern the option to submit a portfolio of their experience which is validated and then evaluated against the IDP criteria would permit the candidates to continue the licensure process. Mr. Baker said this issue was assigned to the NCARB Internship Committee for research next year. Mr. Gutierrez summarized the PQC's recommendations as to research and/or develop the criteria for recognizing a broadly experienced intern and provide that to NCARB.

- **Pasqual Gutierrez moved to accept the PQC's recommendation to research and/or develop appropriate criteria for recognizing a broadly experienced intern and provide that information to NCARB.**

  Jon Baker seconded the motion.

  The motion passed 7-0.

Ms. Lyon announced that Stephanie Silkwood, AIACC Statewide IDP Coordinator, has been appointed to the PQC. Mr. McCauley stated that because the Examination Committee has been combined with the PQ, there may be instances where examination material is discussed and a Committee member who is involved in the licensing process would have to excuse his/herself from the discussion and would not be privy to the content of the discussion. Ms. Silkwood introduced herself to the Board and provided a brief synopsis of her background.

J. REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

Ms. Voigt said the REC met on May 16, 2012. She stated the REC discussed the following during the meeting: 1) confidentiality clauses in settlement agreements; 2) DCA best practices related to enforcement; 3) instruments of service; and 4) qualifications based selection (QBS) legislation. She also said that during the REC meeting she presented REC member Phyllis Newton with her 2011 Octavius Morgan Award.

Mr. McCauley reported that the agenda item related to confidentiality clauses in settlement agreements was previously discussed today under the Executive Officer's Report when addressing AB 2570 which covers the same objectives. He reminded the Board they had already voted to support the bill and suggested monitoring its status through the legislative process. He further suggested utilizing the bill as the vehicle by which to accomplish the relevant objective from the 2012 Strategic Plan since it is responsive to the questions that had been posed to the Board.

Mr. McCauley said that during the strategic planning session the AIACC announced their intent to pursue legislation related to QBS. He said a bill was introduced in the Legislature, but it did not pass. He stated that the AIACC is planning on reintroducing the legislation next year. Mr. Cooknick said that QBS is part of the state law which mandates public agencies to use a qualifications-based approach for selecting design professionals to maximizing cost effectiveness. He then described the process for the Board members. He stated that the process for state agencies is very prescriptive, but that local agencies are afforded more flexibility and may elect to adopt their own process in lieu of the more prescriptive methodology, which creates an unfair situation. He also stated that local agencies have interpreted the meaning of the provision as they may either adopt the state's approach as their process or not adopt the law at all. He said that the AIACC strongly disagrees with this interpretation and devotes a significant amount of resources to what is essentially an education program so that local agencies can understand the intent and function of the law. He added that this is quite burdensome for the AIACC and prompted them to sponsor the legislation. He stated the approach of the proposed legislation is similar to the one taken in Nevada whereby a licensee would notify the requestor of the Request for Proposal (RFP) or Request for Qualifications (RFQ) that they cannot bid on the project if the RFP or RFQ is in violation of state law. He said ideally all the licensees to whom an illegal RFP or RFQ is sent would respond in concert. He opined that the failure of the bill was simply a matter of timing. Mr. McCauley said the Board's vision at strategic planning was to keep in communication with the AIACC regarding QBS. He said that in discussions with the AIACC a concern arose about putting something into the practice act that could potentially create an obligation for the Board to review and commence an investigation in situations where there is a possible violation of the QBS requirements. Ms. Voigt said that if there is an action on this objective it would be to refer the item back to the REC for further consideration.

Hattie Johnson said that the Board, in the 2012 Strategic Plan, directed staff to prepare a memorandum for their review concerning fingerprint requirements for licensees and to determine its

potential impact. She said that last year legislation (SB 543) was passed into law and added the Board of Professional Engineers, Geologists, and Land Surveyors (BPEGLS) to the list of professions with a mandated fingerprinting requirement for initial licensure. She said within the Board meeting packet is draft proposed regulatory language for BPEGLS. She explained how the Board of Registered Nursing (BRN) and the California Board of Accountancy (CBA) have implemented their respective fingerprinting requirement. Ms. Johnson said that based on staff research using CBA as an example, the Board would receive up to 70 Records of Arrest and Prosecution (RAP) sheets if fingerprints are required at the time of submitting an Application for Eligibility Evaluation or 38 RAP sheets if required at the time an Application for Licensure is submitted to the Board. She said that should legislation requiring fingerprinting for the Board be passed into law, then staff would need to formulate an implementation process.

Ms. Voigt said that the reason this issue has been continued is to be prepared should legislation be passed into law requiring fingerprinting for licensure. She said that during the REC consideration of the subject a few concerns arose such as: 1) should fingerprinting be proactively pursued; 2) should all licensees be fingerprinted or just new applicants; 3) should candidates be fingerprinted; and the greatest concern 4) does the Board want the requirement thrust upon it. Messrs. Baker and Cooknick asked how the information discovered during the fingerprint check would be used. Ms. Johnson and Vickie Mayer replied that the current law limits the Board to violations (which are substantially related to the practice of architecture) less than ten years-old or no more than five years after the Board discovers or is informed of the violation. Ms. Mayer added that also taken into consideration is whether or not the licensee has rehabilitated themselves.

Ms. Lyon asked whether architects working on school projects are required to be fingerprinted. Mr. Baker responded that if the architect is in a position where they could potentially come into unsupervised contact with children then they would typically be fingerprinted. He added that there are seldom ever cases where an architect is unsupervised around children. He asked what basis is used to take action against a licensee when something is discovered in the fingerprint check? He further asked whether moral character or the nature of the crime is considered. Ms. Johnson explained that whether action would be take depends on several factors including whether there is a violation substantially related to the practice of architecture and the nature of any crime committed. Mr. Chang explained that the decision to take action is based upon whether the crime is an indicator of a potential unfitness to practice or an indicator the individual is lacking in the one of the qualifications or duties of an architect. He further stated that whether rehabilitation has been demonstrated is a factor in any decision of whether to take action. Mr. Baker opined that essentially the Board would become judge and jury over a matter that was previously adjudicated in a criminal case, and then on that basis making a decision of whether the individual should be allowed to practice architecture because of the possibility of the individual committing the same or similar crime. Mr. Chang explained that the two systems (criminal and administrative) have different purposes, namely with the criminal system punishment for committing a crime, and with the administrative system protecting the public from people who lack the appropriate qualifications to either be or continue to be an architect. Mr. Cooknick opined that it would be a better mechanism to tie this into the court adjudicating the criminal matter instead of having the matter revisited an unspecified number of years later. He asked why the Board is considering this issue. Mr. McCauley responded that in part it is because the issue is an objective of the Strategic Plan approved by the Board, but another consideration is the incident with the BRN that brought a spotlight onto the issue. He said the Board is one of the few remaining DCA entities that does not conduct fingerprinting. He also said that it is a proactive enforcement tool the Board asked staff to research. He stated that staff

already conducts an investigation when a licensee discloses a criminal conviction on the renewal application, requesting the appropriate documents, and making an assessment. Mr. Cooknick opined that he is not convinced the profession needs this level of protection for the consumer. Ms. Johnson said that the role of the Board is consumer protection, and that any tool the Board can use which would assist in the endeavor should be used if it is not too intrusive.

Ms. Voigt stated that she was not necessarily in-favor of the requirement because of the additional cost to the licensee or applicant as part of the licensing process. Mr. Heller opined that it may be prudent to have such a process to detect individuals who have committed crimes before becoming architects. Mr. Baker voiced his concern about the Board and staff acting as judge and jury after a court has already adjudicated a case against licensee and imposing additional penalties to those the court imposed. He asked whether the entire profession should be subject to this process because of a few individuals. He stated further concerns he has about the liability to which the Board may be exposed and how subjective the decision making process related to taking action against a licensee could become. Mr. Chang reminded the Board they currently have authority to take disciplinary action against an individual's license when it is discovered they have committed and been convicted of a crime. He added that this is nothing new, but simply another tool at the disposal of the staff. He further stated that while some of the crimes may have been committed in the past, the process allows the Board to be notified of when subsequent arrests and convictions are made so that it becomes a proactive means to protecting the public.

Mr. Villegas stated he had two points he would like to address. He asked Mr. Chang whether the current mandatory fingerprinting statute is permissive enough to allow the Board to impose a fingerprinting requirement. Mr. Chang said that unless the Board is included in the statute it would not be possible to obtain the RAP sheets from the California Department of Justice (DOJ) or the Federal Bureau of Investigations (FBI). He added that only agencies with statutory authority can obtain the information from RAP sheets and that while we could require fingerprinting it would not be possible to have the fingerprints checked through DOJ or the FBI for possible convictions. Mr. Villegas opined that it may be premature at this point to consider fingerprinting since the Legislature would have to amend the current statute authorizing the Board to receive RAP sheet information. Mr. Chang said that the current process the Board uses and to which previously had been mentioned consists of a single question on the Application for Eligibility Evaluation, Application for Licensure, and Renewal Application asking if the individual had been convicted of a crime. He stated that there is currently no means for the Board to verify the truthfulness or accuracy of the answer. Ms. Mayer added that the conviction question on the renewal application only asks about the preceding renewal period. Mr. Villegas stated that it is therefore possible for an individual to lie on their application and each subsequent renewal application and avoid detection by the Board of any conviction.

Mr. Gutierrez asked about the fiscal impact a fingerprint requirement would have on the Board. Ms. Johnson stated that it would depend on the Board decisions about the extent of the requirement. She said it is not certain whether the costs could be absorbed. Mr. Gutierrez said he is concerned about taking action against an individual for a criminal act that occurred years earlier whom has already paid their debt to society. He further stated that the Board by taking action would not be considering any rehabilitation that may have occurred, and therefore he does not feel a fingerprint requirement is justifiable. Ms. Johnson explained there have been several situations that arose where a candidate completes the Application for Eligibility Evaluation answering that they have no convictions only to later answer the opposite when completing the CSE Application and where the

conviction occurred prior to the completing the first application. Mr. Gutierrez asked whether there are any criminal convictions that would be considered detrimental to the practice of architecture. Ms. Johnson recalled an example where the Board revoked the license of an individual for child molestation. Mr. Chang added that it was not a staff decision to revoke the license but a decision of the Board members to revoke the license. He further added that all such decisions are made by the Board members are not arbitrary. Mr. Carter added that there is a high burden of proof (clear and convincing evidence) before a license is revoked and there is due process afforded the licensee throughout the proceedings.

Mr. Gutierrez stated in summary that what is being proposed is the Board fingerprint a demographic of the profession, the fingerprints are then reviewed by DOJ, and then a report would be received informing the Board of whether the individual has criminal convictions. He said as he understands it the RAP sheet indicating a conviction is what would prompt the commencement of the enforcement process. Ms. Mayer stated that his understanding is correct and that once the fingerprint is recorded with DOJ any future activity would prompt an updated report sent to the Board for consideration. Mr. Gutierrez stated that what remains undefined is what action would be taken and the severity of the action. Ms. Mayer said that staff is using the same criteria presently for determining whether an enforcement action is warranted as would be used if the Board required fingerprinting for licensees. Mr. Gutierrez said his understanding is right now we look at the license or renewal applications to see if the conviction question indicates a "yes" answer and that the only change which would occur if the Board were to require fingerprint is if there is a conviction on the RAP sheet a second look would take place. Ms. Mayer confirmed his understanding as accurate and added that the information we receive from the RAP sheet will be truthful and accurate as opposed to what an individual may indicate on an application.

Mr. Villegas said that after reviewing the applicable section of the Act there is a clear statutory limit of ten years for how far into the past the Board can look at an individual's criminal history. He said this should alleviate any concerns about whether some criminal act that occurred 20-30 years ago would bring an action by the Board. He reiterated that it may be premature at this time because we do not have authorization to obtain criminal history information from DOJ via fingerprinting. Mr. McCauley suggested a more surgical approach to applying the requirement by focusing on the initial examination applicants only. Ms. Voigt asked if this meant ARE candidates or those applying for the initial license. Ms. Mayer explained that if applied to the initial license application it would delay the process of licensure for those individuals. Mr. Gutierrez said he will support whichever direction the Board takes because essentially the Board is really just taking advantage of available technology to improve the process. David Taylor said that he is opposed to the requirement especially if we are only now attempting to catch individuals entering the profession when there are many individuals already licensed that may potentially have committed a crime. Ms. Cochlan opined that there is no need to more than what is being done now. Ms. Lyon said it may be premature at this time and that she is not sure there is a real need for a requirement yet.

- **Sheran Voigt moved to remove the issue of a fingerprinting requirement from further consideration.**

  Iris Cochlan seconded the motion.

  The motion passed 5-2 (Pasqual Gutierrez and Jeffrey Heller opposed).

K. NCARB REPORT

Ms. Lyon asked Mr. McCauley to present this agenda item.

Mr. McCauley reported that within the Board meeting packet are the 2012 NCARB Annual Meeting agenda and the 2012 slate of NCARB resolutions which he added have not changed since the Board's March 2012 meeting when they were previously reviewed by the members. The Board agreed upon the following positions they would convey at the Annual Meeting.

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

- **Sheran Voigt moved to ratify the decisions made at the March 7, 2012, Board meeting with respect to the positions taken on the slate of NCARB resolutions.**

  Pasqual Gutierrez seconded the motion.

  The motion passed 7-0.

- **Jeffery Heller moved to delegate authority to the NCARB 2012 Annual Conference/Meeting Board delegate such that they may take action as necessary.**

  Sheran seconded the motion.

  The motion passed 7-0.

L. Landscape Architects Technical Committee (LATC) REPORT

Ms. Lyon asked LATC Manager, Trish Rodriguez to present this agenda item.

Ms. Rodriguez reported that the LATC met on May 4, 2012. She said staff provided the LATC with updates on the following: 1) Council of Landscape Architectural Registration Boards (CLARB); 2) impacts of recent regulation changes and the effect on current legacy systems and the BreEZe project implementation; 3) University of California (UC) Extension Certificate Programs Self Evaluation Reports; and 4) LATC 2012/13 Strategic Plan.

Ms. Rodriguez stated that the CLARB 2012 Spring Meeting was held February 25-26, 2012. She said a draft letter to CLARB was approved by the LATC which provided input on topics that were discussed at the meeting. She stated that the topics included but were not limited to: 1) structured internship; 2) Professional Landscape Architect designation; and 3) changes to how CLARB processes candidates. She said with the implementation of the new Landscape Architect Registration Examination (LARE), CLARB now requires candidates to establish a council record prior to becoming eligible to test. She also said that CLARB is unable to screen candidates who now, due to a recent regulation changes qualify for Sections 1 and 2 of the LARE.

Ms. Rodriguez said that the LATC staff will be disconnected from the Applicant Tracking System (ATS) and will be utilizing a separate manual workaround database to accommodate legally mandated changes until BreEZe is deployed for the LATC in fall 2013. She stated this is because the current legacy system requirements will not support the changes and as a result of resources dedicated to the BreEZe project, system changes to ATS cannot be made without jeopardizing the project.

Ms. Rodriguez said that as a result of pending regulation changes to update the reporting standards, the current approval of the UC Extension Certificate Programs was extended to December 2013. Voluntary Self Evaluation Reports were reviewed in May and an update will be provided to the LATC at their August meeting.

Ms. Rodriguez reported that the LATC held their strategic planning session on January 23-24, 2012. She advised the plan was revised, reviewed, and approved by the LATC at its May 4, 2012 meeting for presentation to the Board today.

- **Sheran Voigt moved to approve the draft 2012-2013 LATC Strategic Plan.**

  Fermin Villegas seconded the motion.

  The motion passed 7-0.

Ms. Rodriguez said that the regulations were recently amended to allow those candidates with either a landscape architecture degree or extension certificate to take the multiple-choice sections of the LARE. She stated that with the recent changes to the LARE making all sections multiple-choice it is necessary to amend CCR section 2615 to permit candidates with a landscape architecture degree or extension certificate to take for Sections 1 and 2 only until they fulfill all requirements. She said that also for consideration is language that updating CCR section 2620 to reflect recent changes to the Landscape Architecture Accrediting Board's Accreditation Standards and Procedures publication. She asked that since the Board previously approved the language for CCR sections 2615 and 2620 they adopt the proposed language.

- **Sheran Voigt moved to adopt the changes to CCR sections 2615 and 2620.**

  Iris Cochlan seconded the motion.

  The motion passed 7-0.

M. REVIEW OF SCHEDULE

Mr. McCauley reminded the Board members that the next Board meeting is on September 13, 2012, at Mt. San Antonio College in Walnut and the December 5-6, 2012, meeting will in the San Francisco Bay Area and include the strategic planning session.

N. ADJOURNMENT

The meeting adjourned at 1:25 p.m.

Agenda Item F

EXECUTIVE OFFICER'S REPORT

1. Update to August 2012 Monthly Report (contains information on Board activities since the last Board meeting held June 14, 2012)

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

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

Edmund G. Brown Jr.
GOVERNOR

MEMORANDUM

DATE: September 1, 2012

TO: CAB Staff

FROM: Doug McCauley, Executive Officer

SUBJECT: Monthly Report - August 2012

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

ADMINISTRATIVE/MANAGEMENT

Board The next Board meetings are scheduled for: September 13, 2012 at Mt. San Antonio College, and December 5-6, 2012, (location to be announced). The December meeting will include a strategic planning session.

Budget Staff completed the required budget schedule documents (i.e., Workload and Revenue and Revenue Detail) for fiscal year (FY) 2012/13 and submitted them to the Department of Consumer Affairs (DCA) Budget Office on August 20, 2012. The Major/Minor Equipment Requests are due to DCA on September 14, 2012.

On July 18, 2012, the Board was directed by DCA's Office of Human Resources to implement the new Personal Leave Program (PLP) 2012. The directive is the result of a side letter to labor agreements with state employee unions. Effective July 1, 2012, through June 30, 2013, all employees will be credited with eight hours of leave credits on the first day of each pay period for the next 12 consecutive months. The leave credits must be used in the same pay period in which it is earned.

Communications Committee The next Communications Committee meeting has not been scheduled.

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. Based on the vote at the Board's June 14, 2012,

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meeting, the bill was amended on June 26, 2012, to include language that adds Business and Professions Code (BPC) section 5550.5 to allow acceptance of a tax identification or other appropriate identification number (as determined by the Board) under certain conditions, in lieu of a Social Security Number for licensure. The bill is on the Governor's desk.

AB 2570 (Hill) was 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 is on the Governor's desk.

Senate Bill 975 (Wright) was introduced January 19, 2012, and provides that licensing requirements may only be placed into the practice act of a profession. No other public entity could impose licensing requirements. This will help avoid the creation of duplicate, overlapping and/or contradictory practice requirements imposed by other agencies. The bill was amended on August 22, 2012, and now applies only to the Board and the Board of Professional Engineers, Land Surveyors, and Geologists. The bill is on the Governor's desk.

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

Personnel Efforts are still underway to fill vacant positions.

Training The following employee(s) have been scheduled for upcoming training:

9/6/12	Research, Analysis, and Problem Solving (Arleen)
9/25 – 27/12	OAL Rulemaking (Marccus)
10/18/12	Completed Staff Work (Nancy and Arleen)
10/19/12	Interpersonal Skills for Analysts (Nancy)
11/29/12	Effective Business Writing (Arleen)
12/11/12	Research, Analysis and Problem Solving (Nancy)

Website The following updates were made to the Board's website in August 2012:

- Notice for the September 13, 2012, Board meeting
- Delinquent license renewal information

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The results for ARE divisions taken by California candidates between April 1, 2012, and June 30, 2012 are provided following:

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		# Divisions	Passed	# Divisions	Failed
Programming, Planning & Practice	216	128	59%	88	41%
Site Planning & Design	211	141	67%	70	33%
Building Design & Construction Systems	173	87	50%	86	50%
Structural Systems	166	116	70%	50	30%
Building Systems	178	105	59%	73	41%
Construction Documents & Services	241	135	56%	106	44%
Schematic Design	166	111	67%	55	33%

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 1,657 candidates through August 31, 2012. Of those candidates, 944 (57%) passed and 713 (43%) failed.

CSE Development The last CSE development cycle began in March 2012 and concluded in August 2012. The next cycle will commence in early fall. A new intra-agency contract agreement (IAC) with OPES for FY 2012/13 examination development services was approved by the Board at its June 14, 2012, meeting. Additionally, the Board approved an amendment to the then current IAC for the final examination form covered under the agreement. Since the June meeting, OPES has re-evaluated a new proposed process which was intended to be incorporated into the prior IAC and FY 2012/13 IAC; an alternative process is now being recommended by OPES. As such, a revised FY 2012/13 IAC will be taken back to the Board in September for approval.

Continuing Education (CE) Audit System AB 1746 (Chapter 240, Statutes of 2010) was approved on September 23, 2010, and amended the statutory provisions pertaining to the CE requirement for licensees. This bill amended the CE provisions by: 1) requiring an audit (a minimum 3% of the license renewals) beginning with the 2013 renewal cycle; 2) adding a citation and disciplinary action provision for licensees who provide false or misleading information; and 3) mandating the Board provide the Legislature a report 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 and assigned an objective to the Professional Qualifications Committee (PQC) directing the development of a CE audit system in response to the bill. Staff researched the audit procedures of other architectural licensing boards and boards under DCA and presented its findings along with a proposed audit

system to the PQC at its meeting on May 16, 2012. The PQC recommended that the proposed system be adopted by the Board with some minor clarifying revisions. The revised audit system proposal was presented to the Board on June 14, 2012 and approved. (Staff is researching the report from the June Board meeting that the California Energy Commission/Public Utilities Commission is interested in continuing education on energy efficiency, as well as new mandates from the 2013 California Energy Code).

Staff is working with the Office of Information Services (OIS) on required changes to the license renewal applications for the 2013 renewal cycle, updates to the Board's website regarding the changes to the CE requirement, and other procedural updates to implement the audit system in 2013. In June, the Board submitted OIS service requests to: modify the renewal applications; revert the default primary status code to how it was previously programmed in the Consumer Affairs System (CAS) – for renewal processing purposes; and authorize use of three new secondary status codes in CAS – for CE audit tracking purposes. Due to the implementation and ongoing support required for the DCA BreEZe enterprise system, OIS informed the Board that the requests could not be considered under standard priority criteria and that effective July 1, 2012, all systems supported by OIS would be in "hard freeze" status. Staff pursued these service requests via a hard freeze exemption request process and presented them before the DCA Change Control Board (CCB) on August 13, 2012. The CCB approved allowing DCA resources to perform work related to these requests with a maximum cap of 30 hours; additionally OIS was asked to analyze the resources needed for each of the Board's request. The analysis indicated that a total of 38 hours (8 hours more than the approved cap) would be required to complete all three requests. The CCB approved the additional hours to allow DCA resources to perform all work. The required work for one of the requests was completed in late August; the required work for the two remaining requests will be completed in September and October.

<u>Intern Development Program (IDP)</u> *Academic Internships* - The third and final phase of IDP 2.0, which became effective April 5, 2012, offered some of the most significant changes to the program. Among those changes included the allowance to earn credit through qualifying academic internships. In May 2012, the PQC considered this change to IDP and recommended that the Board align its regulations with the academic internship allowance. On June 14, 2012, the Board voted to approve the PQC's recommendation and for staff to proceed with a regulatory change proposal. Staff will present proposed regulatory language to the Board for its approval at its September 2012 meeting.

"Broadly Experienced Intern" Pathway – At its May 2012 meeting, the PQC discussed and considered the feasibility of NCARB establishing an alternate method of satisfying the IDP requirement for individuals who meet special criteria. This issue was considered in response to a strategic planning objective. The PQC recommended that the Board research and/or develop appropriate criteria for recognizing a broadly experienced intern and provide that information to NCARB. The Board voted on June 14, 2012, to approve the PQC's recommendation. Staff is consulting with NCARB on an appropriate time to provide that information to them.

<u>NCARB 2012 Practice Analysis</u> 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. Additionally, the 2012 Practice Analysis will guide NCARB's response to the 2013 National Architectural Accrediting Board Accreditation Review Conference and be used to inform NCARB's continuing education policies. 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 was extended to May 6, 2012. With the survey concluded NCARB's consultant, Psychological Service, LLC (PSI), will analyze the data and submit a report with recommendations based on the data collected to the NCARB Board of Directors for acceptance. The findings will be posted on the NCARB website when finalized. The final step of the process will involve NCARB committees and task forces in determining how best to incorporate findings and recommendations, which will shape the future of the ARE and IDP and other NCARB policies and programs.

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

Regulation Changes *California Code of Regulations (CCR) section 121, Form of Examinations; Reciprocity* – The Board discussed, at its December 2011 meeting, the requirements for reciprocal licensure as they relate to NCARB's Broadly Experienced Foreign Architect (BEFA) Program and the possibility of recognizing other reciprocal licensure candidates (individuals licensed as architects in foreign countries, other than Canada or the U.K.). The Board added an objective to the 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 PQC. At its May 2012 meeting, the PQC was provided with detailed information regarding the BEFA Program and reviewed a draft regulatory proposal, which would add a provision to CCR 121 recognizing NCARB Certification obtained via the BEFA Program. The Board approved the regulatory proposal at its June 2012 meeting and delegated 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. Staff will initiate the processing of the regulatory proposal and publish the Notice of Proposed Changes in the Regulations with the Office of Administrative Law.

ENFORCEMENT PROGRAM

Architect Consultants

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

Education/Information Program: The architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In August, there

were 21 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 12` 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 $750 administrative fine to Jae Chung on August 1, 2012, for an alleged violation of Business and Professions Code (BPC) section 5536(a) (Practice Without License or Holding Self Out as Architect). The citation became final on August 27, 2012.

The Board issued a citation that included a $7,500 administrative fine to David Dent on June 26, 2012, for alleged violations of BPC section 5536(a)(Practice Without License or Holding Self Out as Architect)). The citation became final on August 1, 2012.

The Board issued a citation that included a $2,000 administrative fine to Kathryn Guillot on July 13, 2012, for alleged violations of BPC section 5536(a)(Practice Without License or Holding Self Out as Architect). The citation became final on August 20, 2012.

The Board issued a citation that included a $250 administrative fine to Edward Paul Skibitzke on August 3, 2012, for an alleged violation of BPC section 5536.22 (Written Contract). The citation became final on August 15, 2012.

Enforcement Statistics	Current Month August 2012	Prior Month July 2012	Prior Year August 2011
Total Cases Received and Opened*:	40	61	20
Complaints with Outside Expert:	0	0	0
Complaints to DOI:	4	1	0
Complaints Pending DOI:	5	1	3
Complaints Pending AG:	5	5	7
Complaints Pending DA:	3	3	2
Total Cases Closed*:	27	58	28
Total Cases Pending*:	83	84	113
Settlement Cases (§5588) Opened:	4	4	1
Settlement Cases (§5588) Pending:	10	8	27
Settlement Cases (§5588) Closed:	2	3	3
Citations Final:	4	2	4

*Total Cases categories include both complaint and settlement cases

Staff reviews at the end of each FY the average number of complaints received, pending, and closed for the past three FYs. From FY 2009/10 through FY 2011/12, the average number of complaints received per month is 22. The average pending caseload is 151 complaints and the average number of complaints closed per month is 27.

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.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Budget On July 18, 2012, the LATC was directed by DCA's Office of Human Resources to implement the new Personal Leave Program (PLP) 2012. The directive is the result of a side letter to labor agreements with state employee unions. Effective July 1, 2012, through June 30, 2013, all employees, except seasonal and temporary employees, will be credited with eight hours of leave credits on the first day of each pay period for the next 12 consecutive months. The leave credits must be used in the same pay period in which it is earned. Additionally, effective September 1, 2012, all state agencies are prohibited from retaining student assistants and retired annuitants who are performing Service Employees International Union bargaining unit work. The LATC will furlough its two student assistants effective September 1, 2012.

Staff completed the budget schedule documents (i.e., Workload and Revenue and Revenue Detail) for FY 2012/13 and submitted them to the DCA Budget Office on August 17, 2012. The Major/Minor Equipment Request is due September 14, 2012.

Committee The LATC met on August 14, 2012, in Sacramento. The next meeting is scheduled for November 14, 2012 in Sacramento.

Committee Members Stephanie Landregan was elected LATC Chair and Andy Bowden was elected LATC Vice Chair, at the August meeting.

Exceptions and Exemptions Task Force The next Exceptions and Exemptions Task Force meeting is scheduled on October 18, 2012, in Sacramento

Outreach The LATC is preparing to contact schools to plan the outreach calendar for the Fall and Spring semesters. Outreach presentations are provided 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.

LATC staff is currently working on the outreach calendar for the 2012/2013 school year.

Personnel Licensing Coordinator Mary Ann Moya's last day at the LATC was July 23, 2012. Examination Coordinator Terri Villareal accepted a position at the State Contoller's Office and her last day was July 31, 2012. The California Department of Human Resources provided a directive to eliminate Student Assistant and Retired Annuitant positions by August 31, 2012. Therefore, the last day for the LATC student assistants was August 31, 2012. Erika Vaca will continue to work for the LATC part-time as a volunteer.

Claire Chung was appointed to the Examination Coordinator position effective August 31, 2012. Ms. Chung previously worked for the Department of Water Resources. Recruitment efforts are underway to fill the Administration/Licensing Coordinator position.

Training John Keidel is scheduled to take Research, Analysis, and Problem Solving on September 6, 2012.

University of California Extension Certificate Program Task Force The next meeting of the University of California Extension Certificate Program Task Force is scheduled on October 8, 2012, in Sacramento.

LATC EXAMINATION PROGRAM

CLARB It was announced by CLARB 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. The requirement for a Council Record may require changes to existing regulations. Candidates may submit eligibility information to the LATC before establishing a CLARB council record.

California Supplemental Examination (CSE) OPES completed development of the new CSE and it was launched in August 2011. A total of 107 candidates have taken the new exam and 97 have passed between August 1, 2011 and July 31, 2012. OPES will provide ongoing statistical analysis of the new exam per LATC's request.

Raul Villanueva of OPES, provided an update on the results of the CSE at the August 14, 2012, LATC meeting. It was also recommended that a new occupational analysis be conducted. Staff will begin gathering information to establish an inter-agency agreement with OPES for a new occupational analysis, and plans to discuss the recommendation at the next LATC strategic planning session in January 2013.

Landscape Architect Registration Examination (LARE) 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. Additionally, exam sections 1, 2, 3, and 4 will be administered April 8 – 20, 2013.

The last administration of sections C and E was on June 11 – 12, 2012. Exam scores for the final administration of sections C and E are expected to be mailed by September 7, 2012.

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
June 22, 2012	Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties)
August 6, 2012	Public hearing, no public comments received
August 8, 2012	Final rulemaking file to DCA Legal Office

LATC staff is working closely with the 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 implementation of the DCA BreEZe enterprise system. On April 17, 2012, LATC staff attended a DCA Business Technical Review (BTR) meeting with various members of OIS. The purpose of this meeting was for OIS to determine if the necessary ATS changes that resulted from the recent LATC regulation changes could be made to ATS and if staff resources were available to make such changes. The BTR is also charged with making a recommendation to DCA's Change Control Board (CCB). At the April 17th meeting, OIS emphasized the need for their limited staff resources designated to focus on development and implementation of the BreEZe system which affects the whole department. The BTR members determined that a significant amount of resources devoted to BreEZe were needed to make the necessary changes to ATS. They also determined that the timing of our needed changes directly impacted the implementation of BreEZe for the first group of DCA boards. Therefore, the BTR members recommended that all of LATC's automated processes normally done under ATS be discontinued and converted to manual workaround processes until the LATC transitions to BreEZe. On April 23, 2012, the BTR's decision was appealed before the CCB. The CCB

concurred with BTR's recommendation and denied the LATC's request to modify ATS. 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. The LATC was presented with the alternatives and recommendations at its meeting on May 4, 2012.

A new and separate workaround program will be developed by a DCA programmer 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 transitioned to BreEZe. Staff created flowcharts for specific business processes for the development of the workaround program. The DCA programmer met with LATC staff on June 28, 2012, to conduct an assessment of the time and work required to develop the workaround program. He provided the results of his assessment to staff on July 2, 2012, and estimated approximately 55-68 hours needed to complete the workaround program. The programmer and staff meet regularly to assess various LATC business processes. On July 23, 2012, the programmer provided a test version of the user interface for the workaround program to solicit feedback from staff on the program's functionality. On August 16, 2012, the programmer provided an updated test version of the program and the workaround server. Staff were provided training on how to use the server. The programmer met with DCA ATS and BreEZe staff on August 27, 2012, to discuss the possible system requirements for transition to BreEZe. A request to extend the connection to ATS was discussed. We are awaiting the outcome of the request.

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
June 22, 2012	Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties)
August 6, 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 must 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
June 22, 2012	Notice of Change of Date of Regulatory Hearing and Extension of Written Comment Period published by OAL (Hearing date changed and written comment period extended to allow time to notify interested parties)
August 6, 2012	Public hearing, no public comments received
August 28, 2012	Final rulemaking file to DCA Legal Office

LATC ENFORCEMENT PROGRAM

Enforcement Statistics	Current Month August 2012	Prior Month July 2012	Prior Year August 2011
Complaints Opened*:	3	4	0
Complaints to Expert:	1	0	0
Complaints to DOI:	0	0	0
Complaints Pending DOI:	0	0	0
Complaints Pending AG:	0	0	1
Complaints Pending DA:	0	0	0
Complaints Closed:	2	0	9
Complaints Pending:	31	30	50
Settlement Cases (§5678.5) Opened:	0	0	0
Settlement Cases (§5678.5) Pending:	3	3	0
Settlement Cases (§5678.5) Closed:	0	0	0
Citations Final:	0	0	0

*Includes both complaint and settlement cases

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

SB 975 (Wright) is sponsored by the American Council of Engineering Companies, California Chapter, and will clarify that licensing requirements may only be placed in the practice act of a profession. This will help avoid the creation of duplicate, overlapping and/or contradictory practice requirements imposed by other agencies.

There is a growing practice for third party agencies (e.g., State Water Resources Control Board) to impose a training course and certificate program requirements 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 administered by Department of Consumer Affairs (DCA) licensing 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.

The bill was amended and now applies only to the California Architects Board and the Board of Professional Engineers, Land Surveyors, and Geologists (BPELSG). It has subsequently been amended to include a clarification that nothing prohibits the Board (and BPELSG) from receiving requests from other state agencies to adopt by regulation licensing requirements, and conducting hearings on such requests (which reiterates part of existing law from the Administrative Procedures Act). The bill is on the Governor's desk.

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 is on the Governor's desk.

AB 2570 (Hill) would prohibit a licensee regulated by a professional board, bureau, or program of 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 is on the Governor's desk.

Attachments
1. SB 975 (Wright)
2. AB 1822 (Berryhill)
3. AB 2570 (Hill)

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CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 975, 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, including, but not limited to, the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists. 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.

This bill would provide that, beginning July 1, 2013, the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists 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, joint powers agency, or state agency, department or other state office, except for those boards, 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.

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

SECTION 1. The Legislature finds and declares the following:

(a) The 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 California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists 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, joint powers agency, or state agency, department, or other state office, except for the boards specified in paragraph (1), shall impose a licensing requirement upon a person licensed to practice a profession or vocation regulated by a board specified in paragraph (1).

(3) A licensing requirement shall not be imposed upon a person licensed to practice a profession or vocation regulated by a board specified in paragraph (1) 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 paragraph (1) of subdivision (a):

(1) Additional training or certification requirements to practice within the scope of practice of a profession or vocation licensed and regulated by a board specified in paragraph (1) of subdivision (a).

(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 a board specified in paragraph (1) of subdivision (a) through its authority granted under this code.

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

(1) Prohibit parties from contractually agreeing to additional experience, qualifications, or training of a licensee subject to a board specified in paragraph (1) of subdivision (a) in connection with performance of a contract.

(2) Prohibit a licensee from voluntarily undertaking satisfaction of certification programs not required by the applicable provisions of this code for licensure by a board specified in paragraph (1) of subdivision (a).

(3) Prohibit the boards described in paragraph (1) of subdivision (a) from receiving requests from other state agencies to adopt by regulation licensing requirements applicable to licensees of those boards.

(4) Prohibit the boards described in paragraph (1) of subdivision (a) from reviewing a request described in paragraph (3) and holding public hearings, after notice to the public and the regulated community, to determine whether it is necessary to adopt regulations pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) to implement the requested licensing requirement in order to protect the public and promote public health and safety.

(d) Nothing in this section shall be construed to limit the authority of a city, county, city and county, school district, other special district, local or regional agency, joint powers agency, or state agency, department, or other state office from imposing a licensing requirement upon a person who is not licensed to practice a profession or vocation regulated by a board specified in paragraph (1) of subdivision (a).

(e) This section shall become operative on July 1, 2013.

CHAPTER _____

An act to add Sections 5515.5 and 5550.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1822, 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.

Under existing law, an individual applicant for a license to practice architecture is required to provide his or her social security number to the board. Existing law prohibits the board from processing an application unless the applicant furnishes this information, and requires the board to report a licensee who fails to provide this information to the Franchise Tax Board.

This bill would authorize submission of an individual tax identification number or another identification number, as determined by the board, in place of a social security number where the applicant is not eligible for a social security number and is not out of compliance with a child support judgment or order, as specified.

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.

SEC. 2. Section 5550.5 is added to the Business and Professions Code, to read:

5550.5. Notwithstanding Section 30 of this code or Section 17520 of the Family Code, the board may accept for processing an application from an individual for an original or renewed license to practice architecture containing an individual 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.

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2570, 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. Existing law prohibits a physician and surgeon from including specified provisions in an agreement to settle a civil dispute arising from his or her practice. Except as specified, existing law authorizes any interested person to petition a state agency requesting the adoption of a regulation.

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, except as specified. 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.

This bill would authorize a board, bureau, or program within the Department of Consumer Affairs to adopt a regulation exempting agreements to settle certain causes of action from these provisions.

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 within the Department of Consumer Affairs that regulates the licensee or that requires the other party to withdraw a complaint from the department, board, bureau, or program within the Department of Consumer Affairs that regulates the licensee. 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.

(d) Notwithstanding any other law, upon granting a petition filed by a licensee or authorized agent of a licensee pursuant to Section 11340.6 of the Government Code, a board, bureau, or program within the Department of Consumer Affairs may, based upon evidence and legal authorities cited in the petition, adopt a regulation that does both of the following:

(1) Identifies a code section or jury instruction in a civil cause of action that has no relevance to the board's, bureau's, or program's enforcement responsibilities such that an agreement to settle such a cause of action based on that code section or jury

instruction otherwise prohibited under subdivision (a) will not impair the board's, bureau's, or program's duty to protect the public.

(2) Exempts agreements to settle such a cause of action from the requirements of subdivision (a).

(e) This section shall not apply to a licensee subject to Section 2220.7.

SEC. 2. (a) Nothing in Section 143.5 of the Business and Professions Code shall be construed as limiting the discretion of a board, bureau, or program to decline to grant a petition or adopt a regulation.

(b) Nothing in Section 143.5 of the Business and Professions Code shall be construed as prohibiting a licensee from including in an agreement to settle a civil dispute any provision that is otherwise not prohibited.

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Agenda Item G

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 Section 123

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Agenda Item G.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' (DCA) Office of Professional Examination Services (OPES) in 2010 for examination development services. OPES provides professional psychometric services to DCA boards and bureaus, which includes all aspects of the examination validation process (i.e., occupational analyses, examination development, test scoring and statistical analyses, and audits).

At its June 2012 meeting, the Board approved a new IAC agreement for fiscal year (FY) 12/13 because the then current agreement with OPES was due to expire on June 30, 2012. The Board also authorized staff to execute an amendment to its first IAC agreement prior to the June 30 expiration date. Both agreements included a new process (in lieu of the standard item analysis) for eliminating interruptions or delays in the release of future examination scores. This new process was incorporated in response to the Board's prior directive.

Since the June Board meeting, OPES re-evaluated its previously recommended process for eliminating score interruptions or delays, and recommends an alternative process that involves conducting a special passing score workshop. As a result, the FY 12/13 IAC agreement has been revised and is attached for the Board's review.

The Board is asked to approve the revised FY 12/13 IAC agreement with OPES for examination development services.

Attachment
Intra-Agency Contract Agreement

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+Department of Consumer Affairs

INTRA-DEPARTMENTAL CONTRACT

CONTRACT NUMBER	AMENDMENT NUMBER
IAC #70602	

1. This Contract is entered into between the Board/Bureau/Divisions named below

REQUESTING BOARD/BUREAU/DIVISION'S NAME

California Architects Board (Board)

PROVIDING BOARD/BUREAU/DIVISION'S NAME

Office of Professional Examination Services (OPES)

2. The term of this Contract is: **July 1, 2012 through June 30, 2013**

3. The maximum amount of this Contract is: **$ 90,764**

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Contract:

California Supplemental Exam
Written Examination Development

Exhibit A – Scope of Work	1 Page
• Attachment I - Project Plan	3 Pages
• Attachment II - Roles and Responsibilities	3 Pages
Exhibit B – Budget Detail and Payment Provisions	1 Page
• Attachment III - Cost Sheets	6 Pages
Exhibit C – General Terms and Conditions	1 Page
Exhibit D – Special Terms and Conditions	1 Page

IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

DEPARTMENT OF CONSUMER AFFAIRS		Department of Consumer Affairs Contracts Unit Use Only
REQUESTING BOARD/BUREAU/DIVISION'S NAME **California Architects Board (Board)**		
BY *(Authorized Signature)* –	DATE SIGNED	
PRINTED NAME AND TITLE OF PERSON SIGNING **Douglas R. McCauley, Executive Officer**		
ADDRESS **2420 Del Paso Road, Suite 105, Sacramento, CA 95834**		
BUDGET OFFICER'S SIGNATURE –		
DEPARTMENT OF CONSUMER AFFAIRS		
PROVIDING BOARD/BUREAU/DIVISION'S NAME **Office of Professional Examination Services (OPES)**		
BY (Authorized Signature) –	DATE SIGNED	
PRINTED NAME AND TITLE OF PERSON SIGNING **Sonja Merold, Chief**		
ADDRESS **2420 Del Paso Road, Suite 265** **Sacramento, CA 95834**		
BUDGET OFFICER'S SIGNATURE –		

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:

   Develop new items/graphics for the California Architects Board (Board) California Supplemental Examination (CSE), review existing items/graphics, construct two forms of the CSE, and establish passing scores for each new form.

2. CAB agrees to provide the following services:

   See attached: I. Project Plan
   II. Roles and Responsibilities

3. The project representatives during the term of this agreement will be:

Requesting Board:

Name: Douglas R. McCauley
Phone: (916) 574-7220
Fax: (916) 575-7283

Office of Professional Examination Services:

Name: Sonja Merold
Phone: (916) 575-7240
Fax: (916) 575-7291

Direct all agreement inquiries to:

Department of Consumer Affairs
Contracts Unit:

Address: 1625 N. Market Street, Suite #S-103
Sacramento, CA 95834
Phone: (916) 574-7277
Fax: (916) 574-8658

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

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

Proposed Completion Date: June 30, 2013

Board Contact: Justin Sotelo
(916) 575-7212

OPES Contact: Raul Villanueva
(916) 575-7255

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
Form D Development		
1. Passing Score Workshop #2		
> Recruit for one 2-day workshop	August 2012	Board
> Conduct workshop (PSW-2)		OPES
> Develop passing score		OPES
Form E Development		
2. Project Graphics Selection and Modification Workshop		
> Review project graphics selection criteria	TBD	OPES/Board
> Request project graphics from SMEs		Board
> Recruit for one 2-day workshop		Board
> Conduct workshop		OPES
> Update/revise selected project graphics		OPES
3. Item Writing Workshop #1		
> Recruit for the first 2-day item writing workshop	TBD	Board
> Conduct first item writing workshop (IWW-1)		OPES
> Develop item bank		OPES
4. Item Writing Workshop #2		
> Recruit for the second 2-day item writing workshop	TBD	Board
> Conduct second item writing workshop (IWW-2)		OPES
> Develop item bank		OPES
> Update item bank		OPES
5. Item Review Workshop #1		
> Recruit for the first 2-day item review workshop	TBD	Board
> Conduct first item review workshop (IRW-1)		OPES
> Update item bank		OPES
6. Item Review Workshop #2		
> Recruit for the second 2-day item review workshop	TBD	Board
> Conduct the second item review workshop (IRW-2)		OPES
> Update item bank		OPES

7. Item Writing Workshop #3 > Recruit for the third 2-day item writing workshop > Conduct first item writing workshop (IWW-3) > Develop item bank	TBD	Board OPES OPES
8. Item Review Workshop #3 > Recruit for the third 2-day item review workshop > Conduct the second item review workshop (IRW-3) > Update item bank	TBD	Board OPES OPES
9. Exam Construction Workshop > Recruit for one 2-day workshop > Conduct workshop > Develop examination	TBD	Board OPES OPES
10. Passing Score Workshop #1 > Recruit for one 2-day workshop > Conduct workshop (PSW-1) > Develop passing score	TBD	Board OPES OPES
11. Passing Score Workshop #2 > Recruit for one 2-day workshop > Conduct workshop (PSW-2) > Develop passing score	TBD	Board OPES OPES
12. Exam Production: Convert Exam to PSI > Edit review of final CSE items > Finalize Candidate Information Bulletin (CIB) document > Finalize graphics for exam > Submit exam to PSI for launch > PSI launch of exam	TBD	OPES OPES OPES OPES OPES

Form F Development

13. Project Graphics Selection and Modification Workshop > Review project graphics selection criteria > Request project graphics from SMEs > Recruit for one 2-day workshop > Conduct workshop > Update/revise selected project graphics	TBD	OPES/Board Board Board OPES OPES
14. Item Writing Workshop #1 > Recruit for the first 2-day item writing workshop > Conduct first item writing workshop (IWW-1) > Develop item bank	TBD	Board OPES OPES
15. Item Writing Workshop #2 > Recruit for the second 2-day item writing workshop > Conduct second item writing workshop (IWW-2) > Develop item bank > Update item bank	TBD	Board OPES OPES OPES
16. Item Review Workshop #1 > Recruit for the first 2-day item review workshop > Conduct first item review workshop (IRW-1) > Update item bank	TBD	Board OPES OPES

17. Item Review Workshop #2 > Recruit for the second 2-day item review workshop > Conduct the second item review workshop (IRW-2) > Update item bank	TBD	Board OPES OPES
18. Item Writing Workshop #3 > Recruit for the third 2-day item writing workshop > Conduct third item writing workshop (IWW-3) > Develop item bank	TBD	Board OPES OPES
19. Item Review Workshop #3 > Recruit for the third 2-day item review workshop > Conduct the third item review workshop (IRW-3) > Update item bank	TBD	Board OPES OPES
20. Exam Construction Workshop > Recruit for one 2-day workshop > Conduct workshop > Develop examination	TBD	Board OPES OPES
21. Passing Score Workshop #1 > Recruit for one 2-day workshop > Conduct workshop (PSW-1) > Develop passing score	TBD	Board OPES OPES
22. Passing Score Workshop #2 > Recruit for one 2-day workshop > Conduct workshop (PSW-2) > Develop passing score	TBD	Board OPES OPES
23. Exam Production: Convert Exam to PSI > Edit review of final CSE items > Finalize candidate information bulletin (CIB) document > Finalize graphics for exam > Submit exam to PSI for launch > PSI launch of exam	TBD	OPES OPES OPES OPES OPES

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70602
ROLES AND RESPONSIBILITIES
for
CALIFORNIA ARCHITECTS BOARD

CALIFORNIA SUPPLEMENTAL EXAM
WRITTEN EXAMINATION DEVELOPMENT

FISCAL YEAR 2012-13

INTRODUCTION

The purpose of licensing examinations is to identify persons who possess the minimum knowledge and experience necessary to perform tasks on the job safely and competently. The content of the examination should be based upon the results of an occupational analysis of practice so that the examination assesses the most critical competencies of the job.

The examination development process requires approximately 180 Architects to serve as expert consultants. In licensure examination development work, expert consultants are known as subject matter experts (SMEs). Six to ten SMEs are needed for each workshop. The SMEs in each workshop should be unique to ensure objectivity in all aspects of examination development.

Graphics selection and modification, item writing, item review, examination construction, and passing score processes are included in examination development services to be provided.

ROLE OF THE BOARD

The primary role of the California Architects Board (Board) is to recruit a representative sample of SMEs for development of the examination.

The selection of SMEs by boards, bureaus, and committees of the Department of Consumer Affairs (DCA) critically affects the quality and defensibility of their licensure exams, and is based on the following minimum criteria:

- Reflect the profession in specialty, practice setting, geographic location, ethnicity, and gender
- Represent the current pool of practitioners
- Possess current skills and a valid license in good standing
- Articulate specialized technical knowledge related to a profession

In addition, at least half of the six to ten SMEs in each workshop should be licensed five years or less to ensure an entry-level perspective is represented.

Due to potential conflict of interest, undue influence, and/or security considerations, board members, committee members, and instructors shall not serve as SMEs for, nor participate in, any aspect of licensure exam development or administration, pursuant to DCA Policy OPES 11-01.

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The Office of Professional Examination Services (OPES) will use a content validation strategy to link the examination to the results of an occupational analysis of practice. During the workshops, OPES will work with California Architects Board (Board) and the SMEs to select graphics, develop items, review items, construct examinations, and establish passing scores.

SECURITY

OPES has implemented a variety of controls to ensure the integrity, security, and appropriate level of confidentiality of licensure exam 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 exam-related workshops.

SMEs are required to provide valid identification, allow for personal belongings to be secured in the reception area during workshops, and sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensing exam material and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure exam workshops. In addition, any person who subverts or attempts to subvert any licensing exam will face serious consequences which may include loss of licensure and/or criminal charges, per Business and Professions Code section 123.

OPES examination developers, with the concurrence of the Board and the approval of OPES management, will dismiss any subject matter expert from an examination development workshop who is disruptive, violates policy, or whose presence disrupts other SMEs or OPES personnel from completing their assigned tasks.

SUMMARY OF EVENTS

- Board recruits a panel of SMEs to select and modify graphics.
- OPES works with SMEs to select and modify graphics.
- Board recruits a panel of SMEs to serve as item writers.
- OPES works with SMEs to develop items.
- Board recruits panels of SMEs to serve as item reviewers. The reviewers should be different SMEs than the item writers.

- OPES works with SMEs to review items. Final revisions are made to the items and the bank of new items is submitted to Board.

- Board recruits panels of SMEs to participate in workshops for exam construction.

- OPES works with the SMEs to select items from item bank of new and existing items and constructs the examination.

- Board recruits five different panels [one for Form D, two for Form E, and two for Form F] of SMEs to serve as judges in the passing score workshops. The passing score SMEs must be different SMEs than the item writers or item reviewers to ensure objectivity of the passing score ratings. In addition, the second panel of SMEs will serve as a confirmatory workshop to the first panel.

- OPES works with SMEs to establish the passing score. OPES analyzes the ratings and prepares reports of findings.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. **Invoicing and Payment**

   A. For services satisfactorily rendered and upon receipt and approval of the invoices, California Architects Board (Board) agrees to compensate the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.

   B. Invoices shall include the agreement number and shall be submitted on a quarterly basis for the actual cost of services and related travel expenses. Signed/approved invoices from the Board will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

   Douglas R. McCauley
   California Architects Board
   2420 Del Paso Road, Suite 105
   Sacramento, CA 95834

2. **Budget Contingency Clause**

   A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Agreement and OPES shall not be obligated to perform any provisions of this Agreement.

   B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to OPES to reflect the reduced amount.

3. **Payment**

   A. Costs for this Agreement shall be computed in accordance with State Administrative Manual Sections 8752 and 8752.1.

   B. Nothing herein contained shall preclude advance payments pursuant to Article 1, Chapter 3, Part 1, Division 3, Title 2 of the Government Code of the State of California.

4. **Cost**

   A. Costs for this Agreement shall be subject to any collective bargaining agreements negotiated in Fiscal Year 2000/2001 or thereafter.

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70602

CALIFORNIA ARCHITECTS BOARD

CALIFORNIA SUPPLEMENTAL EXAMINATION WRITTEN EXAMINATION DEVELOPMENT COSTS

FISCAL YEAR 2012-13

1.	**Passing Score Workshop #2 (Form D)**	$ 3,220
	Form D Development Subtotal	$ 3,220
2.	**Project Graphics Selection and Modification Workshop**	$ 4,602
3.	**Item Writing Workshop #1 (Form E)**	$ 3,642
4.	**Item Writing Workshop #2 (Form E)**	$ 3,642
5.	**Item Review Workshop #1 (Form E)**	$ 3,642
6.	**Item Review Workshop #2 (Form E)**	$ 3,642
7.	**Item Writing Workshop #3 (Form E)**	$ 3,642
8.	**Item Review Workshop #3 (Form E)**	$ 3,642
9.	**Exam Construction Workshop (Form E)**	$ 3,642
10.	**Passing Score Workshop # 1 (Form E)**	$ 3,220
11.	**Passing Score Workshop #2 (Form E)**	$ 3,220
12.	**Exam Production: Convert Exam to PSI (Form E)**	$ 3,696
	Form E Development Subtotal	$ 40,232

Index/PCA/Object Code 0600/06000/427.10

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70602

CALIFORNIA ARCHITECTS BOARD

CALIFORNIA SUPPLEMENTAL EXAMINATION WRITTEN EXAMINATION DEVELOPMENT COSTS

FISCAL YEAR 2012-13

13.	**Project Graphics Selection and Modification Workshop**	$ 4,602
14.	**Item Writing Workshop #1 (Form F)**	$ 3,642
15.	**Item Writing Workshop #2 (Form F)**	$ 3,642
16.	**Item Review Workshop #1 (Form F)**	$ 3,642
17.	**Item Review Workshop #2 (Form F)**	$ 3,642
18.	**Item Writing Workshop #3 (Form F)**	$ 3,642
19.	**Item Review Workshop #3 (Form F)**	$ 3,642
20.	**Exam Construction Workshop (Form F)**	$ 3,642
21.	**Passing Score Workshop #1 (Form F)**	$ 3,220
22.	**Passing Score Workshop #2 (Form F)**	$ 3,220
23.	**Exam Production: Convert Exam to PSI (Form F)**	$ 3,696
	Form F Development Subtotal	$ 40,232
	Administrative Support	$ 7,080
	GRAND TOTAL	**$ 90,764**

Index/PCA/Object Code 0600/06000/427.10

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

	Test Validation Staff					Editor		Support Staff			
	$60		Travel	Overtime $85		$56		$43			GRAND
	Hours	Cost	Costs	Hours	Cost	Hours	Cost	Hours	Cost	Totals	TOTAL
Form D Development											
1. Passing Score Workshop #2											
Prepare for passing score workshop	16	$ 960								$ 960	
Conduct 2-day workshop	16	$ 960		4	$ 340					$ 1,300	
Develop passing score	16	$ 960								$ 960	
FORM D DEVELOPMENT - SUBTOTAL	48	$ 2,880		4	$ 340					$ 3,220	$ 3,220
Form E Development											
2. Project Graphics Selection and Modification Workshop											
Review project graphics selection criteria	16	$ 960								$ 960	
Prepare for graphics workshop	16	$ 960								$ 960	
Conduct 2-day workshop	16	$ 960		4	$ 340	6	$ 336	2	$ 86	$ 1,722	
Update/revise selected project graphics	16	$ 960								$ 960	
										$ 4,602	$ 4,602
3. Item Writing Workshop #1											
Prepare for item writing workshop	16	$ 960								$ 960	
Conduct first item writing 2-day workshop (IWW-1)	16	$ 960		4	$ 340	6	$336	2	$ 86	$ 1,722	
Develop item bank	16	$ 960								$ 960	
										$ 3,642	$ 3,642
4. Item Writing Workshop #2											
Prepare for item writing workshop	16	$ 960								$ 960	
Conduct second item writing 2-day workshop (IWW-2)	16	$ 960		4	$ 340	6	$ 336	2	$ 86	$ 1,722	
Update item bank	16	$ 960								$ 960	
										$ 3,642	$ 3,642
5. Item Review Workshop #1											
Prepare for item review workshop	16	$ 960								$ 960	
Conduct first item review 2-day workshop (IRW-1)	16	$ 960		4	$ 340	6	$ 336	2	$ 86	$ 1,722	
Update item bank	16	$ 960								$ 960	
										$ 3,642	$ 3,642
6. Item Review Workshop #2											
Prepare for item review workshop	16	$ 960								$ 960	
Conduct the second item review 2-day workshop (IRW-2)	16	$ 960		4	$ 340	6	$ 336	2	$ 86	$ 1,722	
Update item bank	16	$ 960								$ 960	
										$ 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 Writing Workshop #3**												
	Prepare for item writing workshop	16	$ 960									$ 960	
	Conduct third item writing 2-day workshop (IWW-3)	16	$ 960		4	$ 340	6	$ 336	2	$ 86		$ 1,722	
	Develop item bank	16	$ 960									$ 960	
												$ 3,642	$ 3,642
8.	**Item Review Workshop #3**												
	Prepare for item review workshop	16	$ 960									$ 960	
	Conduct the third item review 2-day workshop (IRW-3)	16	$ 960		4	$ 340	6	$ 336	2	$ 86		$ 1,722	
	Update item bank	16	$ 960									$ 960	
												$ 3,642	$ 3,642
9.	**Exam Construction Workshop**												
	Prepare for exam construction workshop	16	$ 960									$ 960	
	Conduct 2-day workshop	16	$ 960		4	$ 340	6	$ 336	2	$ 86		$ 1,722	
	Develop examination	16	$ 960									$ 960	
												$ 3,642	$ 3,642
10.	**Passing Score Workshop #1**												
	Prepare for passing score workshop	16	$ 960									$ 960	
	Conduct 2-day workshop	16	$ 960		4	$ 340						$ 1,300	
	Develop passing score	16	$ 960									$ 960	
												$ 3,220	$ 3,220
11.	**Passing Score Workshop #2**												
	Prepare for passing score workshop	16	$ 960									$ 960	
	Conduct 2-day workshop	16	$ 960		4	$ 340						$ 1,300	
	Develop passing score	16	$ 960									$ 960	
												$ 3,220	$ 3,220
12.	**Exam Production: Convert Form E Exam to PSI**												
	Edit review of final 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
	FORM E DEVELOPMENT - SUBTOTAL	552	$ 33,120		40	$ 3,400	54	$ 3,024	16	$ 688	$ 40,232	$ 40,232	

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 2-day 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 2-day 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 2-day 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 2-day 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 2-day 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 third item writing 2-day workshop (IWW-3)	16	$ 960		4	$ 340	6	$ 336	2	$ 86		$ 1,722	
Develop item bank	16	$ 960									$ 960	
											$ 3,642	$ 3,642
19. Item Review Workshop #3												
Prepare for item review workshop	16	$ 960									$ 960	
Conduct the third item review 2-day workshop (IRW-3)	16	$ 960		4	$ 340	6	$ 336	2	$ 86		$ 1,722	
Update item bank	16	$ 960									$ 960	
											$ 3,642	$ 3,642

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 2-day workshop	16	$ 960		4	$ 340	6	$ 336	2	$ 86		$ 1,722	
Develop examination	16	$ 960									$ 960	
											$ 3,642	$ 3,642
21. Passing Score Workshop #1												
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
22. Passing Score Workshop #2												
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 Form F Exam to PSI												
Edit review of final 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
FORM F DEVELOPMENT - SUBTOTAL	552	$ 33,120		40	$ 3,400	54	$ 3,024	16	$ 688		$ 40,232	$ 40,232
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
GRAND TOTAL	1152	$ 69,120	$ -	84	$ 7,140	108	$ 6,048	32	$ 1,376		$ 90,764	$ 90,764

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

   This Contract is not valid until signed by both parties.

2. **Payment:**

   Costs for this Contract shall be computed in accordance with State Administrative Manual Section 8752 and 8752.1.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Mutual Cooperation**

   The Office of Professional Examination Services (OPES) is entering into a partnership where mutual cooperation is the overriding principle.

2. **Evaluation**

   The OPES and the California Architects Board (Board) reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to the agreement as necessary to ensure a high quality examination program. This may affect the cost of the analysis.

3. **Examination Criteria**

   The primary responsibility of OPES is to develop examinations that are psychometrically sound, legally defensible and job related.

4. **Good Faith Agreement**

   In good faith, OPES believes the project steps accurately describe the work to be performed and that the costs are reasonable. This agreement will remain in effect until the work is completed.

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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 discuss concerns regarding 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 in June.

At its June meeting, the Board again discussed the issue of examination security/confidentiality policies pertaining to the ARE and CSE. It was reported that the issue had been considered by the NCARB Board of Directors and that they were not amenable to changing their current security agreement after consulting with their legal counsel. However, it was noted that NCARB did acknowledge a need to find a mechanism to better communicate interns' options related to discussing examination content with their mentors. California's statute on examination security (Business and Professions Code section 123) is not as broad in its scope as NCARB's policy (which prohibits discussion of examination content with anyone), and takes into consideration an intern's intent. Therefore, the act of an intern discussing issues, concerns, or difficulties related to the examination with their mentor would not typically constitute subversion under California law. The Board members agreed that the issue should be discussed further with NCARB. Legal Counsel, Don Chang was asked if he could draft a summary of California law on examination security (attached), which could then be shared with the NCARB Board during future discussions.

The Board will be provided with an update and/or additional information with regard to this issue.

Attachments

1. Department of Consumer Affairs (DCA)/Legal Affairs Memorandum on California Examination Security dated August 27, 2012
2. ARE Guidelines, July 2011 edition, page 4 – Exam Content Confidentiality
3. ARE Guidelines, July 2011 edition, page 18 – Examination Security
4. NCARB website information regarding exam security, confidentiality agreement, and other applicable policies and procedures
5. Board's Security of Examination Notice (includes General Provisions of the Business and Professions Code pertaining to examination security)
6. DCA/Office of Professional Examination Services' (OPES) Departmental Procedures Memorandum on Examination Security, DPM-OPES 10-01
7. OPES Examination Security, Informational Series No. 5
8. PSI & DCA Security Policy/Agreement

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MEMORANDUM

DATE	August 27, 2012
TO	Doug McCauley, Executive Officer California Architects Board
FROM	Don Chang, Assistant Chief Counsel Legal Affairs
SUBJECT	**Examination Security**

The California Architects Board ("Board") has asked what are the limitations or prohibitions that candidates are subject to when taking the California Supplemental Examination.

Section 123 of the Business and Professions Code (all section references are to that Code) addresses examination subversion. It provides:

> "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."

Thus, section 123 prohibits conduct which subverts or attempts to subvert a licensing examination.

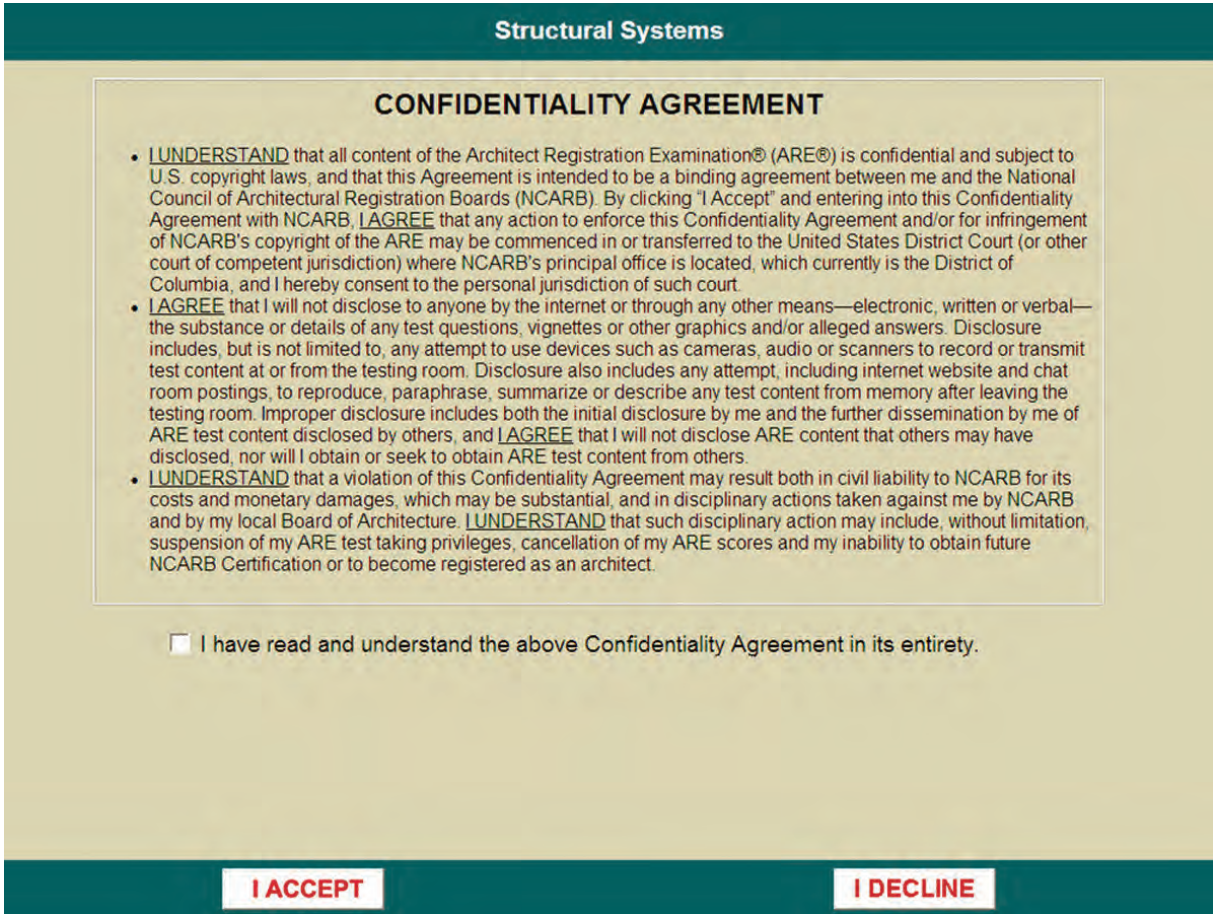
"Subvert" is defined as "a: to bring to nothing, destroy or greatly impair the existence, sovereignity, influence wholeness of, esp. by insidious undermining...b: to make invalid or futile ..." *Websters Third International Dictionary* 1993 page 2281.

Accordingly, the examples of conduct enumerated in section 122 which are considered to constitute examination subversion, such as, the reproduction of portions of the examination, must be for the purpose of invalidating the integrity of the examination. Where a candidate talks to his or her mentor regarding difficulties that he or she encountered on the examination for the purpose identifying areas of weakness that require further work and experience, we do not believe such an individualized use would be actionable under section 123. Conversely, where a candidate memorizes questions and gives those questions to an examination preparation school for its use in training students to take the examination, such conduct undermines the ability of the examination to evaluate the knowledge, skills and abilities of the candidate and would be subject to the provisions of section 123. Section 123 is directed at action which affects the validity and integrity of a licensing examination as a means of measuring a candidate's knowledge, skills and abilities in protecting the public health safety and welfare.

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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Exam Security

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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

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

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[more]

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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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© National Council of Architectural Registration Boards | 1801 K Street, NW | Suite 700K | Washington, DC 20006 | P: 202/783-6500 | F: 202/783-0290

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION
2420 Del Paso Road, Suite 105, Sacramento, CA 95834 www.cab.ca.gov
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.

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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.

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Agenda Item H

REPORT ON NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Jon Baker will report on NCARB activities.

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Agenda Item I

REVIEW AND APPROVE RECOMMENDATION REGARDING PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, SECTION 109, FILING OF APPLICATION AND SECTION 117, EXPERIENCE EVALUATION

The National Council of Architectural Registration Boards' (NCARB) Intern Development Program (IDP) 2.0 is the most significant update to IDP since its inception in the 1970s. Since July 2009, IDP 2.0 has been implemented in three phases. The final phase, which became effective April 5, 2012, offered some of the most significant changes to the program. Among those changes included the allowance for an intern 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 current regulations with regard to earning experience credit towards the eight-year requirement for licensure. Specifically, CCR section 117 (b)(7) states in part:

"…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)."

This regulatory provision currently precludes candidates from receiving additional experience credit towards the eight-year licensure requirement if the experience was required for their degree.

At its May 2012 meeting, the Professional Qualifications Committee (PQC) was asked to review this specific change to IDP as it relates to the Board's regulations 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. At its June 2012 meeting, the Board approved the PQC's recommendation and directed staff to proceed with a regulatory change proposal.

Staff has drafted the attached proposed regulatory language which updates the reference to the most recent edition (April 2012) of the *IDP Guidelines* and aligns the regulations with the academic internship allowance component of IDP.

The Board is asked to review and approve the proposed regulations to amend CCR, Title 16, sections 109, Filing of Applications, and 117, Experience Evaluation, 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.

<u>Attachment</u>
CCR Sections 109 and 117 Proposed Regulatory Language

CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Article 2. Applications

Amend Section 109 as follows:

Section 109, Filing of Applications.

* * *

(b) Application Process:

* * *

(2) A new or inactive candidate applying to the Board for eligibility evaluation for the ARE shall prior to licensure complete the IDP of the NCARB, as defined in the most recent edition of NCARB's *Intern Development Program Guidelines* (currently the ~~July 2011~~ April 2012 edition), or the Internship in Architecture Program (IAP) of Canada (currently the 2001 edition). Both documents referred to in the preceding sentence are hereby incorporated by reference.

* * *

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

Article 3. Examinations

Amend Section 117 as follows:

Section 117, Experience Evaluation.

* * *

(b) Education Equivalents:

* * *

(7)(A) Experience obtained as, or experience obtained under the direct supervision of, a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while a candidate is enrolled in a college or university shall be allowed maximum credit for educational/training equivalents of 1 year as defined in subsections (a)(10)(A) through (E). A candidate who obtains experience under the direct supervision of a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while enrolled in a college or university shall have his/her education and/or experience evaluated according to the method which provides the candidate the most credit.

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

(C) A candidate who is certified as having completed the requirements of IDP, as referenced in section 109(b)(2), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, is exempt from the provisions of subsection (b)(7)(B) relating to maximum credit allowed for degrees where credit earned is based on work experience courses.

* * *

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

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Agenda Item J

COMMUNICATIONS COMMITTEE REPORT

1. Update on June 20, 2012, Communications Committee Meeting

2. Review and Approve Recommendation Regarding 2012 Strategic Plan Objective to Prepare a Concise Board Mission Statement for Use in All Communications

3. Review and Approve Recommendation Regarding 2012 Strategic Plan Objective to Establish a Social Media Presence for the Board

4. Review and Approve Recommendation Regarding 2012 Strategic Plan Objective to Review and Finalize Board School Presentation Materials

5. Review and Approve Recommendation Regarding 2012 Strategic Plan Objective to Expand the Board e-News Distribution List

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Agenda Item J.1

UPDATE ON JUNE 20, 2012, COMMUNICATIONS COMMITTEE MEETING

The Communications Committee met on June 20, 2012. Attached is the notice of the meeting. Committee Chair Iris Cochlan will provide an update of the meeting.

Attachment
June 20, 2012, Meeting Agenda

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Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF MEETING

COMMUNICATIONS COMMITTEE
June 20, 2012
10:00 a.m. to 1:00 p.m.
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 574-7220

The California Architects Board (CAB) will hold a Communications Committee meeting, 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 Marccus Reinhardt at (916) 575-7221, emailing marccus.reinhardt@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 July 28, 2011, Communications Committee Summary Report

B. Review and Approve Potential Articles for the Fall and Winter 2012 Issues of *California Architects*

C. Discuss and Possible Action on the 2012 Strategic Plan Objective to Prepare a Concise CAB Mission Statement for Use in All Communications

D. Discuss and Possible Action on the 2012 Strategic Plan Objective to Establish a Social Media Presence for CAB

E. Discuss and Possible Action on the 2012 Strategic Plan Objective to Review and Finalize CAB School Presentation Materials

F. Discuss and Possible Action on the 2012 Strategic Plan Objective to Expand the CAB e-News Distribution List

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

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

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REVIEW AND APPROVE RECOMMENDATION REGARDING 2012 STRATEGIC PLAN OBJECTIVE TO PREPARE A CONCISE BOARD MISSION STATEMENT FOR USE IN ALL COMMUNICATIONS

The Board's 2012 Strategic Plan directs the Communications Committee to prepare a concise mission statement to be used in all communications.

At the June 20, 2012, Committee meeting, the members reviewed the Board's current mission statement as contained within the 2012 Strategic Plan:

> "The mission of the CAB is to protect the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture in the state by:
>
> - Ensuring that those entering the practice meet standards of competency by way of education, experience, and examination;
> - Establishing standards of practice for those licensed to practice;
> - Requiring that any person practicing or offering to practice architecture be licensed;
> - Protecting consumers and users of architectural services;
> - Enforcing the laws, codes, and standards governing architectural practice in a fair, expeditious, and uniform manner;
> - Empowering consumers by providing information and educational materials to help them make informed decisions; and
> - Overseeing the activities of the LATC to ensure it regulates the practice of landscape architecture in a manner which safeguards the well-being of the public and the environment."

The Committee also reviewed and compared the full mission statement with the Board's tagline used as part of its branding on its letterhead, publications, and website:

> "Public Protection Through Examination, Licensure, and Regulation"

The Committee discussed the Strategic Plan objective (considering the intended uses for the mission statement) and voted to recommend the Board use the tagline as the concise mission statement because it distills the essence of the Board's mission into a simple phrase already recognizable to stakeholders.

The Board is asked to review and approve the Committee's recommendation for a concise mission statement.

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Agenda Item J.3

REVIEW AND APPROVE RECOMMENDATION REGARDING 2012 STRATEGIC PLAN OBJECTIVE TO ESTABLISH A SOCIAL MEDIA PRESENCE FOR THE BOARD

The Board's 2012 Strategic Plan directs the Communications Committee to establish a social media presence for the Board.

As discussed during the Committee's June 20, 2012, meeting, there are literally hundreds of social media services across several distinct types (social networks, bookmarking, social news, media sharing, microblogging, and blogs and forums) available on the Internet. Establishing a presence on each service would be prohibitive due to the volume of resources required to maintain an active status. However, Facebook and Twitter are currently among the foremost used social media services with approximately1.5 billion combined users worldwide as of June 2012.

Based on the current widespread usage of these two services, staff created an official Twitter account for the Board, which has already been used to communicate information to candidates. Staff advised the Committee that social media services may need to be added or removed as popularity changes and new services become available. Methodologies for informing stakeholders or other interested parties of the Board's presence are being developed. Strategies regarding the use of social media services are being formulated.

The Committee considered staff recommendations to use Twitter, Facebook, and screencasting (a digital recording of computer screen output, also known as a *video screen capture*, and often containing audio narration), but concluded that due to the amount of staff resources required to maintain an active account that Facebook should not be utilized. However, the Committee did recommend the use of Twitter for microblogging and screencasting to communicate.

The Board is asked to review and approve the Committee's recommendation for a establishing a social media presence.

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Agenda Item J.4

REVIEW AND APPROVE RECOMMENDATION REGARDING 2012 STRATEGIC PLAN OBJECTIVE TO REVIEW AND FINALIZE BOARD SCHOOL PRESENTATION MATERIALS

The Board's 2012 Strategic Plan directs the Communications Committee to review and finalize the materials used when providing presentations to architectural students.

As part of the Board's outreach to students at the California accredited architectural schools, staff developed a PowerPoint presentation (attached) entitled "The Path to Licensure." The presentation provides an overview in order to familiarize students with the licensing process and requirements to become an architect in California. Staff updated the presentation to reflect changes to the licensing process, such as the elimination of the Comprehensive Intern Development Program and implementation of the Intern Development Program 2.0. Distributed to students at the presentation is the Board's informational bookmark for the career website. The Candidate's Handbook will also be distributed at the presentations when it is revised.

Also attached is the staff developed survey distributed to the students that is used to assist the Board in assessing the effectiveness of the presentation and guide revisions to it as necessary.

The Committee considered the materials staff presented and voted to recommend the Board continue to use the materials and make improvements or changes as necessary to keep the material relevant.

The Board is asked to review and approve the Committee's recommendation for presentation materials.

Attachments
1. The Path to Licensure PowerPoint
2. School and Student Outreach Campaign Presentation Evaluation

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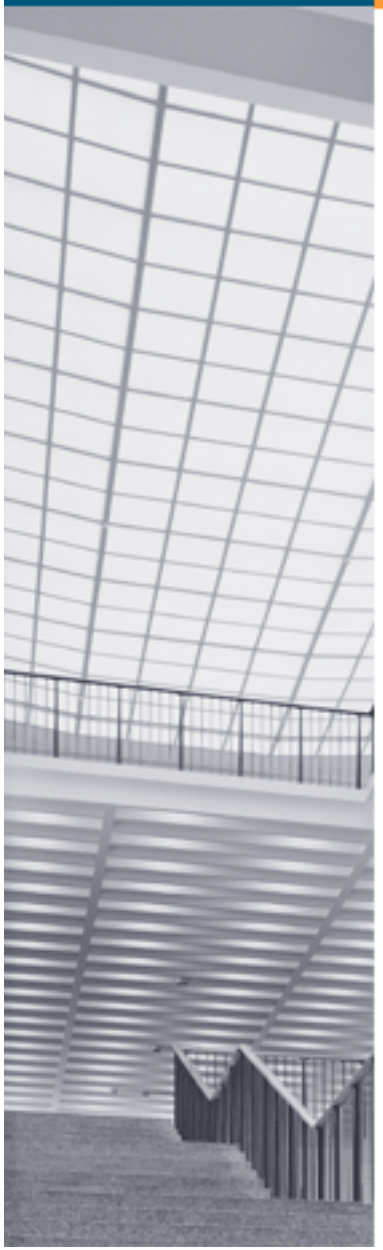
The Path to Licensure

CALIFORNIA ARCHITECTS BOARD



The Path to Licensure

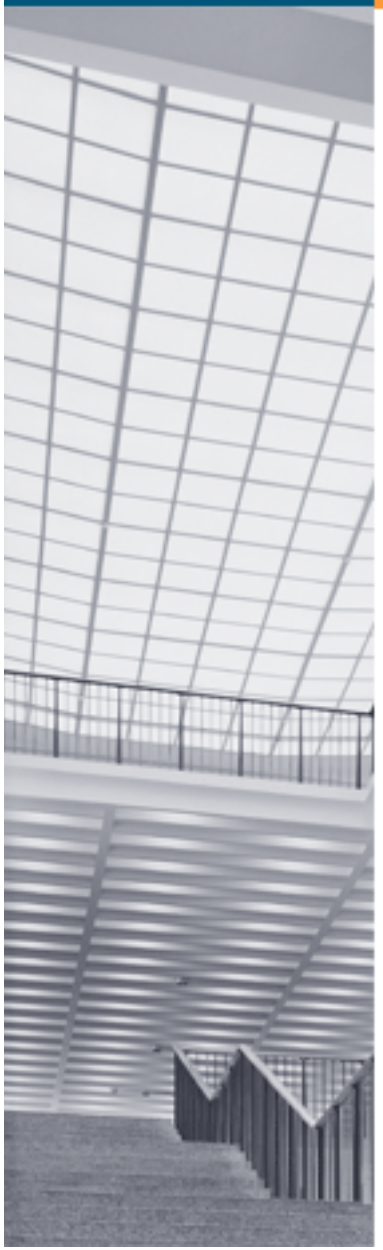
Why You Should Become an Architect

Validation

Expanded Practice Opportunities

Respect

Expanded Career Opportunities



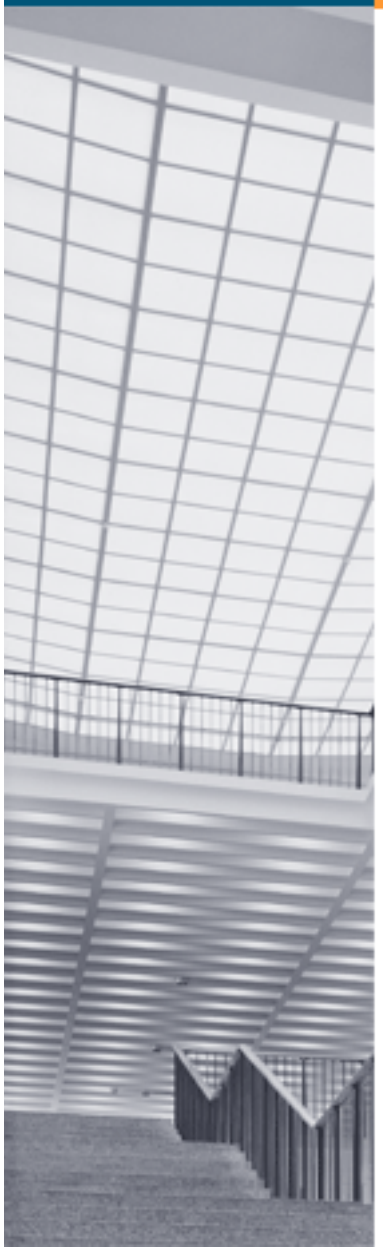
The Path to Licensure

Key Players

California Architects Board (CAB)

National Council of Architectural Registration Boards (NCARB)

NCARB Test Vendor (Prometric)



The Path to Licensure

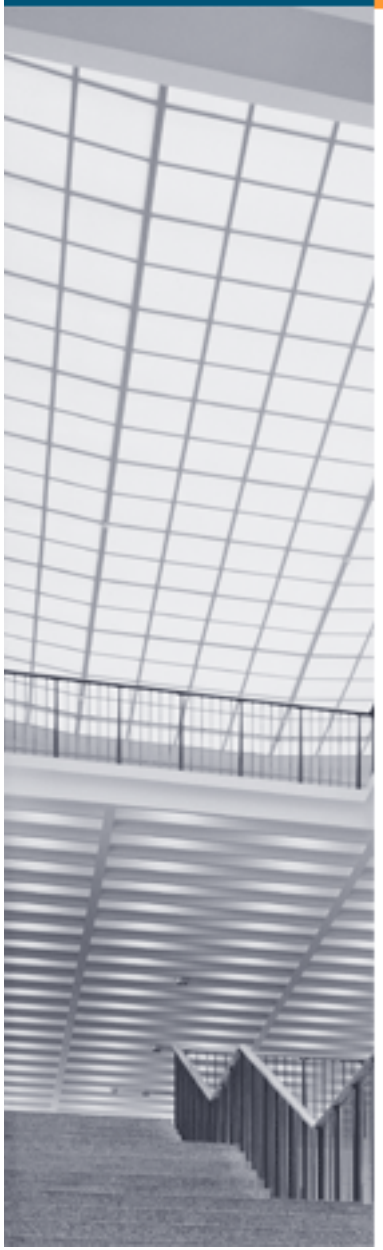
Collateral Organizations

National Architectural Accrediting Board (NAAB)

The American Institute of Architects (AIA)

The American Institute of Architecture Students (AIAS)

Society of American Registered Architects (SARA)



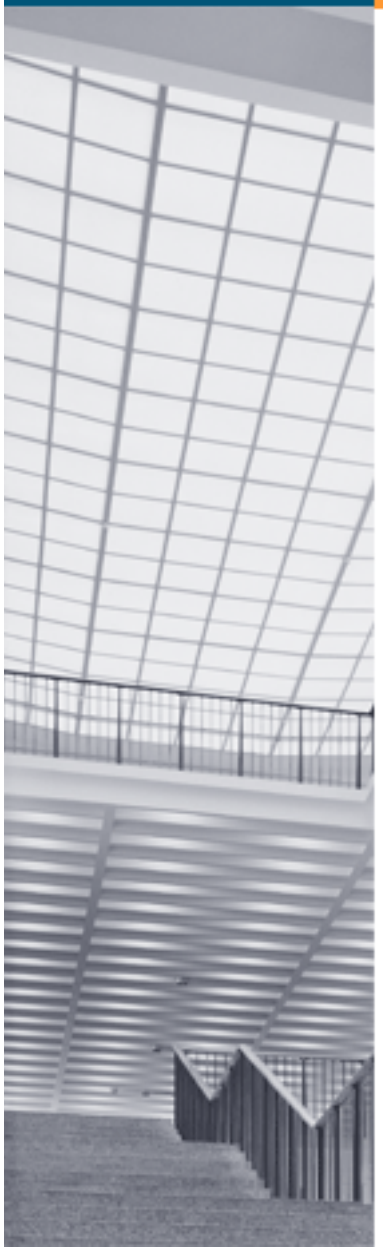
The Path to Licensure

CAB Responsibilities

Protect the Public

Set Minimum Qualifications and Practice Standards

Regulate the Practice of Architecture



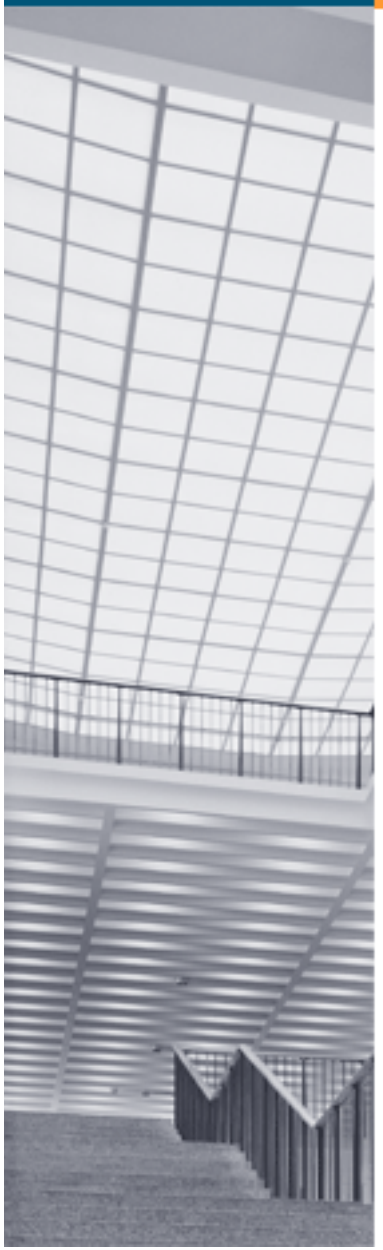
The Path to Licensure

NCARB Role

Facilitate Reciprocal Licensure

Foster Uniformity in Licensing and Practice Laws

Assist State Architectural Registration Boards

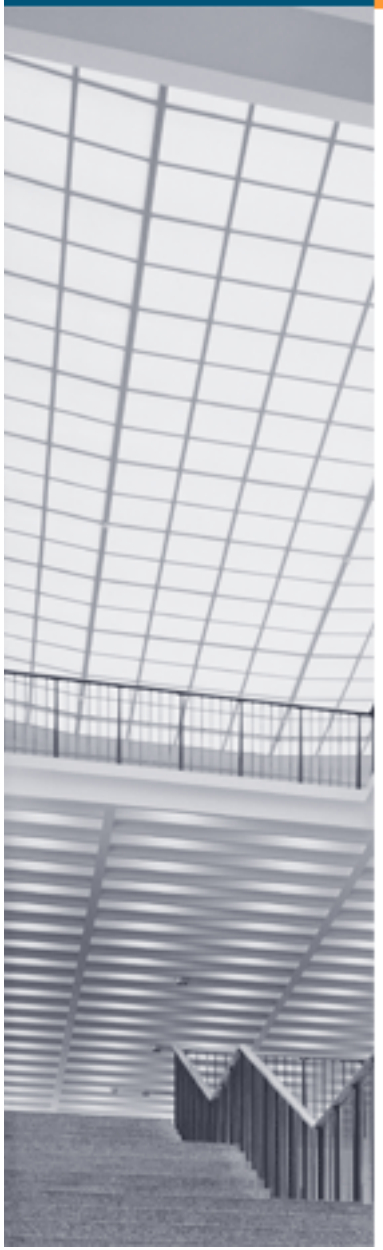


The Path to Licensure

Prometric Role

Administer the ARE

Score ARE Divisions



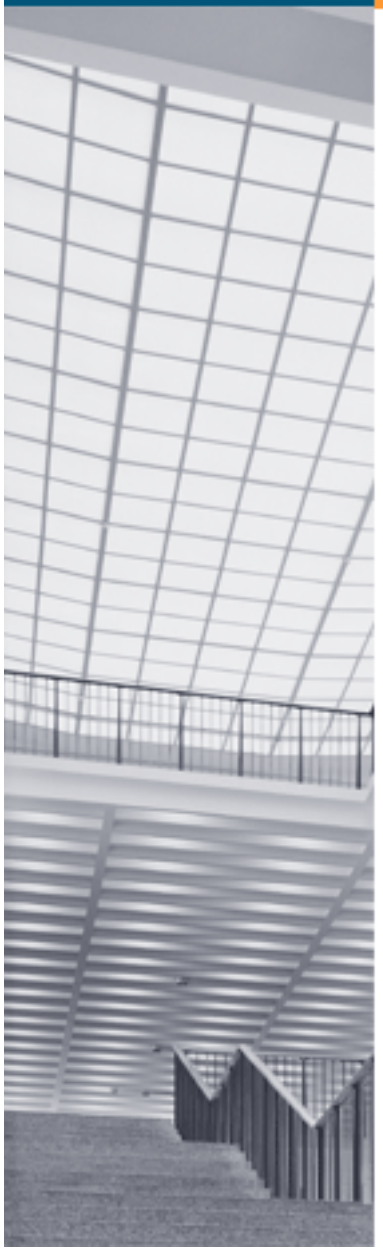
The Path to Licensure

Candidate Responsibilities

Proactive

Prepare

Persevere



The Path to Licensure

California Requirements

NAAB accredited post-secondary education in architecture

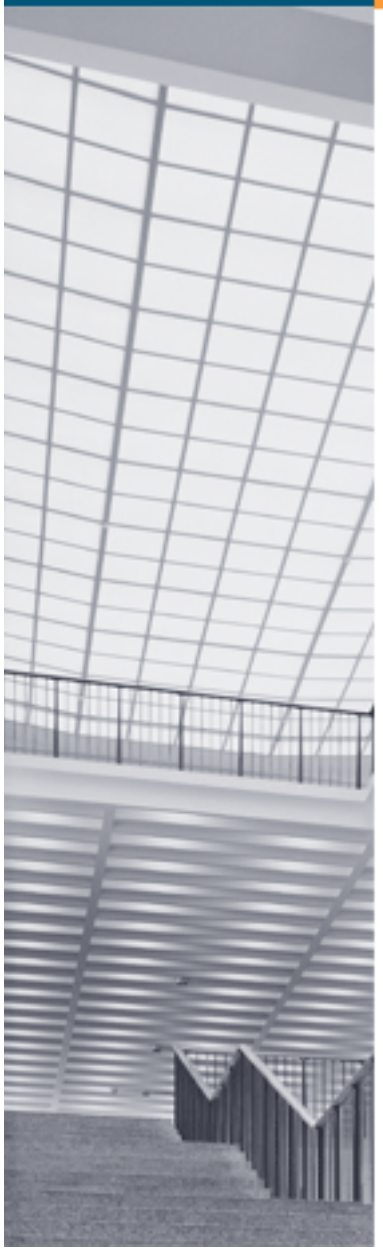
OR

Non-accredited post-secondary education in combination with work experience under the direct supervision of a U.S. architect

OR

Five years of work experience under the direct supervision of a U.S architect in lieu of education

AND



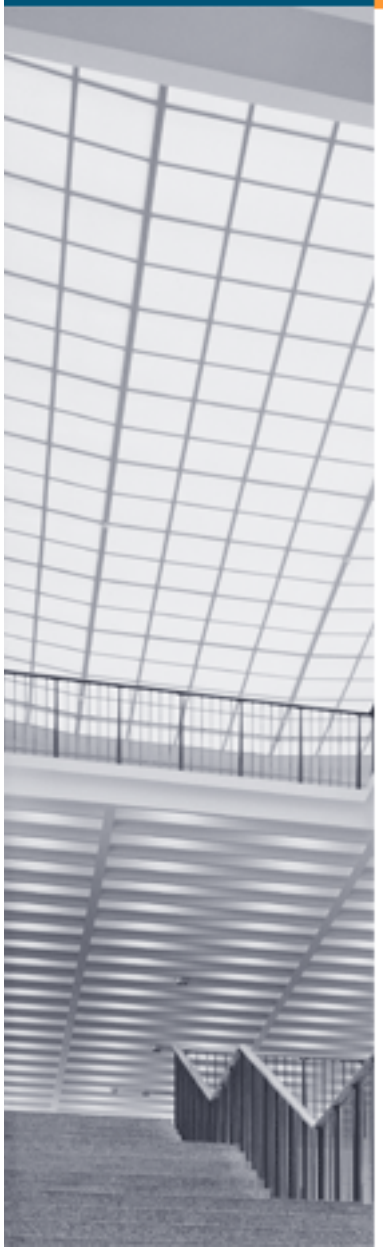
The Path to Licensure

California Requirements

Intern Development Program (IDP)

Architect Registration Examination (ARE)

California Supplemental Examination (CSE)



The Path to Licensure

IDP

Nationally Recognized Internship Program

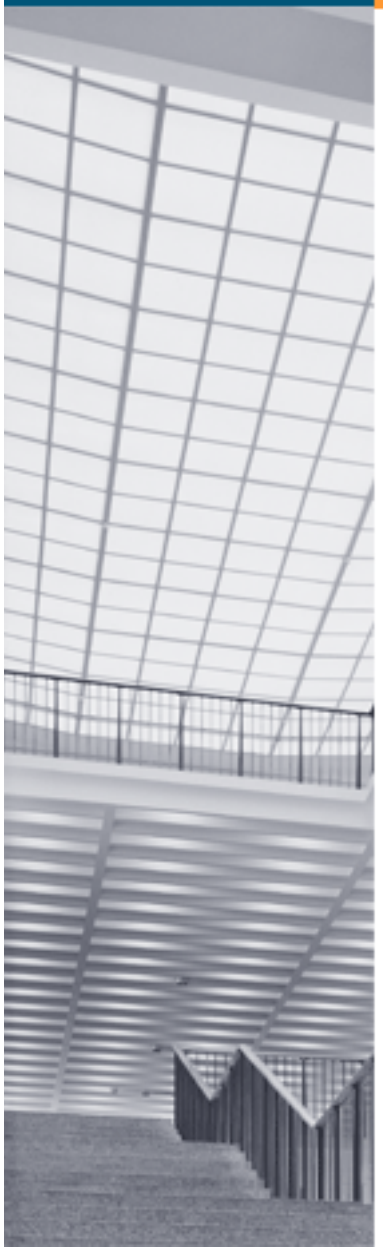
NCARB Administered

Required by most NCARB Member Boards

Required in California since January 1, 2005

IDP 2.0

IDP Guidelines (April 2012)



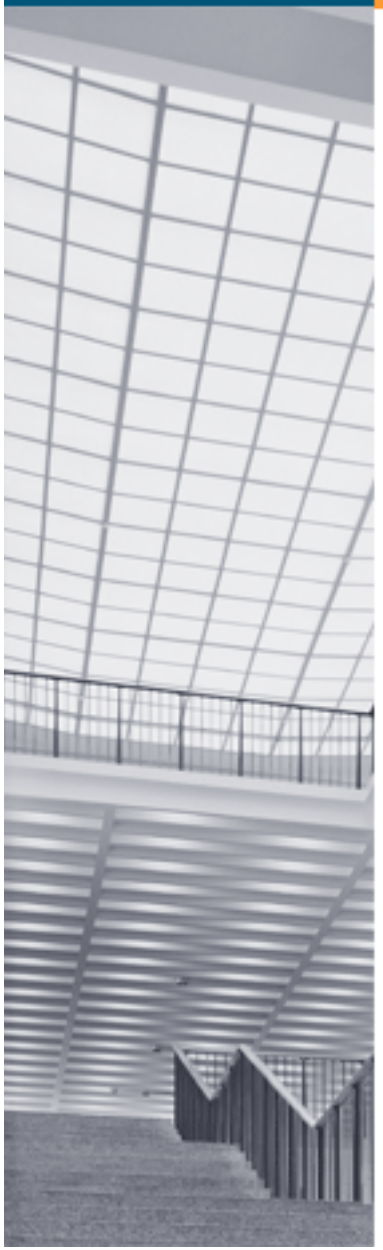
The Path to Licensure

IDP Entry Point

Enrollment in a NAAB Accredited Program

Enrollment in a Non-accredited Architectural Program

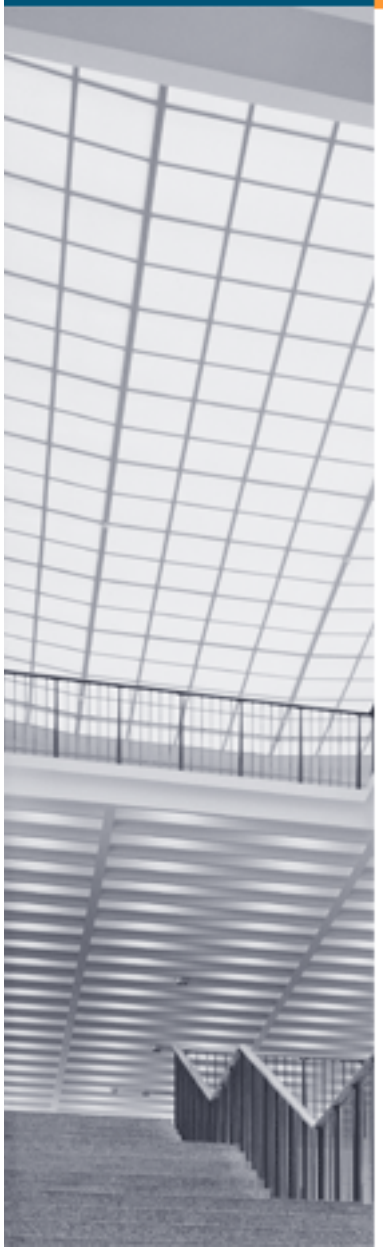
Employment under a U.S. architect and a High School Diploma or GED



The Path to Licensure

IDP

- 5,600 Training Hours
  - 17 Training Areas/Four Training Categories
  - Three Work Experience Settings
- Electronic Experience Verification Reporting System (e-EVR)
- Employment Duration
  - 15 hours per week/eight consecutive weeks



The Path to Licensure

IDP

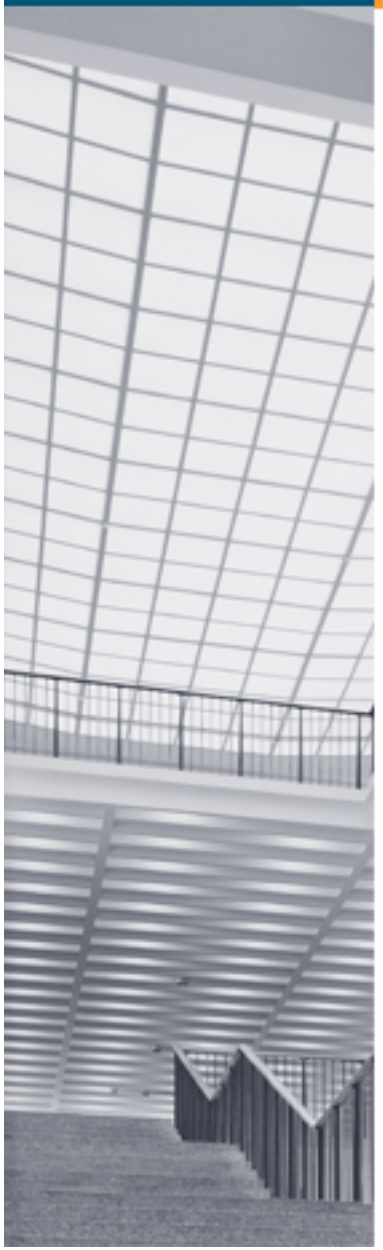
- Supplemental Experience
  - Emerging Professional's Companion (EPC)
  - Leadership in Energy and Environmental Design (LEED) Accredited Professional (AP) Certification
- Limited experience credit while unemployed
- Six-Month Rule

Six-Month Rule

Experience more than six months old cannot be submitted

Experience must be submitted within two months from the end of a reporting period

Assist interns and supervisors to identify deficiencies earlier in the training process



The Path to Licensure

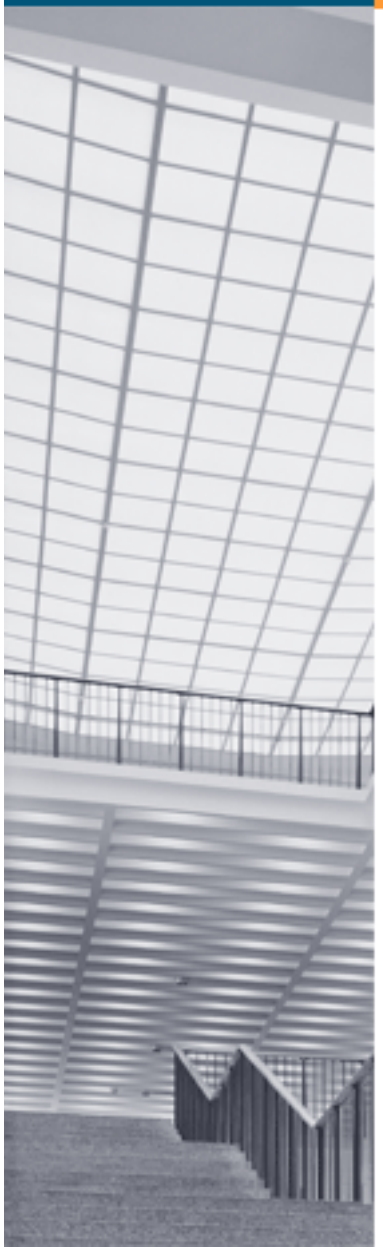
Starting IDP

Establish NCARB Record (www.ncarb.org)

Select IDP Supervisor

Select IDP Mentor

Start Recording Experience



The Path to Licensure

ARE

Nationally Recognized Architect Licensing Exam

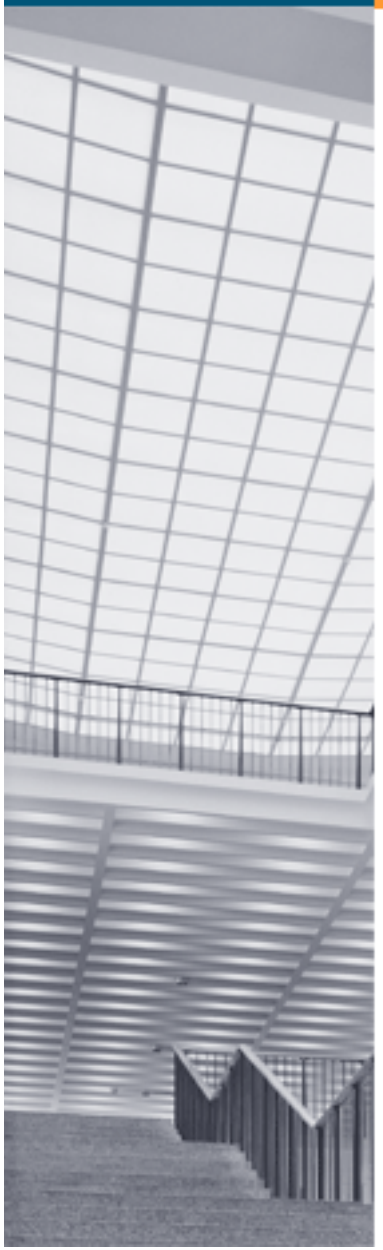
NCARB Developed

ARE 4.0

Seven Divisions

ARE Rolling Clock

Computer-delivered/scored



The Path to Licensure

ARE Eligibility

Valid for Five Years

Starts when eligibility is determined by CAB

Separate from ARE Rolling Clock

Must take an exam within five years

ARE Rolling Clock

Validity of Exam Scores

Clock starts with first successful ARE division

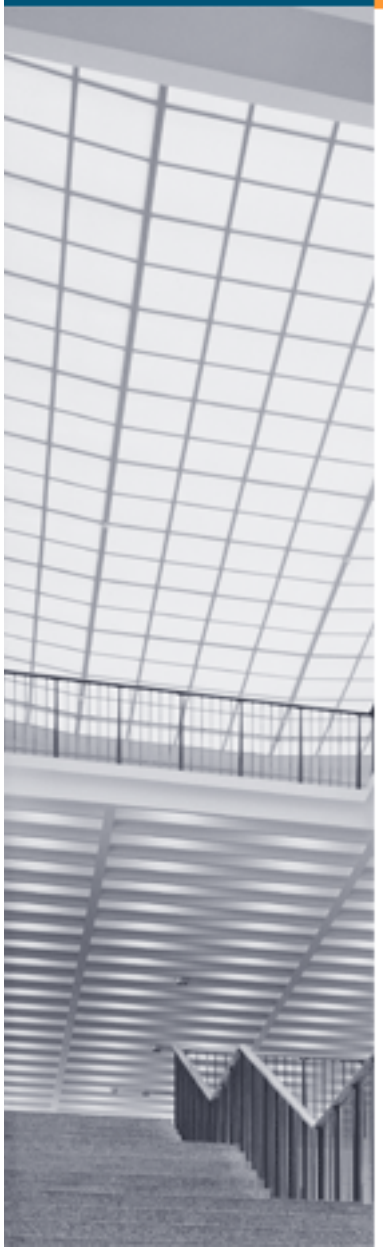
Passing scores valid for five years

Divisions older than five years become invalid and must be retaken

The Path to Licensure

CSE

- CAB Developed
- California Specific Exam
- Computer-delivered/scored
- Administered by PSI



The Path to Licensure

The Path (Overview)

Apply with the Board

Establish an NCARB Record

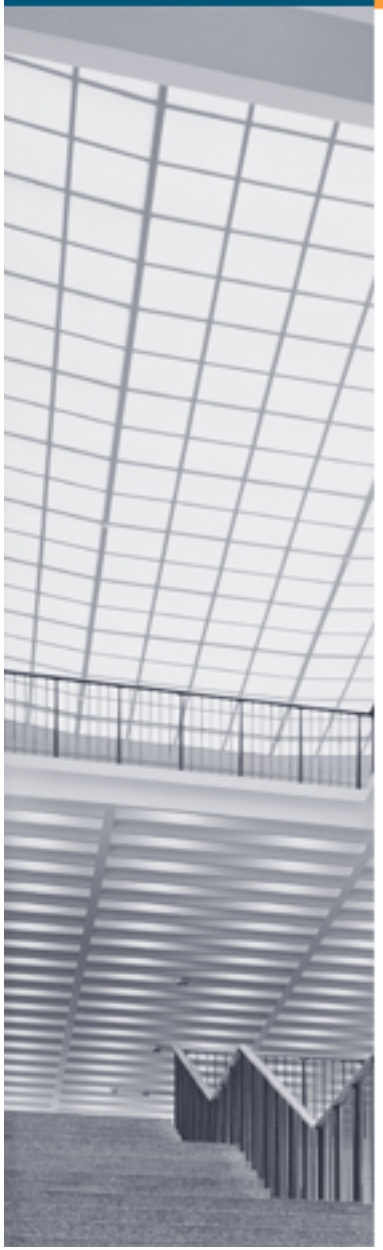
Complete the ARE

Complete IDP

Apply for the CSE

Complete the CSE

Apply for a California Architect License



The Path to Licensure

Contact Information

Board Website: cab.ca.gov

Career Website: architect.ca.gov

Email: cab@dca.ca.gov

Telephone: 916.574.7220

Twitter: @CAArchitectsBd

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

School and Student Outreach Campaign

Presentation Evaluation

Your feedback helps the Board improve its presentations and measure how we meet your needs. Please complete this evaluation and return to the presenter before you leave. The Board greatly appreciates your participation.

Please circle the rating score which most accurately describes your impression.

Scale: 1 = Strongly Disagree; 2 = Disagree; 3 = Neutral; 4 = Agree; 5 = Strongly Agree

Question	Rating				
1. The purpose and objectives of the presentation were made clear.	**1**	**2**	**3**	**4**	**5**
2. The presentation was organized and structured.	**1**	**2**	**3**	**4**	**5**
3. Effective use of visual tools was made during the presentation.	**1**	**2**	**3**	**4**	**5**
4. Presentation time was well managed and the pace satisfactory.	**1**	**2**	**3**	**4**	**5**
5. The presentation made the California licensure process understandable.	**1**	**2**	**3**	**4**	**5**
6. There was sufficient time for Q & A.	**1**	**2**	**3**	**4**	**5**
7. The presenter was prepared and had a good command of the subject matter.	**1**	**2**	**3**	**4**	**5**
8. Audience questions were responded to effectively by the presenter.	**1**	**2**	**3**	**4**	**5**
9. The presenter was audible and spoke clearly.	**1**	**2**	**3**	**4**	**5**
10. Following the presentation, I am more interested in becoming a California licensed architect.	**1**	**2**	**3**	**4**	**5**
11. Overall, the presentation met my expectations.	**1**	**2**	**3**	**4**	**5**

Are there additional topics you would like the Board to include in future presentations?

_____

_____

_____

Do you have any suggestions on how the Board can improve future presentations?

_____

_____

_____

School Code: _____ Date: _____

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REVIEW AND APPROVE RECOMMENDATION REGARDING 2012 STRATEGIC PLAN OBJECTIVE TO EXPAND THE BOARD E-NEWS DISTRIBUTION LIST

The Board's 2012 Strategic Plan directs the Communications Committee to expand the Board's e-news (e-subscriber) distribution list.

The Board maintains an e-subscriber list for broadcast communications with approximately 7,700 subscribers. Subscribers are able to choose any or all of several categories of lists from which they can receive notifications:

- Meeting Notices
- eNews
- Legislation and Regulations Updates
- Consumer Related Bulletins
- Candidate Related Bulletins
- Licensee Related Bulletins

Primarily, the e-subscriber list is promoted through each issue of the Board's newsletter, *California Architects,* by allocating space on the back page suggesting the reader subscribe to it.

Staff presented the members at the June 20, 2012, Communications Committee meeting with several methods to expand the e-subscriber list including:

- Adding a statement on the license renewal form suggesting licensees subscribe
- Developing an insert to be included with all mailings
- Requesting an option be included in BreEZe (the new integrated enterprise-wide licensing and enforcement system) allowing candidates and licensees to subscribe
- Sending a mailing to the Board's paper-based interested parties list informing them of the e-subscriber option

The Committee considered the methods presented by staff and suggested adding another (including a link to the e-subscriber registration page within the signature block of staff emails) to the above list of recommendations for the Board to consider.

The Board is asked to review and approve the Committee's recommendations.

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Agenda Item K

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on August 14, 2012, LATC Meeting
2. Review and Approve Application Fee for Approval of Landscape Architecture School

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Agenda Item K.1

UPDATE ON AUGUST 14, 2012, LATC MEETING

The LATC met on August 14, 2012 in Sacramento. Attached is the notice of the meeting. Program Manager Trish Rodriguez will provide an update on the meeting.

Attachment
LATC August 14, 2012 Notice of Meeting

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NOTICE OF MEETING

August 14, 2012
10:30am – 3:00pm
Landscape Architects Technical Committee
Sequoia Room
2420 Del Paso Road
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 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 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 John Keidel 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 November 11, 2011 LATC Summary Report

C. Approve May 4, 2012 LATC Summary Report

D. Program Manager's Report

E. Report on California Supplemental Examination and Possible Action

F. Exceptions and Exemptions Task Force Report and Possible Action

G. University of California Extension Certificate Program Task Force Report and Possible Action

H. Report on Council of Landscape Architectural Registration Boards (CLARB)
   1. Review of CLARB Annual Meeting Agenda, Policies, and Procedures
   2. Review and Discuss CLARB Nominating Committee Members Selection
   3. Review and Approve Recommended Position on Resolutions and Candidate Ballot

I. Review and Discuss Application Fee for Approval of Landscape Architecture School and Possible Action

J. Election of LATC Officers

K. Review Tentative Schedule and Confirm Future LATC Meeting Dates

Adjourn

Please contact LATC 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*.

REVIEW AND APPROVE RECOMMENDATION REGARDING APPLICATION FEE FOR APPROVAL OF LANDSCAPE ARCHITECTURE SCHOOL

Business and Professions Code (BPC) section 5681 (Fee Schedule) was amended by Senate Bill (SB) 572 on July 27, 1989, allowing the then Board of Landscape Architects to charge a fee for filing an application for the approval of a school of landscape architecture. BPC section 5681 specifies the fee shall be set at an amount not to exceed the cost of the approval process and may not exceed $600. It also specifies the fee shall be charged and collected on a biennial basis.

Although the Landscape Architects Technical Committee (LATC) is authorized to charge and collect a maximum fee of $600 on a biennial basis, the actual fee must be set in California Code of Regulations (CCR), specifically section 2649 (Fees). Until a fee has been specified in the regulations, the LATC may not charge a fee for filing an application for the approval of a school of landscape architecture.

The LATC met on August 14, 2012, and agreed to recommend to the Board that the LATC charge and collect the maximum fee allowable for filing an application for the approval of a school of landscape architecture.

The Board is asked to approve LATC's recommendation and proceed with a regulatory proposal to charge and collect the maximum fee for filing an application for the approval of a school of landscape architecture.

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Agenda Item L

REVIEW OF SCHEDULE

September		
3	*Labor Day*	*Office Closed*
6-8	Council of Landscape Architectural Registration Boards Annual Meeting	San Francisco
10-22	Landscape Architect Registration Examination (LARE) Sections 1 & 2 Administration	Various
13	Board Meeting	Walnut
28-1	American Society of Landscape Architects (ASLA) 2012 Annual Meeting & Expo	Phoenix, AZ
October		
1	ASLA Annual Meeting (continued)	Phoenix, AZ
November		
12	*Veterans Day Observed*	*Office Closed*
14	Landscape Architects Technical Committee Meeting	TBD
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*

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