

# CALIFORNIA ARCHITECTS BOARD

MARCH 7, 2013

UNIVERSITY OF CALIFORNIA, BERKELEY



Edmund G. Brown Jr.  
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

## NOTICE OF BOARD MEETING

**March 7, 2013**  
**9:30 a.m. – 5:00 p.m.**  
**College of Environmental Design**  
**University of California, Berkeley**  
**230 Wurster Hall #1820**  
**Gallery, First Floor**  
**Berkeley, California**  
**(510) 642-0831**

The California Architects Board will hold a Board meeting, as noted above. The agenda items may not be addressed in the order noted below. The meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Annamarie Lyda at (916) 575-7202, emailing [annamarie.lyda@dca.ca.gov](mailto: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. Public Comment Session
- D. Approve the December 5-6, 2012 Board Meeting Minutes
- E. Executive Officer's Report
  - 1. Update to February 2013 Monthly Report
  - 2. Discuss and Possible Action on Legislation Regarding Senate Bill 308 (Price) [Sunset Review of California Council for Interior Design Certification], Assembly Bill (AB) 186 (Maienschein) [Military Spouses], and AB 630 (Holden) [Instruments of Service]
- F. Review and Approve 2013 Strategic Plan
- G. Closed Session – Disciplinary Decisions and Exam Development Issues [Closed Session Pursuant to Government Code Sections 11126(c)(1) and (3)]

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*Continued*

- H. Western Conference of Architectural Registration Boards (WCARB)
  - 1. Review of the 2013 Joint Regional Annual Meeting of WCARB
  - 2. Discuss and Possible Action on National Council of Architectural Registration Boards (NCARB) Resolutions
  - 3. Discuss and Possible Action on 2013 Elections
  
- I. California Supplemental Examination (CSE)
  - 1. Discuss and Possible Action Regarding Board and NCARB Examination Security/Confidentiality Policies, Including Business and Professions Code Section 123
  - 2. Update and Possible Action Regarding CSE Development and Results
  - 3. Update and Possible Action Regarding CSE Project Scenario Documents (Handouts)
  
- J. Review and Approve Recommended Modifications to Proposed Regulatory Language Amending California Code of Regulations (CCR) Sections 109, Filing of Applications and 117, Experience Evaluation
  
- K. Review and Approve Recommended Modifications to Proposed Regulatory Language Amending CCR Section 121, Form of Examinations; Reciprocity
  
- L. Landscape Architects Technical Committee (LATC) Report
  - 1. Update on January 24-25, 2013 LATC Meeting
  - 2. Review and Approve Recommended Modifications to Proposed Regulatory Language Amending CCR, Title 16, Division 26, Section 2614, Examination Transition Plan
  - 3. Review and Approve Recommended Modifications to Proposed Regulatory Language Amending CCR, Title 16, Division 26, Section 2620.5, Requirements for an Approved Extension Certificate Program
  
- M. Review of Schedule
  
- N. Adjournment

The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: [www.cab.ca.gov](http://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

Hraztan Zeitlian

## **Agenda Item B**

### **PRESIDENT'S REMARKS**

Board President Sheran Voigt, or in her absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

## **Agenda Item C**

### **PUBLIC COMMENT SESSION**

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

## **Agenda Item D**

### **APPROVE THE DECEMBER 5-6, 2012 BOARD MEETING MINUTES**

The Board is asked to approve the minutes of the December 5-6, 2012 Board meeting.

MINUTES  
REGULAR MEETING  
CALIFORNIA ARCHITECTS BOARD

December 5-6, 2012

Ontario, CA

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

Board Vice President Sheran Voigt called the meeting to order on December 5, 2012 at 9:35 a.m. and Pasqual Gutierrez called the roll.

Board Members Present

Sheran Voigt, Vice President  
Jon Alan Baker  
Pasqual Gutierrez  
Matthew McGuinness  
Michael Merino  
Fermin Villegas

Board Members Absent

Marilyn Lyon, President  
Hraztan Zeitlian, Secretary  
Jeffrey Heller

Guests Present

Kurt Cooknick, Director of Regulation and Practice, The American Institute of Architects, California Council (AIACC)  
Bob Holmgren, Supervising Personnel Selection Consultant, Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES)  
Stephanie Landregan, Chair, Landscape Architects Technical Committee (LATC)

Staff Present

Doug McCauley, Executive Officer  
Vickie Mayer, Assistant Executive Officer  
Marccus Reinhardt, Program Manager, Examination/Licensing Unit  
Hattie Johnson, Enforcement Officer  
Robert Carter, Architect Consultant  
Don Chang, Assistant Chief Counsel, DCA

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

B. PRESIDENT'S REMARKS

Ms. Voigt welcomed everyone to the meeting and announced that the Board would be conducting regular business today and strategic planning tomorrow.

C. PUBLIC COMMENT SESSION

There were no public comments.

D. APPROVE THE SEPTEMBER 13, 2012 AND NOVEMBER 20, 2012 BOARD MEETING MINUTES

Ms. Voigt asked for a motion to approve the September 13, 2012, Board Meeting Minutes.

- **Pasqual Gutierrez moved to approve the September 13, 2012, Board Meeting Minutes.**

**Fermin Villegas seconded the motion.**

**The motion passed 5-0-1 (Michael Merino abstained).**

Ms. Voigt asked for a motion to approve the November 20, 2012, Board Meeting Minutes.

- **Fermin Villegas moved to approve the November 20, 2012, Board Meeting Minutes.**

**Matthew McGuinness seconded the motion.**

**The motion passed 4-0-2 (Pasqual Gutierrez and Michael Merino abstained).**

E. EXECUTIVE OFFICER'S REPORT

Doug McCauley presented the Board with a list of potential dates for 2013 Board meetings: March 7; June 13; September 12; and December 11-12.

Mr. McCauley announced the promotion of Marccus Reinhardt to Program Manager for the Examination/Licensing Unit and briefly summarized Mr. Reinhardt's qualifications and his prior experience at the Board and program.

Mr. McCauley reminded the Board of legislation that altered the methodology used by licensees to report their compliance with the continuing education (CE) requirement. He said staff is preparing for the implementation of the new CE auditing system that was previously approved by the Board at its June 2012 meeting.

Mr. McCauley informed the Board of regulatory packages staff is preparing related to changes in the National Council of Architectural Registration Boards' (NCARB) Intern Development Program (IDP). He said the pace of revisions to the *IDP Guidelines* the last few years has posed a challenge to staff that must subsequently update the regulations to reflect the most recent edition.

Mr. McCauley informed the Board both its and the LATC's Enforcement Units performance continue to remain within the parameters established by the DCA Consumer Protection Enforcement Initiative. He commended both units for the improvements they have made in reducing their respective caseloads.

Mr. Merino informed the Board of an initiative being promoted by the First Lady of the United States, Michelle Obama, and Dr. Jill Biden, that would make it easier for members of the military and/or their spouses to transfer their professional/occupational licenses (at least temporarily) from state to state. He asked for staff to research how other states have approached the issue and to learn what measures were implemented that achieve the objective(s) of the initiative. Mr. McCauley said DCA has worked with other boards on the issue and staff could explore the matter of streamlining the licensing process for members of military households.

Mr. McCauley informed the Board the California Council for Interior Design Certification (CCIDC) will be undergoing its Sunset Review next year. He said the organizations that in the previous legislative session promoted legislation to require licensing for interior designers would be active participants in the CCIDC Sunset Review process and again arguing for licensure of interior designers. He reminded the Board that it has previously supported the CCIDC and its certification model. Mr. Merino asked if the Sunset Review process could be used as a substitute for the legislative process and ultimately results in licensure for interior designers. Mr. McCauley replied the outcome is determined by the Legislature and the recommendation of the Sunset Review Committee could add a degree of validity to the argument for licensure. Mr. Merino recommended the creation of a task force to monitor the matter as part of the Board's Strategic Plan.

F. ELECTION OF 2013 BOARD OFFICERS

Ms. Voigt stated that neither member of the Nominations Committee would be present at today's meeting. She advised that the Nominations Committee recommended the following individuals for the 2013 officers: Sheran Voigt, President; Hraztan Zeitlian, Vice President; and Pasqual Gutierrez, Secretary.

Mr. Merino asked what methodology was used by the Nominations Committee in determining the slate of Board officers. He also asked whether the vote could be postponed or must be conducted today. Mr. McCauley responded the Board Member Administrative Procedures Manual requires the Board to elect its officers at the last meeting of the calendar year.

Jon Baker asked Mr. McCauley how much of a role he has, as Executive Officer (EO), in the process of selecting the slate of Board officers. Mr. McCauley said he typically only facilitates the communications between the individual members of the Nominations Committee, but that if the Board desires he could take a more active role. Mr. Baker recommended Mr. McCauley use his experience as the EO to provide the Nominations Committee with more input.

Mr. Merino requested that a report be made by the Nominations Committee, at the next Board meeting which provides a count of the responses received and explains the methodology used to develop the slate of Board officers.

- **Michael Merino moved to approve the recommended slate of officers for 2013: Sheran Voigt, President; Hraztan Zeitlian, Vice President; and Pasqual Gutierrez, Secretary.**

**Fermin Villegas seconded the motion.**

**The motion passed 6-0.**

**G. SELECT THE 2012 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD RECIPIENTS**

Mr. McCauley stated this award, named after the first Board President, is given to recognize the dedicated volunteers who have served on committees or assisted with the CSE. The Board reviewed this year's recommendations and identified three individuals to receive the award for 2012.

Mr. McCauley informed the Board the supply of the actual awards was nearly exhausted and there are purchasing restrictions. Messrs. Merino and Baker suggested the Board members donate the cost of or otherwise sponsor the award.

- **Michael Merino moved to approve that Victor Newlove, Roger North, and Roger Wilcox be awarded the Octavius Morgan Distinguished Service Award for 2012.**

**Jon Baker seconded the motion.**

**The motion passed 6-0.**

- **Jon Baker moved the Octavius Morgan Distinguished Service Award for 2012 be given to awardees as a "physical element of recognition" paid for by Board monies unless prohibited, in which case it will be paid directly by Board members.**

**Jon Baker seconded the motion.**

**The motion passed 6-0.**

**H. 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.

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

Mr. Reinhardt reminded the Board this agenda item had been discussed at prior Board meetings during the year and that presently there was no further update from staff to provide the Board. He asked Mr. Baker if there were any new developments since the September 13, 2012, Board meeting. Mr. Baker said he had no additional information to report.

Mr. McCauley suggested staff draft a letter to NCARB as a follow-up to the prior conversations with them regarding examination security. He said the letter would serve as a reminder to NCARB of the the issue and would solicit feedback on the action NCARB has taken so far or plans to take. He indicated a vote was not necessary and that a directive from Board would suffice. Ms. Voigt indicated that staff should consider itself directed to follow-up with the letter to NCARB.

J. DISCUSS AND POSSIBLE ACTION ON CSE RESULTS

Mr. McCauley summarized the discussions from the November 20, 2012, Board meeting related to an issue that prompted the Board to suspend the CSE for a period of approximately 30 days. He reported the performance of the CSE was such that OPES recommended the Board suspend it. He said the advice provided by OPES was considered by he and Board President Marilyn Lyon and the decision was made to suspend the CSE from November 9, 2012 to December 10, 2012. He informed the Board that staff took immediate action to contact affected candidates by telephone, and added that candidates were again contacted recently in writing as follow-up. Mr. Merino asked if any of the affected candidates contacted had inquired about the nature of the issue or had given an indication of a lack of confidence in the CSE. Mr. McCauley responded that OPES stated the issue is an anomaly and there is sound psychometric data which supports the previous examination forms administered.

Bob Holmgren reported that during the initial statistical analysis, results indicated the examination form was displaying poor psychometric performance. He said an investigation into the cause was conducted by the OPES examination developer who took a select group of the poorly performing “project” questions and presented them to subject-matter experts (SME) for their review. Mr. Holmgren stated the result of the review was that none of the SMEs answered the questions correctly. He also reported the examination developer, then had the SMEs review each item individually to verify the correct answer whereby they realized the items had been answered without the use of the related project plan. He said the SMEs realized that had they referred to the graphic as instructed they would have answered the item correctly. He stated the SMEs also reviewed the three item distractors (answers that are plausible but incorrect) and the item stem (the question part of the examination item) for clarity, and verified the difficulty level was at the minimum acceptable level of competence.

Mr. Holmgren reported that subsequent analysis was conducted and appeared to indicate improvement in the psychometric quality even though only two candidates had passed the examination. He said the decision was made to continue administering the CSE and begin formal discussions with the Board to consider contingency plans. He reported that a third analysis was conducted and the results clearly indicated the examination was still performing below acceptable psychometric standards. He stated this prompted the need to suspend any further administration of the examination.

Mr. Holmgren reported that there is no clear cause for the issue, but it is suspected that item difficulty was a possible factor. He explained that ideally a workshop will contain an equal number of “seasoned” architects and those who are newly licensed. He added that unfortunately, this is not always possible and could have influenced the issue. He indicated this mix is necessary in order to develop an examination item that is at the appropriate difficulty level for minimum competence. Mr. Holmgren stated the answer options for the examination questions could have been only subtly different from one another, and that this may also have contributed to questions that were more difficult than minimum competence level. He also said still another possible factor, which could

have made the questions more difficult, might have been misinterpretation of the applicable laws or regulations. He said a solution for improving psychometric performance would be to conduct additional workshops for pre-testing of examination items just prior to setting the passing score and launching a new examination form. He added there is already a provision in the current Intra-Agency Contract to allow for this. Mr. Holmgren explained the workshops would allow the SMEs two days over which to fine-tune the questions. He said it is believed this approach should resolve the issue of the poor psychometric performance of the examination items. He also said another tactic OPES is planning to implement is utilizing a greater quantity of questions with known statistical performance.

- **Jon Baker moved to ratify the suspension of the currently administered examination form of the CSE.**

**Michael Merino seconded the motion.**

**The motion passed 6-0.**

Mr. Baker asked for a clarification of the methodology used to select SMEs who assist in developing the CSE. Mr. McCauley explained that SMEs are selected from a pool of volunteers which is generated most commonly by referrals from: 1) architects who previously served as CSE commissioners; 2) past and present Board members; and 3) AIACC. He added that the actual assignment of SMEs to a given workshop is done by Board staff.

Ms. Voigt asked that updates on the performance of the CSE be provided in the each Monthly Report.

Mr. Baker expressed curiosity about the process related to the CSE occupational analysis (OA) and the new CSE test plan. Mr. McCauley said the information learned from the NCARB Practice Analysis would serve as a foundation for the Board when conducting the next OA for the CSE. Mr. Holmgren explained that part of the OPES process involves conducting an audit of the Architect Registration Examination (ARE) that consists of reviewing its test plan to confirm the examination is following proper psychometric standards and ensure that there is no double-testing of content between the national and state examinations.

Mr. McCauley reported that late the previous night a letter was received from a former committee member raising several concerns they had previously voiced and providing some suggestions that relate to the recent CSE issue. The letter was distributed to those in attendance and reviewed. Mr. McCauley said staff will develop a response with the assistance of OPES to address the concerns raised in the letter.

#### **K. REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT**

Ms. Voigt provided the Board with an brief update on the activities which occurred at the October 11, 2012, REC meeting. She said two of the items discussed at the REC meeting are on the agenda for discussion by the Board today.

Mr. McCauley reported that during the REC's discussions related to defining "instruments of service" the Committee concluded that it is important to have a clear definition, but there is a danger if the definition is too narrow as that could inadvertently exclude services. He said the REC realized that there is a larger issue at stake given the practice of architecture has changed substantially since

the definition was first codified more than 50 years ago. He added the REC determined there is a broader issue that needs to be addressed, that of defining the “practice of architecture.” Ms. Voigt said the REC went so far as to review case law on the subject, but found the most recent was dated to the mid-1950s.

- **Pasqual Gutierrez moved to approve the REC’s recommendation to analyze the contemporary practice of architecture to determine if the definition of the “practice of architecture” requires revision prior to the review of the definition of “instruments of service.”**

**Fermin Villegas seconded the motion.**

**The motion passed 6-0.**

Mr. McCauley reminded the Board that qualifications-based selection (QBS) and its application at the local level prompted the AIACC to sponsor legislation that would have made it a violation of the Architects Practice Act (APA) for responding to a “request for qualifications” on a project that is ultimately found to violate QBS law. He advised the legislation did not pass. He also advised that the REC had concern that the process in question originates from local agencies over which the Board does not have authority. Mr. McCauley said the REC recommended the legislation should focus on the specific local agency which violated the QBS instead of the individual architect.

Robert Carter stated that within the language of the QBS law is an option for local agencies to develop and follow their own bid process which could include requesting the fee for services. He opined that to implement regulations which punish architects who respond to a non-QBS proposal would be tantamount to punishing a victim of a crime instead of the perpetrator. He added that there is also the issue of enforcing regulations that are beyond the Board’s purview.

Kurt Cooknick disagreed with the interpretation that there is an option for local agencies to develop and follow their own bid process. He added the AIACC is simply seeking legislation that would prohibit a Request for Proposal (RFP) from a local agency that includes a fee as a consideration in making a decision to award. He said the Board would not be required to enforce QBS law, but instead enforce provisions of the APA that prohibit an architect from responding to such a proposal.

Mr. Merino voiced his opposition and opined the proposed legislation violates the United States Constitution and restricts commerce. Mr. Baker stated the such proposal is counter-intuitive and that the focus should be on the violator of the QBS law and not the architect who responds to an RFP.

- **Pasqual Gutierrez moved to approve the REC’s recommendation that the AIACC’s legislation should be re-focused on the violators of the QBS process rather than licensees.**

**Fermin Villegas seconded the motion.**

**The motion passed 6-0.**

L. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Trish Rodriguez provided an update on the activities which occurred at the November 14, 2012, LATC meeting. She reported the LATC approved the: 1) Intra-Agency Contract with OPES to conduct a new OA; 2) University of California Task Force Review and Approval Procedures, Self-Evaluation Report, Visiting Team Guidelines, and other related site review documents; and 3) modification to a pending regulations package related to the approval requirements for extension certificate programs.

Ms. Rodriguez reported that Sections 1 and 2 of the new Landscape Architect Registration Examination were administered in September 2012 and Sections 3 and 4 are being administered until December 15, 2012. She also advised that commencing in April, all four sections will be administered concurrently.

Stephanie Landregan reported to the Board that all member positions of the LATC have been filled. She said that the LATC Strategic Planning session will be conducted in January 24-25, 2012. She informed the Board members that there is currently no Board liaison to the LATC. Ms. Voigt asked the Board members if they are interested in serving as the liaison to notify her.

Ms. Rodriguez informed the Board that there was an approved regulatory package related to educational and training credit that now allows educational credit for a degree in architecture.

M. ADJOURNMENT

Ms. Voigt stated that Mr. Merino would not be present at the strategic planning session the next day and asked if there was anything related to the Strategic Plan he would like to discuss. Mr. Merino reported on his assignment as liaison to Mount San Antonio College (Mt. SAC). He added that he serves as a member of the Mt. SAC Advisory Committee. He voiced his concern to the Board members about the trend he is noticing with respect to the declining number of new students entering four-year architectural schools because the programs are heavily impacted. He said students are being directed to the engineering programs at the same universities that have the accredited programs because they are less impacted and have indicated their demand for more students, which the architectural programs have not done. He recommended engaging in a larger dialogue with the National Architectural Accrediting Board about its business model and expanding architecture programs at schools. He said more needs to be done to prevent a dwindling of architects in the long-term.

The meeting adjourned at approximately 1:35 p.m.

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

Board Vice President Sheran Voigt called the meeting to order on December 6, 2012, at 9:05 a.m. Pasqual Gutierrez called the roll.

Board Members Present

Sheran Voigt, Vice President  
Jon Alan Baker  
Pasqual Gutierrez  
Matthew McGuinness  
Fermin Villegas

Board Members Absent

Marilyn Lyon, President  
Hraztan Zeitlian, Secretary  
Jeffrey Heller  
Michael Merino

Guests Present

Kurt Cooknick, Director of Regulation and Practice, AIACC  
Roy Fleshman, Facilitation Specialist, DCA, Strategic Organization, Leadership, and Individual Development (SOLID)  
Stephanie Landregan, Chair, LATC  
Terrie Meduri, Facilitation Specialist, DCA SOLID  
Tom Roy, Facilitation Specialist, DCA SOLID

Staff Present

Doug McCauley, Executive Officer  
Vickie Mayer, Assistant Executive Officer  
Marccus Reinhardt, Program Manager, Examination/Licensing Unit  
Hattie Johnson, Enforcement Officer  
Robert Carter, Architect Consultant  
Don Chang, Assistant Chief Counsel, DCA

Six members of the Board present constitute a quorum. There being five present at the time of roll, a quorum was not established and the Board met as a committee.

O. PUBLIC COMMENT SESSION

There were no public comments.

P. STRATEGIC PLANNING SESSION

Ms. Voigt turned the meeting over to staff from SOLID who facilitated the Board's strategic planning session. The Board reviewed the accomplishments for 2012, and the Board's mission, vision, values, and strategic goals. SOLID staff led the Board members through the SWOT (Strengths, Weaknesses Opportunities and Threats) analysis process which assisted the Board members in developing the objectives for 2013.

SOLID will update the Strategic Plan with the changes made during this session, and the Board will review and finalize the plan at its next meeting tentatively scheduled for March 7, 2013.

Q. REVIEW OF SCHEDULE

The Board selected the following dates in 2013 for Board meetings:

- March 7, 2013
- June 13, 2013
- September 12, 2013
- December 11-12, 2013

R. ADJOURNMENT

The meeting adjourned at 12:45 p.m.

## **Agenda Item E**

### **EXECUTIVE OFFICER'S REPORT**

1. Update to February 2013 Monthly Report (contains information on Board activities since the last Board meeting held December 5-6, 2012)
2. Discuss and Possible Action on Legislation Regarding Senate Bill 308 (Price) [Sunset Review of California Council for Interior Design Certification], Assembly Bill (AB) 186 (Maienschein) [Military Spouses], and AB 630 (Holden) [Instruments of Service]



# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.  
GOVERNOR

## MEMORANDUM

DATE: February 28, 2013  
TO: CAB Staff  
FROM: Doug McCauley, Executive Officer  
SUBJECT: Monthly Report - February 2013

The following information is provided as an overview of Board activities and projects as of February 28, 2013.

### ADMINISTRATIVE/MANAGEMENT

Board The next Board meetings are scheduled for March 7, 2013 in Berkeley, June 13 in Sacramento, September 12 in Southern California, and December 11-12.

Budget On July 18, 2012, the Board was directed by the Department of Consumer Affairs' (DCA) 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 PLP credits on the first day of each pay period. The leave credits must be used in the same pay period in which it is earned.

Communications Committee The next Communications Committee meeting will be scheduled after the Board's Strategic Plan has been approved.

Legislation Assembly Bill (AB) 186 (Maienschein) was introduced on January 28, 2013, and would authorize the Board to issue a provisional license to a spouse, domestic partner or other legal companion of an active duty member of the Armed Forces of the United States.

AB 630 (Holden) was introduced on February 20, 2013, and would prohibit the use of an architect's instruments of service without written contract or written assignment authorization.

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The Sunset Review hearings for DCA boards are March 11 and 18, 2013. The California Council for Interior Design Certification will be reviewed on the 18th and will be of interest to the Board. Staff is gathering more information on the hearing to share with the Board.

Newsletter The next issue of the Board’s newsletter is scheduled for publication in March 2013.

Personnel Mel Knox was selected for the Administration Analyst position and started on January 22, 2013.

Training The following employees have been scheduled for upcoming training:

- 3/12/13 Basic Project Management (Mel, Matt, Arleen, and Nancy)
- 3/13/13 Effective Business Writing (Mel)
- 3/28/13 Interpersonal Skills for Analysts (Mel)
- 4/9/13 Research, Analysis and Problem Solving (Mel)
- 4/10/13 Introduction to Records Management (Mel)
- 4/18/13 Duty Statements (Mel)
- 4/25/13 Completed Staff Work (Mel)
- 6/17-21/13 Basic Supervision for State Supervisors - Part II (Marccus)

Website The notices for the regulatory proposal to amend California Code of Regulations (CCR) section 130 and the March 7, 2013 Board meeting were posted to the website in February 2013.

### **EXAMINATION AND LICENSING PROGRAMS**

Architect Registration Examination (ARE) The results for ARE divisions taken by California candidates between October 1, 2012, and December 31, 2012 are shown below.

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		# Divisions	Passed	# Divisions	Failed
Programming, Planning & Practice	190	102	54%	88	46%
Site Planning & Design	190	116	61%	74	39%
Building Design & Construction Systems	173	97	56%	76	44%
Structural Systems	139	99	71%	40	29%
Building Systems	200	121	60%	79	40%
Construction Documents & Services	249	131	53%	118	47%
Schematic Design	187	128	68%	59	32%

California Supplemental Examination (CSE) Administration The computer-delivered, multiple-choice format CSE was administered to 55 candidates during the month of February 2013\*. Of the 55 candidates, 41 (75%) passed and 14 (25%) failed. The pass rate for February 2013 is within an acceptable range per the Office of Professional Examination Services (OPES). The computer-delivered CSE has been administered to 1,935 candidates. Of those candidates, 1,141 (59%) passed and 794 (41%) failed.

*\*Statistics through February 23, 2013.*

CSE Development The CSE development is a continual ongoing process. The current cycle of development workshops is expected to conclude in April.

Continuing Education (CE) Audit System AB 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the statutory provisions [Business and Professions Code (BPC) sections 5600 and 5600.05] pertaining to the CE requirement for licensees. This bill amended the CE provisions by: 1) requiring an audit of 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 to provide the Legislature a report on the level of licensee compliance, actions taken for noncompliance, findings of Board audits, and any recommendations for improving the process.

An audit system was developed by the Professional Qualifications Committee (PQC) and approved by the Board on June 14, 2012. The audits of license renewals began in January 2013.

Intern Development Program (IDP) 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 allowing candidates to earn IDP credit through qualifying academic internships approved by NCARB. 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 directed staff to proceed with a regulatory change proposal. The Board approved the proposed regulatory language to amend CCR sections 109 and 117 at its September 13, 2012 meeting. Staff began preparing the regulatory package for submission to the Office of Administrative Law (OAL) when, in November 2012, it was learned that a new edition of the *IDP Guidelines* had been released by the NCARB. The latest edition modifies the April 2012 changes to IDP by removing the: 1) requirement for an academic internship to be approved by NCARB; and 2) 930-hour cap on the amount of credit that can be earned. Staff submitted the regulatory language to OAL incorporating the November 2012 *IDP Guidelines* and will present the Board with the modified language for approval at its March 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. Jon Baker reported at the Board's September 13, 2012 meeting that the NCARB Internship and IDP Advisory Committees were receptive to and supportive of the idea, and that it has become a

research task of the IDP Advisory Committee for next year. The Board will continue to work on this Strategic Plan objective in 2013 by developing appropriate criteria for recognizing a broadly experienced intern.

Liaison Program The Board's Liaison Program was originally created in 2008 and designed to ensure that the Board shares information with key constituency groups, like the League of California Cities, American Council of Engineering Companies – California and others, and to maintain a line of communication between the Board and the organizations. Phase I of the program was implemented on March 17, 2011, when letters to the respective organizations and assigned liaisons were mailed. A draft of the Liaison Program's purpose and responsibilities was reviewed at the March 17, 2011, Board meeting with its members so they could begin contacting the organizations. Phase II of the program was implemented on August 30, 2011, with contact letters sent to all schools of architecture in California and a copy of the letter sent to their assigned Board member liaisons. Board members reported on their efforts at the December 2011 Board meeting. The Executive Committee will be reviewing the Liaison Program in 2013.

NCARB 2012 Practice Analysis In April 2012, 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 NCARB's 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.

Outreach On February 13, 2013, Bob Carter, Board's architect consultant, and Tim Rodda, Examination/Licensing Analyst, provided a presentation at The American Institute of Architects, Central Valley chapter office to candidates explaining the enforcement process, licensing requirements, and the upcoming ARE blackout. Approximately 20 individuals attended the presentation.

PQC The next PQC meeting will be scheduled after the Board's Strategic Plan has been approved.

Regulation Changes *CCR section 121, Form of Examinations; Reciprocity* – At its December 2011 meeting, the Board discussed 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 United Kingdom). 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 Certifications 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 that no adverse comments are received during the public comment period, and, if needed, to make minor technical changes to the language. Staff discovered, while preparing the required notice and documents for filing with OAL, a discrepancy in the originally proposed (and approved) language with respect to United Kingdom licensed architects. The proposed regulatory language was modified to correct for the discrepancy and staff filed the rulemaking package with the OAL. The recommended modified language will be presented to the Board for approval at its March meeting.

## **ENFORCEMENT PROGRAM**

### Architect Consultants

**Building Official Contact Program:** The architect consultants were available on call to Building Officials and in February; they received 29 telephone, email, and/or personal contacts. These types of contacts generally include discussions regarding the Board’s policies and interpretations of the Practice Act, stamp and signature requirements, and scope of architectural practice.

**Education/Information Program:** Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In February, there were 15 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for two 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.

<u>Enforcement Statistics**</u>	<u>Current Month</u> February 2013	<u>Prior Month</u> January 2013	<u>Prior Year</u> February 2012
Total Cases Received/Opened*:	16	28	8
Complaints with Outside Expert:	0	0	0
Complaints to DOI:	0	1	1
Complaints Pending DOI:	2	1	2
Complaints Pending AG:	2	2	6
Complaints Pending DA:	3	3	2
Total Cases Closed*:	13	26	12
Total Cases Pending*:	87	84	82
Settlement Cases (§5588) Opened:	2	4	3

<u>Enforcement Statistics**</u>	<u>Current Month</u> February 2013	<u>Prior Month</u> January 2013	<u>Prior Year</u> February 2012
Settlement Cases (§5588) Pending:	13	14	16
Settlement Cases (§5588) Closed:	3	2	3
Citations Final:	0	2	0

\*Total Cases categories include both complaint and settlement cases

\*\*Statistics as of February 25, 2013

Staff reviews at the end of each Fiscal Year (FY) the average number of complaints received, pending, and closed for the past three FYs. From FY 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.

California Building Officials (CALBO) The 2013 Annual Business Meeting of CALBO was held February 18-22, 2013. The Board sponsored a vendor table as part of the Exhibitor's Program, which was staffed by Board architect consultants Bob Carter and Barry Williams. Enforcement Officer Hattie Johnson and Doug McCauley attended as well. There were approximately 200 people representing various building departments throughout the State. The Board had 25 documented direct contacts. The Board received compliments on the Board's *Consumer's Guide to Hiring an Architect* and the *Consumer Tips for Design Projects*, resulting in requests for additional copies. At least two Building Officials specifically thanked the Board for the "Planning Department" letter jointly issued last year by the Board for Professional Engineers, Land Surveyors, and Geologists, and the Board.

Regulation Changes *CCR section 103, Delegation of Certain Functions* – The Board's 2011 Strategic Plan directed the Regulatory and Enforcement Committee (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 prepared the required notice and documentation, and filed the rulemaking package with the OAL. The public hearing is scheduled for April 3, 2013, in Sacramento.

## **LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)**

### **LATC ADMINISTRATIVE/MANAGEMENT**

Committee The next LATC meeting will be held in May. Upon securing a meeting location, the date will be determined and included in the monthly report.

Exceptions and Exemptions Task Force The Exceptions and Exemptions Task Force is charged to determine how the LATC can ensure clarity about BPC section 5641, Chapter Exceptions, Exemptions, and ensure that these provisions protect the public. The Task Force held its first

meeting on May 24, 2012, in Sacramento. At this meeting, the Task Force reviewed BPC section 5641, and discussed whether the provisions protect the health, safety, and welfare of the public. At the end of the meeting, the Task Force was asked to submit information to be reviewed and considered at its next meeting on October 18, 2012. At the October 18, 2012, meeting, the Task Force recommended that Don Chang, DCA Legal Counsel, provide a legal opinion for BPC section 5641. The recommendation was presented to the LATC on November 14, 2012 and approved. At the January 24-25, 2013 LATC meeting, Mr. Chang indicated that the legal opinion would be available within four to six weeks. The opinion will be presented to the LATC at a future meeting for review and possible action.

Personnel The LATC is seeking to hire an intermittent/limited term Office Technician to provide clerical and administrative support. This position was posted on the State Personnel Board's hiring website with a final filing date of February 17, 2013. Applications will be screened and interviews scheduled in March.

Training The following employees have been scheduled for upcoming training:

3/12/13	Basic Project Management (Matt and John)
3/13/13	Introduction to Records Management (Ken)
3/19/13	Procurement (Ken)
3/19/13	Cal-Card (Ken)
3/28/13	Interpersonal Skills for Analysts (John)

University of California Extension Certificate Program Review Task Force The University of California (UC) Extension Certificate Program Review Task Force is charged with developing procedures for reviewing the extension certificate programs and conducting reviews of the programs utilizing procedures, as outlined in CCR section 2620.5, Requirements for an Approved Extension Certificate Program. The Task Force held its first meeting on June 27, 2012. At this meeting, the Task Force developed draft procedures and suggested modifications to the proposed language in CCR section 2620.5. The Task Force met again on October 8, 2012, and November 2, 2012, to finalize the Review and Approval Procedures and the Self-Evaluation Report, as well as develop three additional documents: Visiting Team Guidelines, Annual Report Format, and Visiting Team Report Template. The LATC approved all of the documents at its November 14, 2012 meeting.

The University of California Berkeley (UCB) site review will be conducted on April 8-10, 2013, and the University of California Los Angeles (UCLA) on April 22-24, 2013. The Self-Evaluation Report (SER) was sent to each of the schools on January 7, 2013. The UCB SER is due February 28, 2013 and the UCB SER is due March 8, 2013. The SERs will be reviewed by site review teams prior to their visits.

### **LATC EXAMINATION PROGRAM**

California Supplemental Examination (CSE) The Office of Professional Examination Services (OPES) completed development of the new CSE and it was launched in August 2011. A total of

163 candidates have taken the new exam and 149 candidates have passed between August 1, 2011 and January 31, 2013.

OPES has recommended that a new occupational analysis be conducted. At its November 14, 2012 meeting, LATC approved a recommendation for staff to prepare an Intra-Agency Contract (IAC) with OPES to initiate the process for a new occupational analysis. LATC approved two IAC's for staff to begin working with OPES on examination development and a new occupational analysis.

The LATC began recruiting subject matter experts (SME) for ongoing examination development and a new occupational analysis. Six workshops are scheduled to be conducted starting in March 2013. Each workshop will focus on a specific topic including item review, item writing, exam construction and passing score. LATC mailed approximately 3,500 surveys to all licensed landscape architects in California on January 31, 2013. Interested licensees were asked to return the survey form along with their resume by February 15, 2013. Approximately 40 surveys were received. Six to ten SMEs are needed for each workshop to evaluate and refine the tasks and knowledge areas. Staff will work with OPES to select the appropriate SME's and determine the dates for the workshops.

Landscape Architectural Registration Examination (LARE) The second administration of the new LARE, sections 3 and 4, was conducted on December 3 – 15, 2012. Results were mailed to candidates on February 5, 2013. A total of 74 California candidates took sections 3 and/or 4 in December. Beginning April 8-20, 2013, all sections (1-4) will be administered. Previous administrations of the new exam consisted of sections 1 and 2 only, and sections 3 and 4 only.

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.

The LATC contacted the Council of Landscape Architectural Registration Boards (CLARB) on January 28, 2013 regarding some technical issues candidates encountered during the December 2012 LARE administration. CLARB informed the LATC that less than 12 candidates reported the final screen did not reflect certain incomplete items, and that the problem only related to the drag-and-drop items on the examination. CLARB stated that the issue has been corrected for the April 2013 LARE administration, and provided the LATC with examples of how they instruct candidates to report exam troubleshooting issues.

Outreach Christine Anderson, former LATC member, visited the University of California, Davis on February 26, 2013, to present to students the landscape architecture licensure process.

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 are needed to outline the transitional credit to the new, four-section LARE for candidates who are not successful in passing all sections of the previously administered five-section LARE.

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
October 4, 2012	Final rulemaking file received from DCA Legal Office
October 5, 2012	15-Day Notice of Availability of Modified Language posted on website; no public comments received
October 22, 2012	Final rulemaking file to DCA Legal Office
December 19, 2012	Final rulemaking file received from DCA Legal Office

*CCR section 2620.5, Requirements for an Approved Extension Certificate Program* – The LATC established the original requirements for an approved extension certificate program based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). These requirements are outlined in CCR section 2620.5. In 2009, LAAB implemented changes to their university accreditation standards. Prompted by the changes made by LAAB, LATC drafted updated requirements for an approved extension certificate program and recommended the Board authorize LATC to proceed with a regulatory change. The Board approved the regulatory change and adopted the regulations at the December 15-16, 2010 Board meeting. The regulatory proposal to amend CCR section 2620.5 was published at the Office of Administrative Law on June 22, 2012. In 2012, the LATC appointed the University of California Extension Certificate Program Task Force, which was charged with developing the procedures for the review of the extension certificate programs, and conducting reviews of the programs utilizing the new procedures. The Task Force held meetings on June 27, 2012, October 8, 2012, and November 2, 2012. As a result of these meetings, the Task Force recommended additional modifications to CCR section 2620.5 to further update the regulatory language with LAAB guidelines and LATC goals. At the November 14, 2012 LATC meeting, the LATC approved the Task Force's recommended modifications to CCR section 2620.5, with additional edits.

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
November 30, 2012	40-Day Notice of Availability of Modified Language posted on website

January 9, 2013	LATC received one written comment during 40-day Notice period
January 24, 2013	LATC approved modified language to accommodate public comment
February 15, 2013	Final rulemaking file to DCA Legal Office

### LATC ENFORCEMENT PROGRAM

<u>Enforcement Statistics</u>	<u>Current Month</u> February 2013**	<u>Prior Month</u> January 2013	<u>Prior Year</u> February 2012
Complaints Opened*:	1	8	4
Complaints to Expert:	0	0	0
Complaints to DOI:	0	0	0
Complaints Pending DOI:	0	0	0
Complaints Pending AG:	0	0	0
Complaints Pending DA:	0	0	0
Complaints Closed:	2	5	2
Complaints Pending:	31	32	35
Settlement Cases (§5678.5) Opened:	0	0	0
Settlement Cases (§5678.5) Pending:	6	6	3
Settlement Cases (§5678.5) Closed:	0	0	0
Citations Final:	0	0	0

\*Includes both complaint and settlement cases

\*\*As of February 22, 2013

## Agenda Item E.2

### **DISCUSS AND POSSIBLE ACTION ON LEGISLATION: SENATE BILL 308 (PRICE) - SUNSET REVIEW OF CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION, ASSEMBLY BILL (AB) 186 (MAIENSCHHEIN) - MILITARY SPOUSES, AND AB 630 (HOLDEN) - INSTRUMENTS OF SERVICE**

#### **Senate Bill (SB) 308 (Price) - Sunset Review of California Council for Interior Design Certification (CCIDC)**

SB 308 is the legislative vehicle for changes to the sunset date and statutes for CCIDC. CCIDC is the nonprofit organization recognized in the Business and Professions Code that certifies interior designers in California.

There have been numerous efforts to license interior designers in California. Most recently, AB 2482 (Ma) would have created the Registered Interior Designers Board, but there was tremendous opposition to the bill and it died without being heard in committee. The Board has traditionally supported the certification model as a valuable alternative to licensure that provides consumers with a means of verifying credentials without the expense and intrusiveness of a governmental program. It should be noted that the Legislature has indicated a preference for this model as well. The Board wrote to the Senate Business, Professions, and Economic Development Committee and conveyed its support of CCIDC.

The small segment of the interior design profession that has been repeatedly seeking licensure has now released a proposal that recommends: 1) a mandate that local building departments be forced to accept plans from certified interior designers, 2) a legislative requirement that CCIDC implement a privately developed examination that does not reflect California law and standards, and 3) directing CCIDC to employ certain measures to foster public participation and reporting. The Board may wish to consider these proposals and develop recommendations to the Legislature.

#### **Assembly Bill (AB) 186 (Maienschein) - Military Spouses**

Current law requires Department of Consumer Affairs' boards and bureaus to expedite the licensure of an applicant who: 1) supplies evidence that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders; and 2) holds a current license in another state, district, or territory of the United States in the profession or vocation for which he or she seeks a license from the board. This bill would permit boards and bureaus to provide a provisional license while the board or bureau processes the application for licensure. The provisional license shall expire 18 months after issuance.

#### **AB 630 (Holden) - Instruments of Service**

This is The American Institute of Architects, California Council (AIACC)-sponsored legislation that clarifies that a person or entity must have contractual authorization to use the work, or instruments of service, prepared by an architect. AIACC has provided the following background on the bill:

*“An example of this scenario: an architect will prepare the plans for the client, the plans are reviewed and approved by the local building department and a building permit is issued. The client sells the property before it is developed, saying the approved architectural plans are a part of the transaction.*

*The new owner of the property believes he owns the plans (the Instruments of Service) and can use them to develop the property as he sees fit. However, unless the contract allows the client to transfer the license to use the Instruments of Service to another person, or the new property owner enters into an agreement with the architect, the new owner is not allowed to use the architect’s Instruments of Service.*

*The requirement that a user have a license to use an architect’s Instrument of Services allows the architect to protect him/herself and the public by, for example, performing construction administration services to ensure the project is constructed according to the plans. The new property owner described above would not have to honor the construction administration services portion of the contract between the architect and original owner as the new property owner does not have a contractual agreement with the architect.”*

The Board may wish to consider the impact on a consumer/client who has paid for services, but the architect unilaterally terminates the contract, thereby leaving the client/consumer in a position where they are forced to hire a second architect to complete the project.

#### Attachments

1. SB 308 (Price)
2. CCIDC – Background Information and Overview of the Current Regulatory Program as of November 2012
3. Interior Design Coalition of California’s Recommendations to the Sunset Review Committee
4. AB 186 (Maienschein)
5. AB 630 (Holden)

**Introduced by Senator Price**February 15, 2013

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An act to amend Sections 5810, 7200, and 7303 of the Business and Professions Code, relating to professions and vocations.

## LEGISLATIVE COUNSEL'S DIGEST

SB 308, as introduced, Price. Professions and vocations.

Existing law authorizes a certified interior designer, as defined, to obtain a stamp that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and documents submitted to any governmental agency by the designer. Existing law makes it an unfair business practice for any certified interior designer or any other person to represent that he or she is state certified to practice interior design. Existing law provides that these provisions are repealed on January 1, 2014, and shall be subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection, which has been abolished.

This bill would instead repeal those provisions on January 1, 2018, and would make them subject to review by the appropriate policy committees of the Legislature.

Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of Consumer Affairs, including the State Board of Guide Dogs for the Blind. Existing law requires that the board consist of certain members. Existing law repeals these provisions on January 1, 2014.

This bill would extend the operation of these provisions until January 1, 2018.

Existing law provides for the licensure and regulation of barbering and cosmetology by the State Board of Barbering and Cosmetology

and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2014.

This bill would instead repeal these provisions on January 1, 2018, and specify that the board would be subject to review by the appropriate policy committees of the Legislature upon repeal.

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

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

1 SECTION 1. Section 5810 of the Business and Professions  
2 Code is amended to read:

3 5810. (a) This chapter shall be subject to ~~the review required~~  
4 ~~by Division 1.2 (commencing with Section 473): review by the~~  
5 *appropriate policy committees of the Legislature.*

6 (b) This chapter shall remain in effect only until January 1,  
7 ~~2014, 2018~~, and as of that date is repealed, unless a later enacted  
8 statute, that is enacted before January 1, ~~2014, 2018~~, deletes or  
9 extends that date.

10 SEC. 2. Section 7200 of the Business and Professions Code is  
11 amended to read:

12 7200. (a) There is in the Department of Consumer Affairs a  
13 State Board of Guide Dogs for the Blind in whom enforcement of  
14 this chapter is vested. The board shall consist of seven members  
15 appointed by the Governor. One member shall be the Director of  
16 Rehabilitation or his or her designated representative. The  
17 remaining members shall be persons who have shown a particular  
18 interest in dealing with the problems of the blind, and at least two  
19 of them shall be blind persons who use guide dogs.

20 (b) This section shall remain in effect only until January 1, ~~2014,~~  
21 ~~2018~~, and as of that date is repealed, unless a later enacted statute,  
22 that is enacted before January 1, ~~2014, 2018~~, deletes or extends  
23 that date. Notwithstanding any other ~~provision of law~~, the repeal  
24 of this section renders the board subject to review by the  
25 appropriate policy committees of the Legislature.

26 SEC. 3. Section 7303 of the Business and Professions Code is  
27 amended to read:

28 7303. (a) Notwithstanding Article 8 (commencing with Section  
29 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the  
30 Government Code, there is in the Department of Consumer Affairs

1 the State Board of Barbering and Cosmetology in which the  
2 administration of this chapter is vested.

3 (b) The board shall consist of nine members. Five members  
4 shall be public members, and four members shall represent the  
5 professions. The Governor shall appoint three of the public  
6 members and the four professional members. The Senate  
7 Committee on Rules and the Speaker of the Assembly shall each  
8 appoint one public member. Members of the board shall be  
9 appointed for a term of four years, except that of the members  
10 appointed by the Governor, two of the public members and two  
11 of the professions members shall be appointed for an initial term  
12 of two years. No board member may serve longer than two  
13 consecutive terms.

14 (c) The board may appoint an executive officer who is exempt  
15 from civil service. The executive officer shall exercise the powers  
16 and perform the duties delegated by the board and vested in him  
17 or her by this chapter. The appointment of the executive officer is  
18 subject to the approval of the director. In the event that a newly  
19 authorized board replaces an existing or previous bureau, the  
20 director may appoint an interim executive officer for the board  
21 who shall serve temporarily until the new board appoints a  
22 permanent executive officer.

23 (d) The executive officer shall provide examiners, inspectors,  
24 and other personnel necessary to carry out the provisions of this  
25 chapter.

26 (e) This section shall remain in effect only until January 1, ~~2014,~~  
27 ~~2018~~, and as of that date is repealed, unless a later enacted statute,  
28 that is enacted before January 1, ~~2014,~~ ~~2018~~, deletes or extends  
29 that date. *Notwithstanding any other law, the repeal of this section*  
30 *renders the board subject to review by the appropriate policy*  
31 *committees of the Legislature.*

# California Council for Interior Design Certification

## BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 2012

### Section 1 –

#### Background and Description of the CCIDC and Regulated Profession

*Provide a short explanation of the history and function of the CCIDC. Describe the occupations/profession that are licensed and/or regulated by the CCIDC (Practice Acts vs. Title Acts).*

**MISSION STATEMENT** - To establish and implement professional standards and educational requirements, educate the public, and facilitate interior design professional's compliance with our standards and code of ethics in order to provide for the protection, health, safety and welfare of the public.

**BACKGROUND** – CCIDC (The California Council for Interior Design Certification) is the organization that certifies interior designers who voluntarily want to be “Certified Interior Designers” in California as defined under Chapter 3.9, Section 5800 of the California Business and Professions Code since the statute was put in place in 1991. The council is charged with approving examinations, and verifying experience and education requirements for those who want to become Certified Interior Designers, and maintaining a database of those who do so. CCIDC has certified 4,829 individuals since 1991, of which 2,721 are still active mostly in the State of California. Over the past 21 years many CIDs have left the business due to economic reasons, retired, resigned, or passed away. Since the last Sunset Review in 2002, CCIDC has approved and certified 763 Certified Interior Designers.

**NATIONAL OVERVIEW** - The latest statistics from the Federal Bureau of Labor Statistics is projecting 56,500 interior design jobs in the United States from 2010 to 2020. The projected growth rate for interior designers during this period is 19%, whereas the projected growth rate for all jobs is 14%. 10,900 jobs in this category are expected to be added during this period. Median pay is \$47,000 per year or \$22.25 per hour.

The interior design profession has been hit hard in the past 4 years due to the economic recession, and in particular because of the adverse effects that have also hit the housing market. Over 50% of all interior designers work in the residential market.

In many states the minimum requirement in terms of education is a Bachelor’s Degree in Interior Design; however, California leads the nation with the number of community colleges that offer both Associate Degrees and Certificates in interior design. These career technical/professional programs provide graduates direct access into the work force and the profession. These graduates qualify for, and successfully pass, the “IDEX California”

examination (see Section 10, Prior Sunset issues for a complete review of the examination process) to become Certified Interior Designers in California.

**LEGISLATIVE HISTORY** - CCIDC is a “private” nonprofit mutual benefit corporation. It was established in January 1992 as the organization responsible for administering the requirements of the Certified Interior Designers Law under Chapter 3.9, Section 5800 of the California Business and Professions Code. CCIDC defines and enforces standards of competence, ethics, professionalism, and administers a program of voluntary certification of interior designers in California.

SB 153 became effective January 1, 1991, creating a “Title Act” codifying the title “Certified Interior Designer”. The California Council for Interior Design Certification (CCIDC) was created by a coalition of professional interior design organizations in January 1992. CCIDC’s bylaws define classes of affiliation, govern affiliation, govern appointment and election of directors, and specify roles and responsibilities of the board and staff.

In early 1995, Senator Milton Marks introduced SB 1028 that amended Section 5800 of the California Business and Professions Code and changed the definition of an interior design organization to a “nonprofit professional organization of Certified Interior Designers whose governing board included representatives of the public”. Governor Pete Wilson signed the amendment into law.

In late 1995, Section 5800 of the California Business and Professions Code regarding Certified Interior Designers was included in overall Sunset legislation. Sunset of Section 5800 was passed in 1996.

Senator Bruce McPherson introduced SB 435 to reverse the Sunset of Section 5800 for one year. Governor Pete Wilson signed the bill into law in 1997.

In 1998, Senator Bruce McPherson introduced SB 1471, which extended the Section 5800 Sunset until January 12, 2002. Governor Pete Wilson signed the bill into law.

From 1996 until 2000 the International Conference of Building Officials (ICBO) had been creating a new universal international building code, the ICC 2000, for adoption in all states, including Canada and Mexico. The language in this code that would affect interior designers was the definition “Registered Design Professional”. The interior design profession has been concerned that adoption of this code and definition will prevent interior designers from being able to submit plans to building officials for building permits, especially in California where the title “Certified” is used, and not the title “Registered”.

In order to address this issue, and the ongoing concern of consumer protection, CCIDC and other coalitions jointly sponsored AB 1096 in February of 1999. This bill made its way successfully through both houses of the California legislature, but was vetoed by Governor Gray Davis on September 10, 2000.

In April of 2001, SB 136 was amended to include changes to Section 5800 of the Business and Professions Code. This bill extended the Sunset for Section 5800 until January 1, 2004 and required all examinations utilized by CCIDC for the certification process to comply with Section 139 of the Business and Professions Code. It also required CCIDC to change from a 501(c)(6)

corporation to a 501(c)(3) corporation, to provide an independent audit of its financial transactions and to report to the Joint Legislative Sunset Review Committee by September 1, 2002 (extended subsequently to 2008) on outreach efforts, examinations, finances, interactions of the organization, and materials and information. SB 136 also made it an unfair business practice for any person to represent themselves as a “Certified Interior Designer”, unless they complied with the requirements of Section 5800.

See item 3 below for all legislation that has affected CCIDC since the last Sunset Review in 2003.

## **COMMITTEES**

### **1. Describe the make-up and functions of each of the CCIDC’s committees.**

CCIDC has no public committees per se, only four internal committees. These are Compensation, CALBO, Marketing & Outreach, and Education & Examination Committees.

**COMPENSATION COMMITTEE** – Made up of the executive officers of the board, Chair, Vice-Chair, Treasurer and Secretary. They prepare and survey anonymously the entire board on the performance of the Executive Director on an annual basis and determine salary and or salary increases.

**CALBO COMMITTEE** – Made up of one or two active board members, including ex-officio and past board members and the CCIDC Executive Director to interact, attend, and liaise with CALBO (California Building Officials) especially at the CALBO Annual Business Meeting, which is held at various locations around the state. This gives CCIDC the opportunity to explain certification to hundreds of building officials from all over the state where Certified Interior Designers submit their plans for permitting purposes.

Reports by this committee are made three times per year at every board meeting.

**MARKETING & OUTREACH COMMITTEE** – Again, made up of one or two active board members, including ex-officio and past board members and the Executive Director as well as an outside paid Public Relations consultant. The purpose of the committee is to reach out to various constituencies through Internet web based programs, print media and personal contact. The main communication to and from CCIDC is through its web site at [www.ccidc.org](http://www.ccidc.org) where four distinct sections reach out to consumers, CIDs, students and non-Certified Interior Designers and building officials.

There are also 3 printed brochures available (copies are in the Appendix), one for consumers provided by CIDs (Answers and Basics for Consumers, “ABC”), one for building officials also provided by CIDs (Q&A for Building Officials) and one for students and non-Certified Interior Designers (Interior Design Certification for Students). All brochures are provided for free to those who wish to use them.

Lastly, personal contact is made to all interior design programs and schools in California where various board members, or the Executive Director, go out to give in-person presentations on certification at the various school locations to students. This has been

extremely successful and CCIDC presentations are now a part of a regular program at nearly all schools in California every year.

Reports by this committee are made three times per year at every board meeting.

**EDUCATION & EXAMINATION COMMITTEE** – This committee is typically made up of board members who are not only Certified Interior Designers, but interior design school educators as well. The purpose of this committee is to review the examination process CCIDC uses to qualify candidates for certification, to ensure such examination(s) conform to California standards as codified in CBPC Section 139 and the policy promulgated by said statute by the Office of Examination Resources (OER) under the Department of Consumer Affairs. The CCIDC board has also determined that in order to protect California consumers, any examination used to qualify Certified Interior Designers in this state must be relevant to the California Building Codes, Title 24, and all other regulations and codes applicable to the practice of interior design in California.

Reports by this committee are made three times per year at every board meeting.

**BOARD DESCRIPTION & COMPOSITION** – The law provides for an “interior design organization” to administer voluntary certification (such organization is defined in the code as a “nonprofit organization, exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code, of Certified Interior Designers whose governing board shall include representatives of the public”).

Under the current bylaws of CCIDC, the board shall be composed of not more than eleven (11) members, five of whom will occupy a seat for each of the designated national professional interior design associations, namely the American Society of Interior Designers (ASID); the Interior Design Society (IDS); the International Interior Design Association (IIDA); the International Furnishing and Design Associates (IFDA); and the National Kitchen and Bath Association (NKBA). There is also a professional member of the board who is not affiliated with any of these organizations who represents the “independent” or non-affiliated interior designers. Representing the interior design educators is a representative occupying a seat designated for the Interior Design Education Council (IDEC). Lastly, there are four (4) public member positions on the board, none of whom are associated, or ever have been, with the interior design profession in any way whatsoever.

All “professional” (i.e. non-public) members of the CCIDC board are, and must be, Certified Interior Designers in accordance with the CCIDC bylaws. All board members must be residents of California.

Each director serves a 3 year term with a 2 term maximum. The board has occasionally granted a one year grace period to certain termed out directors in order to stagger terms and avoid too many leaving the board at one time, or in other instances to allow for continuity for a special project of program.

**Table 1a. Attendance**

Member Name	JAN 2008	MAY 2008	SEP 2008	JAN 2009	MAY 2009	SEP 2009	JAN 2010	MAY 2010	SEP 2010	JAN 2011	MAY 2011	OCT 2011
Donald Chu, Ph.D.	P	T	-	-	-	-	-	-	-	-	-	-
Joann Cleckner, CPA	P	T	-	-	-	-	-	-	-	-	-	-
MaryJo Camp, CID	P	P	P	T	-	-	-	-	-	-	-	-
Holly Hodnick, CID	P	A	P	T	-	-	-	-	-	-	-	-
Viveca Bissonnette, CID	P	A	P	P	V	-	-	-	-	-	-	-
Claudia Andreasen, CID	P	P	P	A	P	P	A	T	-	-	-	-
Zara Stender, CID	P	P	P	P	P	P	P	P	P	P	T	-
David Wagner, CID	P	P	P	P	P	P	P	P	P	P	T	-
Deborah Ogden, CID	P	P	A	P	A	P	P	P	P	P	P	P
Robert E. Wright	P	P	P	P	P	P	P	P	P	P	P	P
Richard Galitz, MD	P	P	P	P	A	P	P	P	P	A	P	P
John Searles	-	-	P	P	P	P	P	P	P	P	P	A
Susan Hauser, CPA	-	-	P	P	P	P	P	P	P	P	A	P
Marie Cooley, CID	-	-	-	-	P	P	P	P	P	P	P	P
Chris Coldoff, CID	-	-	-	-	-	P	P	P	P	V	-	-
Joanne Stage, CID	-	-	-	-	-	P	P	P	P	P	V	-
Michelle Eaton, CID	-	-	-	-	-	-	-	-	P	P	P	P
Millie Kwong, CID	-	-	-	-	-	-	-	-	-	P	A	P
Brian Kaneko, CID	-	-	-	-	-	-	-	-	-	-	P	P
Kimberly Alonzo, CID	-	-	-	-	-	-	-	-	-	-	P	P
Patsy Zakian-Greenough, CID	-	-	-	-	-	-	-	-	-	-	-	P

P = Present, A = Absent, T = Termed Out, V = Voluntarily left the board.

**Table 1b. Meeting Locations**

Meeting Date	Location
January 26, 2008	Waterfront Plaza Hotel – Ten Washington Street, Oakland
May 3, 2008	Hilton San Diego Resort & Spa – 1775 East Mission Bay Drive, San Diego
September 20, 2008	Marriott Courtyard Burbank Airport – 2100 West Empire Avenue, Burbank
January 24, 2009	Hilton San Diego Resort & Spa – 1775 East Mission Bay Drive, San Diego
May 30, 2009	Hilton Hotel – 3050 Bristol Street, Costa Mesa
September 19, 2009	Sheraton Grand Sacramento Hotel – 1230 J Street, Sacramento
January 23, 2010	Hilton Checkers – 535 S. Grand Avenue, Los Angeles
May 14, 2010	Hilton Financial District – 750 Kearny Street, San Francisco
September 25, 2010	Hilton San Diego Resort & Spa – 1775 East Mission Bay Drive, San Diego
January 22, 2011	Hilton Los Angeles North Glendale – 100 West Glenoaks Blvd, Glendale
May 14, 2011	Hilton San Diego Resort & Spa – 1775 East Mission Bay Drive, San Diego
October 1, 2011	Hilton Financial District – 750 Kearny Street, San Francisco, CA 94108

**Table 1c. CCIDC/Committee Member Roster**

Member Name	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Donald Chu, Ph.D.	5/2002	5/2005	5/2008	Public	Public
Joann Cleckner, CPA	5/2002	5/2005	5/2008	Public	Public
Viveca Bissonnette, CID	5/2003	5/2006	5/2009	IIDA	Professional
Maryjo Camp, CID	5/2003	5/2006	5/2009	NKBA	Professional
Holly Hodnick, CID	5/2003	5/2006	5/2009	IDEC	Professional
Claudia Andreasen, CID	5/2004	5/2007	5/2010	ASID	Professional
Chris Coldoff, CID	9/2009	-	1/2011	IIDA	Professional
Joanne Stage, CID	9/2009	-	5/2011	NKBA	Professional
Zara Stender, CID	5/2006	5/2009	5/2011	IDS	Professional
David Wagner, CID	5/2005	5/2008	5/2011	Independent	Professional
Richard Galitz, MD	10/2007	5/2011	5/2014	Public	Public
Deborah Ogden, CID	5/2006	5/2009	5/2013	IFDA	Professional
Robert Wright	5/2006	5/2009	5/2013	Public	Public
Marie Cooley, CID	5/2009	5/2012	5/2015	IDEC	Professional
Susan Hauser, CPA	5/2008	5/2011	5/2014	Public	Public
John Searles	5/2008	5/2011	5/2014	Public	Public
Michelle Eaton, CID	9/2010	5/2013	5/2016	ASID	Professional
Millie Kwong, CID	1/2011	5/2014	5/2017	IIDA	Professional
Kimberly Alonzo, CID	5/2011	5/2014	5/2017	IDS	Professional
Brian Kaneko, CID	5/2011	5/2014	5/2017	Independent	Professional
Patsy Zakian-Greenough, CID	5/2011	5/2014	5/2017	NKBA	Professional

**1. In the past four years, was the CCIDC unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?**

CCIDC has not had a problem making a quorum for any of its meetings in the past four years, nor since the last Sunset Review in 2002. CCIDC board meetings are very well attended by all board members almost all of the time with very few exceptions.

**2. Describe any major changes to the CCIDC since the last Sunset Review, including:**

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

There have been no reorganizations or relocations since the last Sunset Review. Leadership at the board level does change from time to time as board members are termed out under the CCIDC Bylaws. Other than staff changes at the administrative level in the past 4 years, the staff leadership has remained the same for 13 years.

In the past 9 years since the last Sunset Review the board leadership has changed at least 3 times with the executive officers. It should be noted that the current leadership of Chair, Vice-Chair, Treasurer and Secretary has been handled by all four public members of the board, who are not Certified Interior Designers for the past year, and a public member has been leading the board as Chair for the past four years.

The board regularly conducts strategic planning meetings as an ongoing process the day prior to each scheduled board meeting.

- **All legislation affecting the CCIDC since the last Sunset Review.**

The last Sunset Review for CCIDC was in 2002/2003. The following are bills that have affected CCIDC since that date.

2003 – SB363 extends the Sunset date until January 1, 2006, and requires the board to report in 2005 on the costs and benefits of the California Codes and Regulations Examination (CCRE) administered by CCIDC, and to explore feasible alternatives.

2004 – SB1913 amends Section 5810 and extends the Sunset date to January 1, 2007.

2005 – SB232 amends Section 5810 and extends the Sunset date to January 1, 2008.

2006 – SB1476 amends Section 5810 and extends the Sunset date until January 1, 2010. It also amends Section 5811 by extending the date requiring CCIDC to report on the CCRE to 2008.

2009 – SB819 amends Section 5801 clarifying the education and work experience for Category “D” as contained within the statute.

2010 – SB294 amends Section 5810 and extends the Sunset date until January 1, 2014.

- **All rules and regulation changes and all bylaw changes approved by the CCIDC the last sunset review. Include the status of each change approved by the CCIDC.**

There have been no Bylaw or Rules and Regulation changes since the last Sunset Review.

**3. Describe any major studies conducted by the CCIDC.**

CCIDC has not conducted any major studies in order to support its mission of certifying interior designers.

**4. List the status of all national associations to which the CCIDC belongs.**

CCIDC has been and continues to be a member of the following organizations:

CALBO (California Building Officials)

LEED (Leadership in Energy and Environmental Design – USGBC)

ASAE (American Society of Association Executives)

- **Does the CCIDC’s membership include voting privileges?**

It does in LEED and ASAE for board members only.

- **List committees, workshops, working groups, task forces, etc., on which CCIDC participates.**

CALBO – CCIDC has participated on the CALBO “State Licensing Boards Committee” and helped in developing a guide on state licensing and certification laws design professionals. The guide was published by CALBO in 2009.

- **How many meetings did CCIDC representative(s) attend? When and where?**

There were approximately a dozen CALBO committee meetings and all were conducted by telephonic conference calls.

- ***If the CCIDC is using a national exam, how is the CCIDC involved in its development, scoring, analysis, and administration?***

CCIDC used 3 national exams from the date of the last Sunset Review in 2003 and was never involved in the development, scoring, analysis or administration of any of them. All three were private examinations generated outside of California.

In addition to the 3 national examinations, CCIDC used a supplemental examination because none of the national examinations addressed California building codes or Title 24 accessibility codes and regulations. This was called the “California Codes and Regulations Examination (CCRE). This had been in place since 1994 and was under the control of CCIDC, but administered by an outside agency (Castle Worldwide). It went through several updates and expansions as new California building codes were adopted by the state until 2008.

In 2008 California adopted an entirely new building code, integrating Title 24, which made the CCRE obsolete. At this point in time the CCIDC board decided to go to one California code based examination and away from candidates having to take both a national examination and a supplemental examination.

In 2009 CCIDC launched a new single examination, the IDEX California, in order to qualify candidates for certification purposes. A complete description of this examination and the rationale behind it are explained in Section 4, items 16, 21, and 23, Section 8, item 47, and all of Section 10, in response to CCIDC’s compliance with the statutory requirements of BPC Section 5801.1 and 5811.

## Section 2 – Performance Measures and Customer Satisfaction Surveys

5. ***Provide results for each question in the customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys. Does CCIDC have a customer satisfaction survey? How does CCIDC assess whether or not its consumers are satisfied with its operations?***

In determining CCIDC customers we realized there were two categories. One is for the CIDs we certify on a regular basis including renewals, and the other the general public, because we are as a non-profit certification board with a voluntary program always extolling the virtues of hiring a certified interior designer over a non-certified interior designer to the consumer. Because of this we developed two surveys aimed at each constituency, one for certified interior designers only titled “The CID Satisfaction Survey”, and one for all others otherwise referred to as consumers titled “The Consumer Satisfaction Survey”.

Unfortunately, most people are not very well disposed to filling out online surveys, no matter how brief, unless there is a reward of some kind at the end of the survey, because as a society we are inundated with them on a daily basis.

Our “Consumer Satisfaction Survey (general public) survey was put online in 2004 and as of this date has only received 9 responses. Our consumer survey has 8 simple questions

with 6 multiple choice answers applicable to the first 5 questions, so it is very brief and easy to complete. All of this is spelt out on the CCIDC web site. The 6 possible quality rating answers are; 1.) Superior, 2.) Very Satisfactory, 3.) About Average, 4.) Somewhat Unsatisfactory, 5.) Unsatisfactory, and 6.) Not Applicable. Again, these only apply to the first 5 questions. The remaining 3 questions are requests for determining suggestions from the consumer and how we can serve them better.

None of the 9 responses fell below answer 3, “About Average”, and most (66%) were in the “Superior” and “Very Satisfactory” range.

Our survey aimed at CIDs, “The CID Satisfaction Survey” was put online in January of 2005. So far it has only received a total of 17 responses. This survey has 13 questions with the same 6 potential multiple choice answers as the other survey. Again, the multiple choice answers only apply to the first 5 questions. The remainder are seeking feedback and contact information.

Most of the answers ran the gamut of the 6 answers with the higher percentage (40% to 60%) falling into the “Very Satisfactory” and “About Average” range.

## Section 3 – Fiscal and Staff

### Fiscal Issues

**6. Describe the CCIDC’s current reserve level and spending. Describe CCIDC’s budget year: When does it begin? When does it end?**

CCIDC’s budget year runs from January 1<sup>st</sup> to December 31<sup>st</sup> each year. The current economy over the past several years has devastated the interior design profession in California. It has been especially hard hit in the residential arena due to the housing market. Consequently CCIDC has seen a lot of Certified Interior Designers either retiring, or moving into other professions. The bottom line has been a significant loss of revenue.

On the brighter side since CCIDC started administering a California based examination (IDEX California) it has helped offset some of these losses due to shrinking certificate holders. The current reserve level is lower than desired, however income will increase in the next fiscal cycle. CCIDC’s renewals run high and low over a two year cycle with odd years having more renewals than even years. This has resulted in uneven income year to year since the inception of CCIDC in 1992.

**7. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the CCIDC.**

Unless the U.S. economy picks up considerably in 2013, along with the California housing market, we anticipate more losses of Certified Interior Designers in California that will outpace the number of new candidates. This will in all probability result in a deficit in 2014.

CCIDC is reluctant to raise fees at this point in time, or in the foreseeable future as it may result in more losses of current CIDs. CCIDC does not anticipate a fee increase in the next two to three years.

<b>Table 2. Fund Condition</b>						
(Dollars in Thousands)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Beginning Balance	310	558	514	598	310	231
Revenues	3332	2994	3995	3572	3440	
<b>Total Revenue</b>	<b>\$3642</b>	<b>\$3552</b>	<b>\$ 4509</b>	<b>\$4170</b>	<b>\$3750</b>	<b>\$</b>
Budget	3005	3207	4018	3543	3590	3252
Expenditures	3075	3525	3831	3768	3419	
Loans	0	50	40	31	20.9	11.8
Accrued Interest	0	.77	5.5	4.4	2.6	
<b>Fund Balance</b>	<b>\$558</b>	<b>\$514</b>	<b>\$598</b>	<b>\$310</b>	<b>\$231</b>	<b>\$</b>
<b>Months in Reserve</b>	<b>3.0</b>	<b>2.75</b>	<b>3.25</b>	<b>1.66</b>	<b>1.25</b>	

**8. Describe history of general fund loans. When were the loans made? When were payments made? What is the remaining balance?**

CCIDC as a private non-profit organization does not make, or have access to general fund loans. All loans must be obtained in the private sector. In 2008 when the CCIDC board decided to go to a single California based examination, it took out an unsecured loan of \$50,000.00 from a private investor at 9% interest. This was to cover an anticipated cost of over \$100K for the entire examination development, half of which was covered out of CCIDC general operating revenues. This loan has almost been paid back at this point and will be fully discharged by September 2013.

**9. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the CCIDC in each program area. Expenditures by each component should be broken out by personnel expenditures and other expenditures (OE&E). Please explain if OE&E is not tracked separately, or if it is included in administration.**

CCIDC does not track expenditures by program component or track OE&E. We have compiled the numbers using our financial records and assigning the appropriate OE&E to each component. The Personnel Services are not tracked by component so they are inclusive of all components.

<b>Table 3. Expenditures by Program Component</b>								
	FY 2008		FY 2009		FY 2010		FY 2011	
	Personnel Services	OE&E						
Examination	INCL.	40,461	INCL.	58,382	INCL.	26,015	INCL.	15,175
Certification	INCL.	52,518	INCL.	39,349	INCL.	51,909	INCL.	48,460
Administration*	180,671	78,850	206,574	78,851	210,580	88,296	204,525	73,745
<b>TOTALS</b>	<b>\$180,671</b>	<b>\$171,829</b>	<b>\$206,574</b>	<b>\$176,582</b>	<b>\$210,580</b>	<b>\$166,220</b>	<b>\$204,525</b>	<b>\$137,380</b>

\*Administration includes costs for executive staff, CCIDC, administrative support, and fiscal services.

**10. Describe certification renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code or CCIDC Bylaws and regulation citation) for each fee charged by the CCIDC.**

The certification renewal fee for Certified Interior Designers is bi-annual. The original fee for two years initial and renewal fees at CCIDC’s inception in 1992 was \$200.00. This was raised to \$250.00 for a two year initial and renewal fee in 2008. All other fees have remained the same other than the IDEX California fee, which was introduced in 2008. The IDEX fee is \$375.00, which is far less than any of the national examination fees, most of which exceed \$1,000.00.

The authority under which CCIDC charges fees is contained within the CCIDC Bylaws, Article V, Section 5.01.n.

It should be noted that the “Inactive Status” was eliminated by the board at the end of 2007, with a one year grace period through to the end of 2008. It was determined by the board that a number (278) of Certified Interior Designers were paying the inactive status fee of \$25.00 per year, but still using the full “current” title in violation of the CCIDC Rules and Regulations. After a review of policies on inactive status of comparable state boards, it was determined by the CCIDC board to allow those on inactive status one year to return to “current” status, or go to a retired or delinquent status, and eliminate the inactive status category altogether.

<b>Table 4. Fee Schedule and Revenue</b>							
Fee	Current Fee Amount		FY 2008 Revenue	FY 2009 Revenue	FY 2010 Revenue	FY 2011 Revenue	% of Total Revenue
Application Fee – One time only fee	\$150.00		15,750.00	30,250.00	24,500.00	17,700.00	
Certification/Renewal Fee – Bi-Annual	\$250.00		245,950.00	304,185.00	265,925.00	278,144.00	
Penalty Late Fee – Per occurrence	\$100.00		2,100.00	1,500.00	1,300.00	750.00	
Inactive Status Fee – Annual	\$25.00		6,175.00	1,575.00	0.00	0.00	
IDEX Examination Fee – per registration	\$375.00		1,125.00	54,550.00	60,775.00	42,550.00	
CCRE Exam Fees – per registration	\$100.00		19,350.00	0.00	0.00	0.00	
Other Income – CEU/CID Pages			8,986.00	7,452.00	4,720.00	4,905.00	

**11. Describe any Budget Changes by the CCIDC in the past four fiscal years.**

There have not been any significant budget changes in the past four years, other than looking for ways to cut expenses. An example of this most recently was to cut the two-day board meeting to a one-day board meeting, thus eliminating overnight stays at hotels and additional meals. The CCIDC board is comfortable with this. This has cut the cost of a board meeting in half.

## Staffing Issues

### **12. Describe any staffing issues/challenges, i.e., vacancy rates, staff turnover, recruitment and retention efforts, succession planning.**

The CCIDC staff is comprised of two people, namely the Executive Director and the Executive Administrator. There have been no issues regarding staffing. The Executive Director is a Certified Interior Designer by training and vocation for almost 40 years before taking on the role at CCIDC. He is also experienced trained in book-keeping and administration, which allows all of the financial record responsibilities to be administered by the same person alleviating the need for extra staff. The Executive Administrator is very experienced and highly trained in all aspects of the programs and software used by the organization.

Using state of the art software programs and equipment, all or most of the organizations need's can be met with these two people. As a private organization CCIDC also has the ability to hire outside consultants as needed to deal with workload spikes and currently uses a webmaster for its Internet presence and a public relations consultant to reach out to consumers and students at interior design schools and programs.

It should also be noted that CCIDC does not have "cite and fine" authority and therefore does not need investigators, a staff attorney, or liaison staff with the DCA.

### **13. Describe the CCIDC's staff development efforts and how much is spent annually on staff development.**

Currently there are no scheduled staff development efforts, other than self learning by staff on the latest trends in certification on a national level through ASAE, social media, web advances and innovations. This is accomplished through online reading, learning courses and webinars.

## Section 4 – Certification Program

### **14. What are the CCIDC's performance targets/expectations for its licensing<sup>1</sup> program? Is the CCIDC meeting those expectations? If not, what is the CCIDC doing to improve performance?**

Given the economy over the past 4 years and the shrinking market for interior design services, especially in California, CCIDC's goal has been to minimize the loss of CIDs as much as possible by seeking new applicants to offset the inevitable losses as existing CIDs either retire or change professions.

One of the most promising programs has been the student outreach program, which started with a brochure specifically targeted towards students and non-Certified Interior Designers. This brochure has been widely distributed among all of the interior design programs and schools in California. There has also been a very successful program of giving in-person presentations at all of the interior design schools in California, given

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<sup>1</sup> The term "license" in this document includes a license certificate or registration.

mostly by the Executive Director and several CCIDC board members. In addition to this program where possible based upon time constraints a presentation on Ethics and Business Practices for interior designers has also been given.

**15. Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done to address them? What are the performance barriers and what improvement plans are in place? What has the CCIDC done and what is the CCIDC going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?**

The average time to process applications and issue certifications has been greatly reduced over the past 4 years. Under the old examination system too much was dependent upon the applicant in terms of them submitting their documentation in a timely manner. Also under the old system the test could be taken before an application was even processed, so a successful test candidate could literally wait forever before applying to become a CID and complete their certification.

Since 2008 and the implementation of the new single IDEX California examination from multiple national examinations, and a supplemental examination, every candidate must complete an application for certification first before registering for the examination. This process requires each candidate to submit all of their supporting documentation, including school transcripts, before they can register to take the IDEX California. All of this must be met before the examination registration deadline, so time becomes imperative. Once all of the documentation is complete and the candidate is approved for examination registration by CCIDC, their names are submitted to the IDEX California testing agency, Castle Worldwide.

If the candidate successfully passes the IDEX California examination, and has met all of the other certification requirements already documented they can be approved and certified within one or two weeks of their examination results.

If they are a graduating student taking the examination right out of school, then all they require is the requisite work experience and then they can be certified at that time with adequate proof of such work experience.

It should be further noted that the national examinations and the now obsolete CCRE supplemental examination were, and still are in some cases, paper and pencil examinations. In the case of the national examinations there are drawing and design components that can only be graded by jury. This has caused examination results to be delayed by as much as up to 3 months. By going to the new California only IDEX California examination CCIDC has eliminated this waiting time. The IDEX California is a computer based online examination comprised of multiple choice questions only. The results are normally made available within days after the close of the examination window. CCIDC does not require drawing or design skills to be tested for certification as all applicants have a minimum of education (2 years) or work experience (5 years) before they can even apply to take the examination. Candidates should already possess these requisite skills. The purpose of the IDEX California examination is to test candidates on their knowledge of California building codes and regulations, ethics and business practices, and design standards, the knowledge of which goes towards protecting California consumers.

**16. How many licenses or registrations does the CCIDC issue each year? How many renewals does the CCIDC issue each year?**

See Table 6 below.

<b>Table 6. Certification Population</b>					
		FY 2008	FY 2009	FY 2010	FY 2011
Interior Design Certification In the State of California	Active	2510	2420	2366	2255
	Out-of-State	216	232	197	170
	Out-of-Country	6	6	2	2
	Delinquent	234	293	357	390
	Expired	1263	1331	1391	1448
	Retired	103	149	182	216
	Deceased	35	39	42	47
	Revoked	2	2	2	2

<b>Table 7a. Licensing Data by Type</b>											
Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside CCIDC control*	Within CCIDC control*	Complete Apps	Incomplete Apps	Combined IF unable to separate out
FY 2009	(Exam)	149	149	119	128	-	-	-	-	-	-
	(License)	149	149	119	124	-	-	-	-	-	-
	(Renewal)	-	-	n/a	1092	-	-	-	-	-	-
FY 2010	(Exam)	152	152	118	152	34	34	0	67	148	85
	(License)	152	152	118	129	15	15	0	67	148	85
	(Renewal)	-	-	n/a	934	-	-	-	-	-	-
FY 2011	(Exam)	126	126	81	104	45	45	0	23	101	50
	(License)	126	126	81	110	18	18	0	23	101	50
	(Renewal)	-	-	n/a	1002	-	-	-	-	-	-

\* Optional. List if tracked by the CCIDC.

<b>Table 7b. Total Licensing Data</b>			
	FY 2009	FY 2010	FY 2011
<b>Initial Licensing Data:</b>			
Initial License/Initial Exam Applications Received	149	152	126
Initial License/Initial Exam Applications Approved	149	152	126
Initial License/Initial Exam Applications Closed	119	118	81
License Issued	124	129	110
<b>Initial License/Initial Exam Pending Application Data:</b>			
Pending Applications (total at close of FY)	30	34	45
Pending Applications (outside of CCIDC control)*	30	34	45
Pending Applications (within the CCIDC control)*	0	0	0
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):</b>			
Average Days to Application Approval (All - Complete/Incomplete)	222	85	50
Average Days to Application Approval (incomplete applications)*	355	148	101
Average Days to Application Approval (complete applications)*	202	67	23
<b>License Renewal Data:</b>			
License Renewed	1092.74	934.7	1002.576
* Optional. List if tracked by the CCIDC.			

**17. How does the CCIDC verify information provided by the applicant?**

CCIDC provides extensive application forms online on its web site for all candidates to fill out. Application forms are aligned with the different paths to certification. All applications must eventually be accompanied with sealed original school transcripts verifying education, a resume of affidavit, or tax return proving work experience, and proof of examination when using a national test in addition to the California supplemental examination. This last item will no longer be required in 2013 as all candidates will be required to take the IDEX California as the only valid examination.

**a. What process is used to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?**

CCIDC does not have access to criminal records through the DOJ; however there is a requirement under oath to disclose any prior felony criminal history with an explanation on the CCIDC application forms.

**b. Does the CCIDC fingerprint applicants?**

CCIDC does not fingerprint applicants as again it does not have access to criminal data records through the DOJ. CCIDC does not see a need to fingerprint applicants as the practice of interior design cannot constitute a crime by itself, and for issues like fraud, or grand theft there are plenty of existing laws to protect the consumer.

**c. Have all current licensees been fingerprinted? If not, explain.**

Does not apply to CCIDC, see above.

**d. Is there a national databank relating to disciplinary actions? Does the CCIDC check the national databank prior to issuing a license? Renewing a license?**

There is no national databank relating to disciplinary actions against interior designers. None of the professional associations, or any of the 3 national examining bodies, maintain any database of disciplinary actions or complaint logs for public use. CCIDC does maintain a record of all complaints it receives from the general public, and will compare the names of new applicants, and renewals against that list.

**e. Does the CCIDC require primary source documentation?**

For all candidates applying with education as part of their application process, CCIDC does require original sealed school transcripts as part of their documentation. All other documentation comes from the candidate.

For all candidates using a national examination for certification an original verification is required from the test vendor. This will no longer be required in 2013.

**18. Describe the CCIDC’s legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.**

CCIDC uses the same process for certification of out-of-state and out-of-country applicants that it uses for in state applicants. Since going to the new IDEX California examination process in 2009, which is given online at approved testing sites around the country and around the world, it has made it much simpler to accommodate these applicants. There are no legal impediments to handling out-of-state or out-of-country applicants.

**19. Does the CCIDC send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

CCIDC as a private non-profit organization does not interact with DOJ.

**Examinations**

<b>Table 8. Examination Data</b>			
<b>California Examination (include multiple language) if any:</b>			
	License Type	CID	CID
	Exam Title	SPRING IDEX	FALL IDEX
FY 2009	# of 1 <sup>st</sup> Time Candidates	45	51
	Pass %	82.2222%	86.2745%
FY 2010	# of 1 <sup>st</sup> Time Candidates	58	78
	Pass %	96.5557%	84.61538%
FY 2011	# of 1 <sup>st</sup> time Candidates	54	53
	Pass %	94.4444%	84.90566%

**20. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required?**

As of 2008 CCIDC only requires one examination for certification, the IDEX California examination. This is a specific California examination because the California Building

Code and Title 24 are very unique to California, and no other states. No national examinations test for California specific codes or Title 24.

**21. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data)**

The average pass rates for first time takers of the IDEX California are in the 80% range. At first look this might seem high; however we have discussed this at great length with the testing agency Psychometrician. Based upon these discussions it's been determined that our test groups are very small based upon typical sized groups for state based examinations. CCIDC averages about 60 candidates for each test whereas with national examinations it can run into thousands, and at least hundreds for state examinations. Small groups tend to be highly motivated and prepared, so consequently the pass rate is higher. With larger groups there are more unprepared candidates than with a small group, which in turn gives a lower pass rate.

Is the IDEX California examination too easy? We've had 5 national examination certificate holder candidates, namely the NCIDQ, fail this examination over the past 4 years. The Psychometrician feels the IDEX California examination is valid in terms of Section 139 of the BPC and the policy requirements, and that the examination is very defensible. Most candidates who fail this examination pass on the second try even though 50% of the examination items are changed. There have been several candidates who have failed multiple times so we try to give them feedback based upon their individual domain scores so they can focus their studies in those areas.

**22. Is the CCIDC using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?**

With the inception of the IDEX California examination CCIDC went away from paper and pencil administered examinations to computer based testing only. The IDEX California examination was developed here in California with the services of Castle Worldwide, a nationally recognized test development and psychometric organization.

The examination is given online twice a year within specific 31 day test windows in October and May. Candidates can choose from 39 different testing sites around the state, plus various testing sites around the country for out-of-state candidates, as well as various testing sites in other countries for out-of-country candidates. Once a candidate has registered for the examination they are given a unique I.D. log in and password. They can then enter the Castle Worldwide web site and choose the exact location, date and time they want to take the examination within that specific 31 day testing window.

The examination consists of 150 multiple choice questions with four distracters for each question and they have 3 hours within which to complete the test. Up to 50% of the questions are changed utilizing the item bank for each examination so that examinations are not fully repeated. Most candidates complete the examination within 2 hours or so. Results are generated by Castle Worldwide within a week or so after the testing window completion date to CCIDC for distribution to the candidates.

**23. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.**

There are no statutes that hinder the processing of applications or examinations.

## SCHOOL APPROVALS

**24. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? Does the CCIDC work with BPPE in the school approval process?**

There are no legal requirements for CCIDC regarding school approval. CCIDC accepts all accredited schools whose accreditation is recognized by the U.S. Department of Education.

Most interior design programs are within larger schools such as universities and community colleges across the state, and many private colleges with multiple programs that include interior design. There are also a few pure private interior design schools scattered around the state. The breakdown is as follows:

Community Colleges 30

Universities 12

Private vocational schools 22

Online programs 2

A complete listing of all schools including contact information is posted on the CCIDC web site.

**25. How many schools are approved by the CCIDC? How often are schools reviewed?**

There are no requirements for CCIDC to approve or review any schools for certification purposes. We do ensure all schools are properly accredited, including online schools.

**26. What are the CCIDC's legal requirements regarding approval of international schools?**

There are no legal requirements for CCIDC to approve international schools.

## Continuing Education/Competency Requirements

**27. Describe the CCIDC's continuing education/competency requirements, if any. Describe any changes made by the CCIDC since the last review.**

Under the CCIDC Rules and Regulations all Certified Interior Designers are required to take 10 hours (1.0 CEU) of continuing education every two years prior to renewal.

**a. How does the CCIDC verify CE or other competency requirements?**

CCIDC has implemented an online interactive CE Registry where Certified Interior Designers can create their own profile data file with their own I.D. log in and password. This gives them 24/7 access to their profile where they can enter all of their CEU units, even going back up to 9 years. Every time a CEU unit is logged into their account a copy is forwarded electronically to the CCIDC office where it can be entered on that particular CIDs data file. CIDs can also update their personal contact information through this same registry.

**b. Does the CCIDC conduct CE audits on its licensees? Describe the CCIDC's policy on CE audits.**

With the new online system implemented over the past several years CCIDC has the ability to monitor all CIDs CE completion and registration. The audit process is ongoing as renewals are generated every month on an anniversary basis.

**c. What are consequences for failing a CE audit?**

CIDs are notified when their CE requirements are not met for a specific renewal period. They are given an allotted time frame within which to comply and are also directed to the CCIDC online CE opportunity page on the CCIDC web site where there are many CE offerings, some of which are free. Failure to comply holds up their renewal process and receipt of a new I.D. card and stamp.

**d. How many CE audits were conducted in the past four fiscal years? How many fails?**

The CE audit is a continuous process as CIDs come up for renewal. Anyone who fails to meet the requirements is directed to suitable CEUs on the CCIDC web site and given time to comply.

**e. What is the CCIDC's course approval policy?**

The CE has to be relevant to the practice of interior design or the business of interior design.

CCIDC accepts all CEUs approved by recognized groups like all of the interior design associations who approve of CEUs, specific organizations like the "Interior Design Continuing Education Council", AIA, CALBO, LEED, and a professional CEU developer who's CEUs are approved in general by the profession. CCIDC will also accept other non-interior design CEUs that are relative to the business of interior design like general marketing and development programs, accounting programs like QuickBooks, and Computer Aided Drafting (CAD) programs to name a few.

**f. Who approves CE providers? Who approves CE courses? If the CCIDC approves them, what is the CCIDC application review process?**

CCIDC does not have the resources or staff to approve CE providers or CE courses. CCIDC accepts CE courses approved by other organizations relative to the interior design profession, or as noted above.

**g. How many applications for CE providers and CE courses were received? How many were approved?**

CCIDC receives no more than one or two requests per year, and in most cases the CEs are already approved by another entity acceptable to CCIDC. In rare cases where the CE provider wants CCIDC approval we request a complete overview and description of the CEU including its goals and objectives. If approved we will issue a letter of acceptance and approval and list the CEU on our web site on our CEU opportunity page.

**h. Does the CCIDC audit CE providers? If so, describe the CCIDC's policy and process.**

CCIDC does not audit CE providers.

- i. Describe the CCIDC's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensees' continuing competence.*

This has not been a policy or requirement of CCIDC and Certified Interior Designers are responsible to ensure their own competency within their area of expertise.

## Section 5 – Enforcement Program

### 28. What do overall statistics show as to increases or decreases in disciplinary action since last review.

Table 9a. Enforcement Statistics									
Year	Number of Complaints	Number of Complaints CID	Number of Complaints NON-CID	ASID CID	ASID NON CID	IIDA CID	IIDA NON CID	NKBA CID	NKBA NON CID
1993	1	0	1	0	1	0	0	0	0
1994	0	0	0	0	0	0	0	0	0
1995	4	2	2	0	0	0	0	0	0
1996	5	2	3	1	0	0	1	0	0
1997	8	4	4	0	0	0	0	0	0
1998	7	4	3	1	1	0	0	0	0
1999	4	2	2	0	0	0	0	0	0
2000	9	4	5	0	1	0	0	0	0
2001	10	5	5	0	0	0	0	0	0
2002	18	1	17	1	6	0	1	0	0
2003	10	4	6	1	2	1	0	0	0
2004	12	3	9	2	3	0	0	0	0
2005	14	8	6	1	3	0	0	1	0
2006	19	9	10	3	1	0	0	0	0
2007	25	13	12	3	3	0	0	0	0
2008	10	6	4	4	0	2	0	1	0
2009	3	0	3	0	0	0	0	0	0
2010	7	2	5	1	0	0	0	0	0
2011	7	2	5	2	1	1	0	0	0
2012	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>173</b>	<b>71</b>	<b>102</b>	<b>20</b>	<b>22</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>

#### CHART SUMMARY:

We have 173 documented “official” complaints since CCIDC was founded in 1992. “Official” complaints are where a consumer has filled out a CCIDC formal complaint form against an interior designer citing specific violations against the CCIDC Code of Ethics and Standards. These are broken down by year in the foregoing chart.

Out of the 173 complaints received since the inception of CCIDC, 71 were against Certified Interior Designer's (CIDs); 42 complaints were against ASID members, out of whom 20 were also CIDs; 6 were against IIDA members, out of whom 4 were CIDs and 2 were against NKBA members, both of whom were CIDs.

Some consumers choose not to pursue a complaint with CCIDC for various reasons, or seek alternative remedies such as the courts. Some write it off to bad experience and do nothing. In some cases CCIDC has mediated some complaints and obtained satisfactory results for both parties. In others CCIDC has acted as an expert witness during a deposition or in Small Claims court, or obtained expert witnesses for plaintiffs, in successful legal actions. Some CID's have been disciplined by being suspended, or by being required to attend classes on Ethics and Business Practices, or both. Three CID's have been permanently revoked with several more pending permanent revocations awaiting a final vote of the CCIDC board. Several others allowed their certification to expire prior to final board action. These have been noted on the CCIDC web site for public consumption.

**29. How are cases prioritized? What is the CCIDC's compliant prioritization policy? Is it different from DCA's Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)? If so, explain why.**

All complaints are dealt with as they are received by CCIDC. The volume is not overwhelming as one can see from the chart above, so prioritization is not an issue. Because CCIDC is not a part of the DCA we are not aware of their guidelines.

**30. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report actions taken against a licensee. Are there problems with receiving the required reports? If so, what could be done to correct the problems?**

Because CCIDC is not a state agency, but a non-profit instead, there are no legislative requirements requiring anyone to report violations taken against a CID. All complaints are filed voluntarily with CCIDC by the general public.

**31. Does the CCIDC operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases were lost due to statute of limitations? If not, what is the CCIDC's policy on statute of limitations?**

There is a statute of limitations of one year in filing a complaint with CCIDC that the complainant follow up with any requested documentation or evidence. Failure to do so indicates a lack of interest and the case is closed. Again, because of the low volume of complaints they are dealt with very quickly. Because CCIDC does not have cite and fine authority there is little CCIDC can do other than revoke or suspend a CIDs certification.

**32. Describe the CCIDC's efforts to address unlicensed activity and the underground economy. Is there any level of uncertified activity by interior designers? Is an uncertified person who prohibited from doing anything that they would be permitted to do if they had a certificate? If so, what does CCIDC do when they become aware of such activity?**

Certification is a voluntary program so there is no such thing as "unlicensed" activity. Anyone can call themselves an interior designer, or practice interior design. There is nothing an uncertified person cannot do because they are not certified, other than use the title Certified Interior Designer, which is prohibited by Section 5812 as an unfair business practice. Occasionally we do become aware of certain individuals who are using this title but have never been certified by CCIDC, or anyone else for that matter. Typically we follow up with a cease and desist letter to the individual citing Section 5812 of the BPC, which normally resolves the matter. CCIDC has had issues with the appellation "CID" which is discussed in Section 11, Item 3.A.

## Cite and Fine

**33. Discuss the extent to which the CCIDC has used its cite and fine authority. Discuss any changes from last review and last time regulations were updated. Has the CCIDC increased its maximum fines to the \$5,000 statutory limit?**

CCIDC does not have any statutory cite and fine authority.

**34. How is cite and fine used? What types of violations are the basis for citation and fine?**

CCIDC does not have any statutory cite and fine authority.

**35. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals in the last 4 fiscal years?**

Not applicable to CCIDC.

**36. What are the 5 most common violations for which citations are issued?**

The 5 most common violations are: unfulfilled contract obligations (consumer feels work is not completed for fees paid); disputes over charges for fees or goods sold; outright fraud or theft of deposits (deposit taken and no work done at all); failure to deliver goods purchased (money taken and no products or goods received in return); acting as a general contractor without a license (taking money from the consumer for construction work and failing to carry it out in a proper manner).

**37. What is average fine pre and post appeal?**

CCIDC does not have any statutory cite and fine authority.

**38. Describe the CCIDC's use of Franchise Tax CCIDC intercepts to collect outstanding fines.**

CCIDC does not have this authority.

## Cost Recovery and Restitution

As a private non-profit CCIDC does not have the authority to implement cost recovery.

## Section 6 – Public Information Policies

**39. How does the CCIDC use the internet to keep the public informed of CCIDC activities? Does the CCIDC post CCIDC meeting materials online? When are they posted? How long do they remain on the website? When are draft meeting minutes posted online? When does the CCIDC post final meeting minutes? How long do meeting minutes remain available online?**

The CCIDC web site utilizes a number of in-house online applications, web pages and outside social media (Facebook) to keep the public informed of its activities. Our web server utilizes a dedicated calendar and the general public can subscribe to our monthly electronic online newsletter (CCIDC e-News), and access our entire past newsletters in an online archive.

All meetings and agendas for meetings are posted online and announced several months in advance in the CCIDC monthly electronic newsletter. They are typically posted several months in advance including meeting date, time and location. They are posted as soon as they are confirmed by the board. They remain on the web site until the actual meeting date has passed and then removed, making way for the next scheduled meeting date.

Draft meeting minutes are not posted online until approved by motion of the board at a regularly scheduled board meeting. As soon as the previous board meeting minutes are approved they are posted online within a few days. Our meeting minutes are archived and available online to the general public for the past 10 years.

**40. Does the CCIDC webcast its meetings? What is the CCIDC's plan to webcast future CCIDC and committee meetings?**

CCIDC does not web cast its meetings as the meetings are moved around the state and setting up web cast equipment is still somewhat difficult and expensive on a temporary basis. The board did look into a webcast similar to "Go to Meetings.com" but the regular program was limited to six participants with video capability and the rest up to 25 by teleconference using Skype. To do this with video capability for up to 25 people was going to cost almost as much as an on-site meeting.

It should be noted for the record, because CCIDC is exclusively California, most meeting locations are within driving distance of at least 50% of the board at any given time. This saves on transportation costs versus that of a national organization that would require members to travel long distances incurring large travel costs. The board has also, in the name of saving money, reduced its two day meeting format to one day utilizing conference centers near large airports. This has cut the individual meeting cost by 50%.

**41. Does the CCIDC establish an annual meeting calendar, and post it on the CCIDC's web site?**

Yes, every January a new meeting calendar is established for the three regularly scheduled meetings throughout the year, namely end of January, May and September. As other board activities become known they too are added to the calendar including special events. These dates are also posted on the web site under "News" and included in the monthly electronic newsletter.

**42. Is the CCIDC's complaint disclosure policy consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure? Does the CCIDC post accusations and disciplinary actions consistent with DCA's Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)?**

CCIDC is not aware of the DCA policy noted above as it is not under DCA's jurisdiction. CCIDC does post disciplinary actions on its web site for public view after a disciplinary action has been completed and affirmed by the board. We do not post accusations, and follow due process for all CIDs accused of any impropriety. All complaints must be finalized in accordance with our Bylaws, Rules and Regulations before posting publicly.

**43. What information does the CCIDC provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

CCIDC has an online database ("Verify a Designer") where the public can search for a CID by entering the designer's certification number, or any of the following key words: first

name, surname, city, or state (we do have a number of CIDs who live outside of California). After an inquiry online the information provided is the designer's full name; certification number; certification status, i.e. current, delinquent, expired, retired, suspended, revoked, or expired with action pending. The last one means the CID allowed their certification to expire before a disciplinary hearing or action could take place and they are no longer allowed to use the Certified Interior Designer title. For example, in cases where the "city" or "state" is put in as the search parameter, all of the CIDs located in that city or state will come up.

CCIDC also has a special section where current CIDs can purchase their own web page on the CCIDC web site under the heading "Find a Designer". They can input all of their personal or business contact information, including a link to their own web site if they have one. They can also add up to 800 characters of text about themselves and the types of services they offer, and they can display up to 8 photographs of their work. The cost for this is \$100.00 for 18 months. They are notified in advance when the page is about to expire so they can renew online. If it expires it is saved and can be reactivated so they do not need to rebuild it.

If a consumer wants a contact list within their specific area of CIDs they can contact CCIDC via E-mail or by phone and we will run a list in our database and send it to them. With this list they will be able to contact individual CIDs by name and telephone number in order to set up consultations or interviews for selection.

For privacy reasons we do not divulge home addresses, or E-mail addresses, of CIDs to the general public.

#### ***44. What methods are used by the CCIDC to provide consumer outreach and education?***

Over the past nine years since the last sunset review CCIDC has employed various means to reach the public and to educate them on the importance of hiring Certified Interior Designers. Specifically we have a strong Internet presence with the CCIDC web site, we have also placed many articles in design related magazines written by Certified Interior Designers on many different topics of interest to the general public, and also attended many Home and Garden shows up and down the state with our booth on a complimentary basis. A lot of the home shows included lecturing opportunities to the public at the show on Certified Interior Designers.

The Home & Garden show program was fairly successful early on, but a lot of shows are not being put on now because of the economy and poor attendance. They are very expensive to put on for the promoters and if companies are not renting space because of low public attendance they cannot survive. CCIDC came to the conclusion that a lot of attendees at these shows were looking for interests other than hiring interior designers. These shows typically run for 3 or 4 days from 10:00 in the morning until 7:00 p.m. or later in the evening. It became difficult to staff these events even with volunteers and the low interest rate of this particular audience.

CCIDC has a public relations consultant who has actively sought placement of interior design related articles in local, regional and statewide lifestyle and home and garden magazines and newspapers. This program was very successful at first, the magazines were getting interesting and authoritative articles for free, and CCIDC was getting significant exposure, all aimed at the consumer. Unfortunately the economy has also taken

its toll on these magazines and a lot of them have closed down due to lack of advertising revenue, or have simply gone to an online version.

The most successful tool for reaching the general public, potential CIDs, students, and continues to be so, is the CCIDC web site. The web site continues to receive a continuous growth of visitors each year and has a vast source of information geared to consumers, CIDs, students and building officials alike. Some of the particular web pages aimed at consumers are as follows:

“Consumers Guide to Hiring a Certified Interior Designer”  
“Ever Consider Hiring an Interior Designer”, radio interview.  
“The Difference Between a Decorator and a Designer”  
“Common Mistakes When Hiring an Interior Designer”

There are also pages for consumers to see consumer alerts, how to file a complaint against a designer, including an online complaint form, complaint statistics, disciplinary actions against CIDs, and a consumer feedback and satisfaction survey. Consumers can also sign up to get the monthly CCIDC electronic newsletter for free.

One of the most visited areas on our web site, other than that for consumers, is the school page listing. We have listed all of the interior design programs in California including web sites and contact information along with faculty contact names where available.

## Section 7 – Online Practice Issues

***45. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the CCIDC regulate online practice? Does the CCIDC have any plans to regulate Internet business practices or believe there is a need to do so?***

This does not apply to CCIDC as it is a voluntary certification program, and not a restrictive licensing scheme. We do occasionally come across unlawful user of the title or the use of the appellation “CID” (which is not codified – see Section 11, Item 3.A.). This has been discussed in Section 7, Item 45.

## Section 8 – Workforce Development and Job Creation

***46. Describe the CCIDC’s efforts to work with schools to inform potential licensees of the certification requirements and certification process.***

CCIDC implemented an aggressive interior design school outreach program back in 2008 in order to reach potential candidates for certification. All interior design programs were contacted over the course of the year and offered a representative of CCIDC to come and give their interior design students a free one hour presentation on the certification program in the state of California along with extensive information on the new IDEX California examination, and multiple handouts and brochures.

The table below shows the number of school presentations given in California over the past 5 years. This program coincided with the introduction of a single California certification examination in 2008, namely the IDEX California. CCIDC also provides a two hour presentation on “Ethics and Business Practices for Interior Designers that many schools have participated in. Some schools have participated in multiple presentations of both presentations over the past five years and include these presentations as part of their regular curriculum.

Non-School presentations include special gatherings of interior designers, student career forums, large private interior design firms, and industry sponsored showcases.

<b>Table 10. School Outreach Presentations</b>		
Year	Number of Schools Visited	Non-School Presentations
2008	6	0
2009	19	0
2010	29	6
2011	23	5
2012	29	2
TOTAL	106	13

## Section 9 – Current Issues

### ***47. What is the status of the CCIDC’s implementation of the Uniform Standards for Substance Abusing Licensees?***

Not applicable to CCIDC.

### ***48. What is the status of the CCIDC’s implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?***

Not applicable to CCIDC.

### ***49. Describe how the CCIDC is participating in development of BreEZe and any other secondary IT issues affecting the CCIDC.***

Not applicable to CCIDC.

## Section 10 – CCIDC Action and Response to Prior Sunset Issues

### ***Include the following:***

#### ***1. Background information concerning the issue as it pertains to the CCIDC.***

After the last Sunset Review, Section 5811 of the BPC was amended to address the multitude of examinations required in order to become a Certified Interior Designer. When certification was first introduced in 1992, only one portion of a six part national examination, the NCIDQ, was used prior to, and through, the grand-parenting period, which expired on December 31, 1994.

After the grand-parenting period expired by statute in 1994, the full six part NCIDQ examination was required by CCIDC in order to become a CID. Because the NCIDQ examination did not test on California codes and regulations, CCIDC developed and introduced its own 25 question supplemental examination on “California Codes and Regulations”, the CCRE, in order to assuage the concerns of California building officials who felt the national examination was inadequate in California by itself.

After the first Sunset Review hearings in 1996 the NCIDQ examination was heavily criticized by the JLSRC committee for very low passing rates for those candidates taking that particular test. Along with CCIDC, the NCIDQ was taken to task in the Sunset Review report and was accused of deliberately failing candidates in order to make more revenue by having them take certain sections over and over again. CCIDC had no part in the scoring process.

In 1999 CCIDC was approached by both the National Kitchen & Bath Association (NKBA) and the Council for Qualification of Residential Interior Designers (CQRID) and asked if the CCIDC board could adopt their specific examinations in addition to the NCIDQ examination for the requirements for becoming a CID. They cited the 1996 Sunset Review, in particular the poor performance of the NCIDQ examination, and felt it was detrimental and unfair to their constituents who had already taken either the NKBA or the CQRID examinations in having to take an examination with such a low rating from the California legislature.

After a review by a renowned psychometrician from the Rand Institute of both the NKBA and CQRID examinations, they were both determined to be “valid” as defined by Section 139 and the DCA policy promulgated by that statute. NCIDQ refused to participate in this process, however it should be noted for the record that after the first Sunset Review report NCIDQ completed a new occupational analysis and went from a six part examination to a three part examination, which is still in use today. Both examinations (NKBA & CQRID) were adopted as pathways to becoming a Certified Interior Designer by CCIDC that same year in addition to the revamped NCIDQ examination. At the same time CCIDC’s testing vendor Castle Worldwide determined that the CCRE, in order to become a “valid” examination, needed to be expanded from 25 multiple choice questions to 75.

These were the examination requirements used by CCIDC until after the third Sunset Review in 2003 until the end of 2008.

## ***2. Short discussion of recommendations made by the Committee/Joint Committee during prior sunset review.***

After the last Sunset Review for CCIDC in 2003, the legislature amended Section 5811 of the BPC to read as follows:

5811. An interior design organization issuing stamps under Section 5801 shall provide to the Joint Committee on Boards, Commissions, and Consumer Protection by September 1, 2008, a report that reviews and assesses the costs and benefits associated with the California Code and Regulations Examination and explores feasible alternatives to that examination.

It is our understanding that the committee felt there were too many obstacles and costs associated with becoming a Certified Interior Designer in California. They felt there were barriers to entry to the profession, and the public members, as well as others, of the CCIDC board agreed.

**3. *What action the CCIDC took in response to the recommendation or findings made under prior sunset review.***

In 2008 the opportunity presented itself to address this issue because the state of California adopted a whole new building code which rendered the CCRE obsolete. Faced with the prospect of having to rewrite the entire codes and regulations portion of the CCRE the CCIDC board decided to address the concerns voiced in Section 5811.

It was determined unanimously by the CCIDC board to develop an entirely new examination for California Certified Interior Designer candidates and replace the national exams and the CCRE, thus removing significant costs and barriers to entry to the profession. In 2008 the CCIDC developed the "IDEX California" examination as the only examination required in order to test candidates for certification.

First, barriers were removed by requiring only one examination for certification that actually tested candidates on codes, regulations, ethics, business practices and design standards relevant to California, which correlates with their education in California and the practice of interior design in California. CCIDC went to a single online 3 hour examination, the IDEX California in 2009, instead of several days of a mostly pencil and paper examination in the case of the national examinations that did not test on California knowledge.

Second, the cost for this examination has been reduced to \$375.00 as opposed to as much as up to \$1,200.00 or more for a national examination. In addition candidates that were taking national examinations were required to learn codes that were not applicable to the California Building Code and Title 24.

Of further note, the NCIDQ examination no longer accepted "Experience Only" candidates as required by California statute 5801.(d).

The CCIDC board believes by doing this it has responded to the JLSRC committee's concerns codified into Section 5811.

**4. *Any recommendations the CCIDC has for dealing with the issue, if appropriate.***

See above.

## **Section 11 – New Issues**

***This is the opportunity for the CCIDC to inform the Committee of solutions to issues identified by the CCIDC and by the Committee. Provide a short discussion of each of the outstanding issues, and the CCIDC's recommendation for action that could be taken by the CCIDC, by DCA or by the Legislature to resolve these issues (i.e., legislative changes, policy direction, budget changes) for each of the following:***

**1. Issues that were raised under prior Sunset Review that have not been addressed.**

CCIDC does not believe there are any other issues raised under the prior Sunset Review that need to be addressed.

**2. New issues that are identified by the CCIDC in this report.**

See Item 3 below.

**3. New issues not previously discussed in this report.**

CCIDC would like to bring to the committee's attention the following issues:

- A. Within the statute of Section 5800 of the BPC the title "Certified Interior Designer" is codified and protected under 5812 as an unfair business practice for any person to represent themselves as such unless they have complied with the requirements of the chapter.

Designers tend to abbreviate just about everything and use the common appellation "CID" to denote their Certified Interior Designer standing. CCIDC would like to request the committee to consider adding the appellation "CID" as used in offering interior design and amending Section 5812 to reflect this. A copy of the request for proposed legislation for a committee bill is attached in the appendix to this report.

- B. In the past 4 years or so two pieces of legislation have been introduced to "Register" interior designers within a practice act, SB 1312 and AB 2482, one proposed creating a sub-board under the California Architects Board, and one proposed creating a distinctly separate board of registered interior designers under the DCA. Both pieces of legislation failed.

Certified Interior Designers, all other interior designers, building designers, contractors, owner builders, and the general public are exempt from certain non-structural, non-seismic aspects of the architect's practice act, specifically defined in Sections 5537 and 5538 of the BPC. These exemptions allow Certified Interior Designers to prepare and submit plans to local building departments for permitting purposes.

One of the biggest concerns raised by the proponents of this legislation at the time was the issue of interior designers being able to submit their non-structural, non-seismic interior design plans to local building departments for building permit approval and acquisition purposes and being denied access without an architect or engineer's stamp. They felt that by having a "state" sanctioned registration scheme for interior designers would afford them unfettered access to all building departments across the state.

The proponents thinking and rationale in pursuing "registration" schemes for interior designer's stems from within the building code itself. Within the code there is a title of "Registered Design Professional" which is commonly used to refer to registered architects and licensed engineers as a catchall term. This is for the benefit of building officials so that they know who can stamp and sign structural and seismic drawings used for permitting and construction purposes. The issue of "Certified" or exempt persons who are allowed by both the building code and state law to do non-structural and non-seismic work is not addressed in the building code. This has caused confusion with building officials in not knowing that Certified Interior Designers with their education, examination and work experience, more than

qualifies them to do this type of work. As a matter of record architects commonly hire interior designers to do work beyond their particular expertise in interior areas. This unfortunate aspect of the building code is in conflict with the fact that Certified Interior Designers ability to provide certain kinds of services lies in the statute of another profession, Section 5537 and 5538 of the architects practice act.

Simply put; in the very large jurisdictions like Los Angeles, San Francisco, and San Jose, CIDs literally have to “beg” to be able to submit their non-structural/non-seismic drawings, and continuously try to explain a complicated exemption in another professions practice act. All the profession is looking for is a level playing field. Perhaps there is a way of tying the “certification” aspect to the “registration” aspect. As stated at the bottom of page 12 under Section 4, Certification Program, “The term license in this document includes license, certificate, or registration.”

If we could get building officials to view “certification” as it would pertain to the building code and viewed in a similar manner as the term registered design professional it would go a long way to alleviating this problem, and possibly avoid a future barrage of “registration” practice acts from the profession.

The way the building codes are written into law, the responsibility for who can and cannot submit plans for permitting purposes lies solely at the discretion of the local building official, and not the state. Indeed, according to the California Architects Board it is not unusual for architect’s plans to be rejected by building officials if they are not of sufficient quality, or do not contain the correct code information, or if the building official deems they require a structural or civil engineer’s stamp in order to mitigate risk and ensure proper compliance. This is their prerogative under California law; no one has unfettered access to building departments as all of the assumed risk for building permits rests with the local jurisdiction.

CCIDC has worked closely with CALBO, the non-profit association of building officials in California, over the past 15 years to educate and apprise all 450 plus building departments of the existence and competency of trained, educated, examined and experienced Certified Interior Designers.

We have done this by publishing a brochure specifically for building officials citing the attributes of Certified Interior Designers and the exemptions under the architects practice act. Many thousands of these brochures have been delivered to building officials across the state over this time period. We have also taken the opportunity to speak to literally hundreds of building officials during this time in order to engage on this topic and our concerns.

What is apparent is that not all building departments are the same, and the bigger they are the more restrictive they are. Some of this is understandable considering the sheer volume of permits issued in a given year by these larger departments, and many adopt a policy of not allowing any plans to go through unless they are stamped by an architect or engineer, even though state law allows for unlicensed plans to be submitted. This causes a lot of frustration for interior designers knowing they are allowed to do this work by state law without an architect or engineer’s stamp, and it increases the cost of design significantly to the consumer, if they are forced to hire an architect or engineer, who in turn may have to hire an interior designer because that work is not within their area of expertise. A large part of the problem is the plan

check personnel are not familiar with state laws and exemptions, and that the exemptions within the architects practice act are not clear, especially when it comes to interior designers.

In our many discussions with building officials one theme has stood out, and that is that they would like to see a clearer description in our statute of what Certified Interior Designers are allowed to do under state law and specifically with regard to the exemptions contained within the architect's practice act. They have said if they can see it in a statute or regulation they will be more inclined to allow it, providing they still maintain their authority over the permitting process.

We would like to propose the following clarifying language be inserted into the Certified Interior Designer statute replacing Sections 5800, 5805, 5806 and 5812 only. All other are sections to remain as is, or to be modified, as required by the JLSRC.

Business and Professions Code  
Chapter 3.9 Interior Designers  
Sections: 5800, 5805, 5806 and 5812

5800. As used in this Chapter:

(a) "Certified Interior Designer" or the initials "CID" as used in this context shall mean an Occupations Title Standard for a person who meets all of the following requirements:

Prepares and submits non-structural or non-seismic plans and documents consistent with Section 5805 to local building departments that are of sufficient complexity so as to require the skills of a licensed contractor to implement them.

Engages in programming, planning, designing and documenting the construction and installation of non-structural or non-seismic construction elements, finishes, veneers, furnishings and the administration and installation thereof.

Provides plans and documents that illustrate partition layouts, horizontal exiting, rated corridors, reflected ceiling plans and lighting orientation, locate power and communications outlets, materials and finishes and furniture, including storefronts, interior alterations, fixtures, millwork, appliances and equipment for all buildings including but not limited to high-rise office and high-rise residential buildings.

Engages in coordination and collaboration with other allied design professionals who may be retained to provide consulting services, including but not limited to architects, structural, mechanical, and electrical engineers, and various specialty consultants.

Demonstrates, by means of education, experience and examination, the competence to protect and enhance the health, safety and welfare of the public.

The certification of Interior Designers does not prohibit Interior Designer or Interior Decorator services by any person or retail activity.

5805. Nothing in this Chapter shall preclude Certified Interior Designers from submitting non-structural, non-seismic interior design plans for commercial or residential buildings to local building

officials, as provided for in Section 5538. In exercising discretion with respect to the acceptance of interior design plans, the local building official shall reference the California Building Standards Code and the Occupational Title Standard set forth in Section 5800(a)

5806. (a) A certified interior designer shall use a written contract when providing professional design services to a client pursuant to this chapter. The written contract shall be executed by the certified interior designer and the client, or his or her representative, prior to the certified interior designer commencing services. The written contract shall include, but not be limited to, all of the following items:

- (1) A full description of all services to be provided by the certified interior designer to the client.
- (2) A description of any basis of compensation applicable to the contract and the method of payment agreed upon by both parties.
- (3) The name, address, and certification number of the certified interior designer and the name and address of the client.
- (4) A description of the procedures the certified interior designer and the client will use to accommodate additional services.
- (5) A description of the procedures to be used by either party to terminate the contract.
- (6) A three-day rescission clause (notice of cancellation) in accordance with Sections 1688 to 1693 inclusive of the Civil Code.
- (7) All certified interior designers shall include in all of their contracts with their clients, a printed disclosure stating whether they carry errors and omissions insurance.

(b) This shall not apply to any of the following:

- (1) Professional services rendered by a certified interior designer to a charity or philanthropic entity for which compensation will not be charged.
- (2) Professional services rendered by a certified interior designer to an architect licensed to practice architecture under Chapter 3 (commencing with Section 5500), or to a landscape architect licensed to practice landscape architecture under Chapter 3.5 (commencing with Section 5615), or to a professional engineer registered to practice engineering under Chapter 7 (commencing with Section 6700).

5812. It is an unfair business practice for any person to represent themselves as a “certified interior designer” or a “CID” unless they comply with the requirements of this chapter.

CCIDC believes with these clarifications in the Certified Interior Designer statute it will go a long way to clearing up the confusion experienced by many building officials as to what they can legally do in California. Building officials still retain the right to make the final determination. We also think it will help ease the restrictions at the larger building departments and allow CCIDC to enter into dialogue in order to affect appropriate revisions of their very restrictive policies. One of the unintended consequences of overly restrictive policies is permit avoidance, a significant problem according to the California Contractors State Licensing Board (CSLB). If the process becomes too restrictive people avoid the permit process altogether and “bootleg” the work with the assistance of a compliant contractor. This results in a loss of revenue to the local jurisdiction, a lack of safety because the work is not being inspected by a third party for code compliance.

This could lead to catastrophic consequences in cities like Los Angeles and San Francisco where overly restrictive policies prevail and permit avoidance is rampant.

CCIDC added a new Section 5806 to the statute regarding a required use of contracts or letters of agreement when providing interior design services to a client. Currently in law there are no requirements for interior designers having to provide a contract or letter of agreement, and in fact in many client/interior designer complaints and disputes, such a document is often lacking. Section 5806 is advisory to all CIDs, but still cannot compel a CID to provide a contract or letter of agreement as the certification program is voluntary without cite or fine capability. CCIDC believes by adding this section it will go a long way towards convincing CIDs to create and provide such documents in every instance, not only to better safeguard the public, but themselves as well.

CCIDC has reviewed these clarifying changes on an informal basis with the California Architects Board as it is their statute we are exempted under, and so far they have raised no objection. Likewise we have also reviewed them with several stakeholder professional organizations and all have indicated they could support this bill language.

#### **4. *New issues raised by the Committee.***

CCIDC is not aware of any new issues raised by the committee at this time.

## **Section 12 – Attachments**

The following attachments are provided:

- A. CCIDC's Bylaws.
- B. CCIDC's Rules and Regulations.
- C. CCIDC's Administrative Policy Manual.
- D. Sample Brochures used for Consumers, Building Officials and Students.
- E. IDEX California Study Guide.
- F. CCIDC's Code of Ethics and Conduct.
- G. California Legislative Counsel Letter on Certified Interior Designers.
- H. CALBO Guide to Licensing Requirements
- I. Senator Craven Letter
- J. Acronyms used in the Interior Design Profession.



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**IDCC'S RECOMMENDATIONS TO THE SUNSET REVIEW COMMITTEE**

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TO: G.V. AYERS AND THE SENATE BUSINESS AND PROFESSIONS  
COMMITTEE  
FROM: INTERIOR DESIGN COALITION OF CALIFORNIA  
RE: SECTION 5800 OF THE CALIFORNIA BUSINESS AND PROFESSIONS  
CODE REGARDING CERTIFIED INTERIOR DESIGNERS  
DATE: JANUARY 9, 2013

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### **INTRODUCTION**

The Interior Design Coalition of California ("IDCC" or "the Coalition") is an independent organization whose mission is to support expanded practice opportunities for interior designers in California. IDCC is actively working to expand the opportunities available to qualified interior designers in the State of California by proposing changes to legislation that grant additional rights and responsibilities to help their businesses thrive and affords consumers increased choice and protection for projects in the built environment. IDCC is supported by individuals as well as the American Society of Interior Design ("ASID") and the International Interior Design Association ("IIDA"), which in combination represents over 5500 members of the interior design community in California, including students, professionals, design firms, manufacturers and sales teams, and other interior design supporters. The Coalition intends to participate throughout the process, but wanted to highlight its three major, priority concerns and proposed solutions for the review committee's consideration at the outset of the process.

### **SUMMARY**

IDCC understands the reasoning behind the State's decision to delegate regulatory and certification responsibilities over the interior design profession to an independent, non-profit organization in California, but the experiences of our supporters reveal several areas of concern under the existing law and its implementation. IDCC is open to different approaches and is flexible in working with the State to craft solutions to the main concerns our supporters have voiced. This memorandum addresses the following three primary concerns:

- The lack of uniformity in stamp acceptance across the state
- An examination exclusive to California, which is non-transferable and is not nationally recognized as a qualification for certification;

and

- The need for improved transparency and oversight in the law's implementation.

Addressing the above concerns will promote continued viability and growth of the interior design profession; broaden the consumer choice and health and safety protections afforded by existing law; eliminate unnecessary burdens for California interior designers to be eligible for out-of-state and federal projects, and elevate trust and confidence in the existing Certification by both the public and the designers who rely on the existing system.

### **I: UNIFORM STAMP ACCEPTANCE**

The current lack of uniform acceptance of the CID stamp across the state creates unnecessary and expensive hurdles for both interior designers and clients and can be remedied by two small amendments to existing state law.

### **BACKGROUND**

Under the California Building Code [Health and Safety Code Section 18901, *et seq.*], certain projects within the built environment require obtaining a permit through the local building authority. Many of these projects fall under the scope of work for Certified Interior Designers. A Certified Interior Designer is defined as “a person who prepares and submits nonstructural or non-seismic plans consistent with Sections 5805 and 5538 to local building departments.” [5800(a)]

In California, the Certified Interior Design Law (5800 *et seq.*) provides for **certification** and establishes oversight by an “interior design organization.” Since its establishment in 1992, the California Council for Interior Design Certification (“CCIDC”) has been the organization responsible for administering these requirements of the Certified Interior Designers Law. After meeting the requirements, CCIDC issues Certified Interior Designers a stamp which they are then required, by law, to use on all drawings, specifications, or documents prepared for submission to any government regulatory agency.

Local building departments typically must follow the California Building Code , which largely adopts the International Building Code (“IBC”) (see IBC, section 107 (mandating acceptance for review those plans stamped by “registered design professionals.”) The IBC defines a “Registered design professional” as “an individual who is **registered** or **licensed** to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.” See IBC Chapter 2, section 2. (emphasis added).

With regard to stamp acceptance, the Certified Interior Design law only states that “Nothing in this chapter shall preclude certified interior designers or any other person from submitting interior design plans to local building officials, except as provided in Section 5538. In exercising discretion with respect to the acceptance of interior design plans, the local building official shall reference the California Building Standards Code.” See Business and Professions Code section 5805.

## CONCERN

Despite section 5800's express adoption of the CID stamp and enumerated requirements for its issuance and use, the disconnect between the language of 5800 and the language in the IBC, local building officials differ in their interpretation of what is a “registered design professional” and whether a CID fits within the definition. CIDs are treated differently from county to county, and in fact from plan checker to plan checker in some jurisdictions. Most of the large cities in California, including Los Angeles and San Francisco, will not accept the CID stamp or, more confusingly, will randomly accept it. The lack of uniformity has been validated by an independent third party, The James Leadership Group, which conducted a survey of California building departments' acceptance of the CID stamp. See 2012 California Building Department Survey Report, James Leadership Group, attached.

This lack of uniformity has caused instability in the interior design profession, as a project often cannot be accurately priced/bid because the CID is uncertain whether they will be able to get plans approved for permits or if they will need to team with an architect (who would need to assume an oversight role over the plans) to submit the plans. This would substantially inflate the overall cost to the consumer. Take, for example, the experience of a Los Angeles-based CID whose practice focuses exclusively on commercial interior design in low and high rise properties. This CID reports that she has never had her CID stamp accepted in the jurisdictions in which she practices: Los Angeles, Santa Monica, Culver City, Pasadena, Burbank and El Segundo. Building officials in all of these jurisdictions require the Registered Architect stamp. As a result, this small business owner has had to keep a licensed architect on the payroll, substantially inflating operating costs which makes it difficult to remain competitive. This CID also fears that the practice of requiring an architect stamp on plans that are strictly non-structural, non-seismic interior plans is leading to a risky trend of interior designers simply paying architects to “sign off” on plans as opposed to actually overseeing the plan creation. This practice is illegal and jeopardizes both the CID and the architect. In sum, this CID reports that she has held the CID stamp since its inception and has realized no value. She worries that interior design students and emerging designers are misled into believing that the CID stamp is more valuable than it actually is.

## PROPOSAL

By amending two existing code sections that address stamp acceptance, the State can ensure uniform acceptance of the CID stamp by local building officials. This direct approach provides the strongest, most straightforward assurance that local building departments, cities and counties will comply with the law and accept the CID stamp as being the stamp of a registered design professional as provided by the IBC. This approach places the language providing for acceptance of the CID stamp as that of a "registered design professional" both in the statute(s) that regulate Certified Interior Design and in the Health and Safety Code, which contains the mechanism by which the IBC is adopted in California and effectively creates the California Building Code. See health and Safety Code section 18901, et seq.).

These amendments will be legal and binding on local building professionals. IDCC spoke at length with a deputy Legislative Counsel who is an expert in this area of law and he arrived at the same conclusions. See Legislative Counsel informal opinion attached. There is precedent for the State mandating behavior on local building officials. See Government Code section 8875.2, et seq. (requiring local building departments to identify seismically unsafe buildings, establish a mitigation program and report back to a state commission). Matters affecting the public health and safety (like seismic safety and ensuring adherence to fire, building, etc. codes) are appropriate for legislation by the State, as matters of statewide concern. Indeed, both the Legislature and the courts have deemed uniform building codes matters of statewide concern and that the State preempts local governments, even charter cities. See California Apartment Association v. City of Fremont, 02 C.D.O.S. 3189 (citing generally Briseno v. City of Santa Ana (1992) 6 Cal. App 4th 1378, 1382-1383).

We suggest the following amendments:

(1.) Business and Professions Code Section 5800, et seq.

We propose adding a new short, concise codes section to the Business and Professions Code that expressly states that a CID is a "registered design professional" as the term is used in the International Building Code and as that code is adopted by California and local building departments.

Ex: Section 5800.1 is added to state "An interior designer certified under this section is a 'registered design professional' as contemplated by the International Code and adopted by this State by way of Health and Safety Code section 18901, et seq."

(2.) Health and Safety Code Section 18938

We also propose adding a section to Health and Safety Code Section 18935,

et seq. to expressly state that a CID is a registered design professional under the IBC in California.

Ex: Section 18938(b) (1) is added to state "For purposes of this section and section 5800, et seq. of the Business and Professions Code, a "registered design professional" shall include, but is not limited to, architects licensed by the State of California, engineers licensed by the State of California, and interior designers certified pursuant to Business and Professions Code section 5800, et seq.

## **II: EXAMINATION**

Using the new, CCIDC-created and owned Interior Design Exam ("IDEX") as the sole examination for CID qualification burdens those California interior designers who seek both to practice fully in California as well as obtain eligibility to bid for out-of-state and federal projects by requiring dual-certification through both CCIDC and the National Council for Interior Design Qualification ("NCIDQ"). This can be remedied by providing that the NCIDQ Examination be reapproved for use under Section 5801.

## **BACKGROUND**

Per the Certified Interior Design law, CCIDC may provide the CID stamp to an individual who provides the organization with "evidence of passage of an interior design examination approved by that interior design organization" along with a combination of education and diversified interior design experience.

At its inception, CCIDC recognized a single national examination for the CID. It then moved to require a CID to pass one of three recognized national examinations: NCIDQ examination, Council for Qualification of Residential Interior Designers (CQRID) examination, or both parts of the National Kitchen and Bath Association (NKBA) examination plus a supplemental California Codes and Regulations Examination (CCRE). In 2008, CCIDC made another change, establishing the IDEX as the only permissible qualifying examination for CIDs.

## **CONCERNS**

California interior designers who seek to expand their portfolios to include federal work or acquire the required permits for their work in other regulated states must pass the NCIDQ Examination; no reciprocity exists for the California CID credential or the IDEX.

### *State Reciprocity*

All of the other states (28 states, including the District of Columbia and Puerto

Rico and all eight Canadian provinces) that regulate the interior design profession require passage of the NCIDQ exam, though some state laws provide that an equivalent examination may be substituted. It is unlikely that another state would consider the IDEX an “equivalent” examination. For example, the Executive Director of the Nevada State Board of Architecture and Design indicates that "the California IDEX is not considered to be equivalent or equal to the NCIDQ exam and does not meet Nevada’s requirements for registration."

NCIDQ is an independent, nonprofit organization of state and provincial credentialing bodies and has issued professional certificates to competent interior design professionals since 1974. In creating its examination, NCIDQ follows the guidelines published in *The Standards for Educational and Psychological Tests* (published jointly by the American Psychological Association, the National Council on Measurement in Education and the American Educational Research Association). These standards spell out policies that NCIDQ follows to ensure that we administer a valid, fair and reliable test. It follows accepted procedures for developing reliable and content-valid licensure and certification examinations and carefully documents each step in the test-development process.

NCIDQ continually updates the examination to be sure it closely aligns with expanding professional knowledge interior designers must have, and tests those aspects of the practice of interior design that affect the public health, life safety and welfare. The content of the examination is based on a blueprint developed after an assessment of the profession, conducted approximately every five years, called a practice analysis. The examination consists of two multiple-choice sections and a drawing practicum as follows:

- IDFX: Interior Design Fundamentals Exam consists of 100 multiple-choice questions designed to assess knowledge of building systems, construction standards and design application.
- IDPX: Interior Design Professional Exam consists of 150 multiple-choice questions designed to assess knowledge of building systems, codes, professional practice and project coordination.
- PRAC: Interior Design Practicum is a full-day examination, consisting of seven unique exercises that will focus on space planning, lighting design, egress, life safety, restroom (washroom) design, systems integration and millwork.

The IDEX is 150 multiple choice questions, closed book examination written specifically for California building codes, ethics, business practices and design as it relates to health, safety and welfare in California. In developing the IDEX, CCIDC had Castle Worldwide, a private organization offering examination

design, development, training and administrative services, perform a study to analyze the profession of the Certified Interior Designer. This study was completed in 2009. The IDEX California examination measures 19 different knowledge areas, listed detailed in the IDEX California Study Guide.

While there is overlap in the topics tested, the IDEX lacks the breadth and practicum component of the NCIDQ examination, and it is unlikely that any state would view it as an equivalent examination for reciprocity purposes.

### *Federal Projects*

Most Federal RFPs expressly require that those interior designers included in a bid for a project be an NCIDQ certificate holder. The following is typical Federal RFP language:

Interior Designer. Qualified means have a minimum of four years of experience dedicated to interior design, AND the following: (a) a degree in Interior Design or Interior Architecture from an accredited university, (b) have passed the National Certification of Interior Design Qualification (NCIDQ) and (c) be registered through any State Registry for Interior Designers.

For certified (or registered or licensed) interior designers in all other states, the requirements for (b) and (c) are aligned; for those certified in California, an additional examination is required, creating an additional burden for individuals in California. Further, this deters out of state designers from moving to California and generating more business, since they cannot practice here with what is otherwise a uniformly accepted credential.

### PROPOSAL

We simply propose adding the NCIDQ as an alternative exam, the successful passage of which is sufficient to meet the examination requirement for certification under Section 5800, et seq. The CCIDC has demonstrated an ability to work with the NCIDQ and process its exam, as it has done so in the past. A benefit of California again offering the NCIDQ exam is that the State would become a member of the Council of Delegates to the NCIDQ, which provides authority to dictate who can sit for the examination. We do not propose the elimination of the IDEX for those interior designers who feel the IDEX/CID alone meets their practice needs.

### **III: TRANSPARENCY & OVERSIGHT**

The CCIDC effectively fills the role of the state in guaranteeing the public that those who they certify have the necessary skills, knowledge and ability to work in the interior design profession in a way that will protect the public health and safety. In many professions, the State provides this assurance by way of

licensing and discipline for those who deviate. Hearings of licensing bodies are open to the public, public input is sought and considered, decisions are made publicly (for the most part), etc. In the case of the CCIDC (and other recently-formed quasi-government regulatory bodies), the private nature of the regulating organization shields it from public scrutiny or even public input. For example, the CCIDC allows the public to attend hearings (or parts of hearings) but conducts business (e.g. discussion and deliberation on agenda items, etc.) behind closed doors. An organization that is quasi-government in nature because it takes on the regulatory functions that are typically performed by a government entity, should be held to a higher, more transparent standard than other truly private organizations

## **PROPOSAL**

We propose adding "transparency requirements" on the organization designated to certify interior designers pursuant to Business and Professions Code section 5800. These requirements would be intended to ensure that the public is aware of not only the issues the CCIDC is considering, but is able to offer meaningful feedback/suggestions/criticism of the organization and/or the decisions of its board members. We would welcome the Committee's expert advice as to what such requirements should look like, but strenuously recommend requiring open meetings and prohibiting "non-disclosure" agreements, and which effectively prohibit dissemination of information to the board members' respective associations.

## **CONCLUSION**

IDCC stands ready to work with the Committee to craft changes to Business and Professions Code section 5800, *et seq* that will positively impact the interior design profession. We hope that this sunset review provides an opportunity to ensure uniformity in stamp acceptance across the state, allow for use of the nationally recognized examination in the Certification process, and enhance transparency and oversight in the current law's implementation. Doing so will promote continued viability and growth of the interior design profession; broaden the consumer choice and health and safety protections afforded by existing law; eliminate unnecessary burdens for California interior designers to be eligible for out-of-state and federal projects, and elevate trust and confidence in the existing Certification by both the public and the designers who rely on the existing system.

**ASSEMBLY BILL**

**No. 186**

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**Introduced by Assembly Member Maienschein  
(Principal coauthor: Assembly Member Hagman)**

January 28, 2013

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An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as introduced, Maienschein. Professions and vocations: military spouses: temporary licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Under existing law, licensing fees imposed by certain boards within the department are deposited in funds that are continuously appropriated. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would authorize a board within the department to issue a provisional license to an applicant who qualifies for an expedited license

pursuant to the above-described provision. The bill would require the provisional license to expire after 18 months.

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

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

- 1 SECTION 1. Section 115.5 of the Business and Professions
- 2 Code is amended to read:
- 3 115.5. (a) A board within the department shall expedite the
- 4 licensure process for an applicant who meets both of the following
- 5 requirements:
- 6 (1) Supplies evidence satisfactory to the board that the applicant
- 7 is married to, or in a domestic partnership or other legal union
- 8 with, an active duty member of the Armed Forces of the United
- 9 States who is assigned to a duty station in this state under official
- 10 active duty military orders.
- 11 (2) Holds a current license in another state, district, or territory
- 12 of the United States in the profession or vocation for which he or
- 13 she seeks a license from the board.
- 14 (b) *For each applicant who is eligible for an expedited license*
- 15 *pursuant to subdivision (a), the board may provide a provisional*
- 16 *license while the board processes the application for licensure.*
- 17 *The provisional license shall expire 18 months after issuance.*
- 18 ~~(b)~~
- 19 (c) A board may adopt regulations necessary to administer this
- 20 section.

**ASSEMBLY BILL**

**No. 630**

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**Introduced by Assembly Member Holden**

February 20, 2013

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An act to add Section 5536.4 to the Business and Professions Code, relating to architects.

LEGISLATIVE COUNSEL'S DIGEST

AB 630, as introduced, Holden. Architects.

Existing law establishes the California Architects Board within the Department of Consumer Affairs for the purpose of regulating the practice of architecture in this state. Existing law defines what constitutes an architect's professional services.

This bill would provide that no person may use an architect's instruments of service, as specified, without a written contract or written assignment allowed by a written contract authorizing that use.

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

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

- 1 SECTION 1. Section 5536.4 is added to the Business and
- 2 Professions Code, to read:
- 3 5536.4. No person may use an architect's instruments of
- 4 service, as those professional services are described in subdivision
- 5 (b) of Section 5500.1, without a written contract or written

- 1 assignment specifically allowed by a written contract authorizing
- 2 that use.

O

## **Agenda Item F**

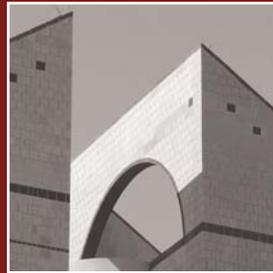
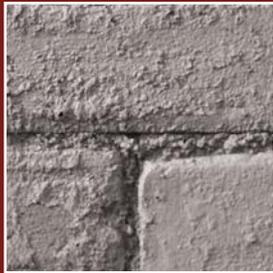
### **REVIEW AND APPROVE 2013 STRATEGIC PLAN**

On December 6, 2012, the Board participated in a strategic planning session to update its Strategic Plan for 2013. The session was facilitated by the Department of Consumer Affairs', Strategic Organization, Leadership, and Individual Development (SOLID) team. The Board reviewed and updated the six goal areas (Professional Qualifications, Practice Standards, Enforcement, Public and Professional Awareness, Organizational Relationships, and Organizational Effectiveness and Customer Service). Objectives were identified to meet the goals and priorities of importance were identified for each objective.

SOLID updated the plan based on the Board's session. Attached is a copy of the updated plan showing all of the changes in underline and ~~strikeout~~ and objective target dates.

At this meeting the Board is asked to review and approve the 2013 Strategic Plan.

20



STRATEGIC PLAN



13

**California Architects Board**

Public Protection Through Examination, Licensure, and Regulation

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## **Members of the Board**

Sheran Voigt, President (Public Member)

Hraztan Zeitlian, Vice President (Architect Member)

Pasqual Gutierrez, Secretary (Architect Member)

Jon Alan Baker (Architect Member)

Christopher Christophersen (Public Member)

Jeffrey D. Heller (Architect Member)

Marilyn Lyon (Public Member)

Matthew McGuinness (Public Member)

Michael Merino (Architect Member)

Fermin Villegas (Public Member)

Douglas R. McCauley, Executive Officer

## Introduction

Each day, millions of Californians work and live in environments designed by licensed architects. The decisions of architects about scale, massing, spatial organization, image, materials, and methods of construction impact not only the health, safety, and welfare of the present users, but of future generations as well. To safeguard the public health, safety, and welfare; reduce the possibility of building failure; encourage sustainable and quality design; and provide access for persons with disabilities, those who are authorized to design complex structures must meet minimum standards of competency. It is equally necessary that those who cannot meet minimum standards by way of education, experience, and examination be prevented from misrepresenting themselves to the public.

The California Architects Board (CAB) was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. The activities of CAB benefit consumers in two important ways.

First, regulation protects the public at large. The primary responsibility of an architect is to design buildings that meet the owner's requirements for function, safety, and durability; satisfy reasonable environmental standards; and contribute esthetically to the surrounding communities. To accomplish this, the architect's design must satisfy the applicable requirements of law and also must be a correct application of the skills and knowledge of the profession. It should be emphasized that the results of faulty design may be injurious not only to the person who engages the architect but also to third parties who inhabit or use the building.

Second, regulation protects the consumer of services rendered by architects. The necessity of ensuring that those who hire architects are protected from incompetent or dishonest architects is self-evident.

CAB is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), which is part of the State and Consumer Services Agency under the aegis of the Governor. DCA is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While DCA provides administrative oversight and support services, CAB has policy autonomy and sets its own policies, procedures, and regulations.

CAB is composed of ten members: five public and five architects. The five architect members are all appointed by the Governor. Three of the public members are also gubernatorial appointees; while one public member is appointed by the Assembly Speaker and the other is appointed by the Senate Rules Committee. Board members may serve up to two four-year terms. Board members fill non-salaried positions but are paid \$100 a day for each meeting day they attend and are reimbursed travel expenses.

Effective July 1, 1997, the Board of Landscape Architects' regulatory programs came under the direct authority of DCA. During the period of July 1, 1997 through December 31, 1997, CAB exercised all delegable powers under the provisions of an interagency agreement between CAB and DCA. Effective January 1, 1998, CAB assumed administrative responsibility for regulating landscape architects. Under the enabling legislation, the Legislature created the Landscape Architects Technical Committee (LATC) which acts in an advisory capacity to CAB. The Committee, which consists of five licensed landscape architects, performs such duties and functions that have been delegated to it by CAB.

## **Commonly Used Terminology**

Throughout this document there are a number of organizations and terms abbreviated into acronyms. To simplify understanding of this document, we have included those terms here for clarification.

AIA – American Institute of Architects

AIACC – American Institute of Architects, California Council

ARE – Architect Registration Examination

BEFA – Broadly Experienced Foreign Architect

BIM - Building Information Modeling

BPC – Business and Professions Code

CAB – California Architects Board

CALBO – California Building Officials

CCR – California Code of Regulations

CE – Continuing Education

CIDP – Comprehensive Intern Development Program

CSE – California Supplemental Examination

DCA – Department of Consumer Affairs

ICC – International Code Council

IDP – Intern Development Program

IPD - Integrated Project Delivery

LATC – Landscape Architects Technical Committee

NAAB – National Architectural Accrediting Board

NCARB – National Council on Architectural Registration Boards

OPES – Office of Professional Examination Services

REC – Regulatory and Enforcement Committee

SARA - Society of American Registered Architects

WCARB – Western Conference of Architectural Registration Boards

## Background on Strategic Planning

To meet the changing demands of an increasingly diverse population, growing interstate and international economic transitions, and changing public expectations, CAB takes an active role in planning its future. Like other regulatory agencies, CAB must be responsive to the public interest while at the same time working within resource constraints.

CAB first convened a special meeting of its members and senior staff on October 17 and 18, 1994, to conduct a strategic planning process for the organization. CAB spent the next six months refining the plan and developing an action plan to implement the goals the organization had identified as central to meeting its mission and vision. On April 19, 1995, CAB approved its first strategic plan. CAB reviews and amends the plan annually and the CAB Executive Committee monitors plan implementation on a regular basis.

In each subsequent year, CAB has reviewed and updated the strategic plan in response to changing conditions, needs, and priorities. At each session, the Board reviews progress on objectives over the previous year, updates the environmental scan in response to changing economic and technological climates, reviews its mission and values statements, and strategizes to meet the challenges of the coming year.

CAB's committees and task forces are charged with developing detailed descriptions of the key strategies used to implement each objective.

The LATC develops its own strategic plan for regulating landscape architects. Its plan is reviewed and approved by CAB, and the LATC is responsible for implementing its own strategic plan. The LATC adopted its first strategic plan on April 16, 1998; subsequently, the LATC strategic plan was approved by CAB at its meeting on May 14, 1998. The LATC continues to update its plan annually.

## CAB External Environment

In developing its strategic plan, CAB assesses the external factors which significantly impact the field of architecture in general and CAB's mission in particular. These external factors have been grouped in nine categories (see Appendix B for details):

- Consumer and client issues
- Architectural practice
- Architectural education and training
- Construction industry
- Economy
- Government approach
- Interstate and international practice
- Demographics
- Information technology

Although these external factors influence architecture throughout the U.S., the setting for architectural practice in California is distinct from that of other states in terms of the breadth, magnitude, and complexity of the individual circumstances that create its context. California's physical size, large and diverse

population, varied landscape and climate, high seismicity, distinctive legal framework, and massive economy create an unusually demanding context for architectural practice.

Additionally, the varying interplay of these conditions for specific projects gives rise to more complicated settings for the conduct of architectural practice in this state. These factors are delineated in detail in Appendix B beginning on page     .

In 2001, CAB conducted a job analysis survey of the profession to identify and quantify the minimum architectural skills and competencies necessary to ensure the public health, safety, and welfare. The survey results assigned top importance to issues that related to (in order of importance):

- Laws, codes, regulations, and standards
- Communication of design solutions for project implementation
- Relationships with relevant regulatory agencies
- Role of architect in relation to client and users
- Program information related to design solution
- Integration of appropriate building systems and materials
- Relationships with consultants and team members

A review of these items revealed that laws, codes, regulations, and standards ranked highest in this latest survey, followed by design solutions and scope, and architect's role in relation to regulatory agencies and client. Water infiltration followed by codes and regulations ranked highest in a survey conducted more than a decade earlier. This suggests that the profession is becoming more sophisticated and is accepting an expanded level of challenge. Building mechanics and technical considerations are still very important, but they have been joined by concerns dealing with universal design, regulations and regulatory agencies, and the expanding role of the architect as he/she interacts with clients, users, and other consultants.

In 2007, CAB conducted another job analysis survey of the profession which was used to develop a new test plan and examination items for the California Supplemental Examination (CSE).

## Recent Accomplishments

Through strategic action and ongoing collaboration, CAB has successfully accomplished a long list of its top priorities in recent years. Some examples include implementation and assessment of the Comprehensive Intern Development Program (CIDP) [see below], stronger outreach to students and interns, enhancing the Board's relationship with the National Council of Architectural Registration Boards (NCARB), etc. This section briefly reviews key accomplishments as identified by the Board during its 2012<sup>23</sup> strategic planning session.

### Sunset Review

The Board successfully completed the Sunset Review process in 2011. In September 2010, CAB submitted its required sunset report to the Senate Business, Professions, and Economic Development Committee. In this report, CAB described actions it has taken since the Board's prior review to address the recommendations of Joint Legislative Sunset Review Committee, and outlined the programmatic and operational changes, enhancements and other important policy decisions or regulatory changes made by CAB. There were no findings or follow-up actions from the Legislature and the Board received the maximum possible extension to its sunset date.

### Elimination of CIDP

The CIDP was designed as an overlay to the national program to enrich the internship experience by fostering a stronger context for mentoring and learning. It encouraged better communication between the intern and supervisor, while enhancing accountability by requiring interns to submit evidence-based documentation of practical intern experience in the form of work samples and written narratives. The Board analyzed the effectiveness of CIDP and the need for this supplemental requirement in light of the vast improvements to NCARB's Intern Development Program (IDP) in the last few years, culminating in IDP 2.0. In June 2011, the Board voted to discontinue the CIDP. The action ~~will take~~ took effect upon codification of a regulatory amendment ~~expected in the spring of~~ March 2012.

### California Supplemental Examination (CSE) Format

CAB conducted an objective study of the CSE and possible format options. Based on study results, CAB approved transitioning the CSE from an oral format to a computer-based, multiple choice format, which was launched in February 2011. The new exam format is much more accessible to candidates, as it is available six days a week, year round at 13 different sites throughout California, rather than the previous oral format, which was offered six times per year alternating between the Bay Area and Orange County. For out-of-state candidates, there are 10 additional exam sites across the United States. Transitioning to a computerized format has increased defensibility of CSE results, and helped to expand the Board's capacity to serve candidates while preserving resources. In 2012, CAB changed the processing of examination results to allow the candidates to receive their scores immediately after completing the examination.

### Improving Enforcement

Through its enforcement staff, contracted architect consultants, the Division of Investigation, and the Office of the Attorney General, CAB takes action against licensees and unlicensed individuals who have potentially violated the law. The Board has continued to improve the timeliness of its actions.

### E-newsletter

~~In its ongoing effort to improve communication with licensees, students and others, CAB has transitioned to an electronic-only newsletter. This is an essential tool for communicating with constituencies about the value of the architectural license, and distributing information related to examinations and regulatory~~

~~changes in a timely and effective fashion. Based on the number of hits it is receiving, the newsletter's readership is expanding under the new format.~~

## **CONTINUING EDUCATION**

CAB has researched and analyzed NCARB (National Council of Architectural Registration Boards) data to develop a better strategy on continuing education. CAB also developed a system to audit completion of coursework on disability access requirements pursuant to Assembly Bill 1746 (Chapter 240, Statutes of 2010).

## **FINGERPRINTING**

CAB has reviewed the process of requiring fingerprinting of licensees for initial application or renewal in an ongoing effort to further consumer protection.

## **ENHANCING COMMUNICATION**

To develop CAB's efforts to reach out to consumers and licensees, the Board has created a Twitter account, used as a tool to quickly inform the public of emerging trends and helpful information, and to receive feedback from the public; it has also expanded the e-news distribution list. Additionally, CAB has finalized new presentation materials for architectural institutions. CAB also updated its *Consumer's Guide to Hiring an Architect* for building and planning departments to provide awareness of architectural jurisdiction to safeguard consumers procuring services.

## **BOARD LEADERSHIP**

CAB passed legislation to ensure staggered expiration dates for its members to help maintain quorum and a professional presence on the Board. CAB has also improved the process for establishing committee membership to continually monitor and improve the impact on CAB's efforts.

## **ACCESS TO THE PROFESSION**

CAB has, through Assembly Bill 1822 (Chapter 317, Statutes of 2012), allowed for foreign architects to use an individual tax identification number in lieu of a social security number for those seeking licensure from another country.

## Key Strategic Issues

While discussing the external environment, a number of issues were identified by CAB in the areas of education, experience, examinations, and the current supply of architects. CAB recognizes that these broader issues are interrelated and require attention. CAB has identified six specific key issues facing the organization: enforcement, post-licensure competency, internship, information technology, education, and the National Council of Architectural Registration Boards' (NCARB) relations. CAB determined the details of each issue and methods by which it may address each of them.

### ENFORCEMENT

CAB's enforcement staffing and budget have increased, with more resources dedicated to setting professional standards and investigating consumer complaints. The Joint Committee on Boards, Commissions & Consumer Protection has recommended that CAB ensure that a greater percentage of its budget be applied toward enforcement.

While the Regulatory and Enforcement Committee (REC) has made great strides in improving the complaint handling and disciplinary processes, complex policy questions regarding responsible control and construction observation need to be addressed. Other key enforcement issues include:

- Compliance with building codes especially those affecting occupant health and safety and accessibility for people with disabilities;
- Potential increase in unlicensed practice activity;
- Rules governing architectural business names and use of the terms "architect," "architecture," and "architectural," as well as associations of licensed architects with unlicensed individuals; and
- Definition of responsible control in light of building information modeling (BIM), electronic document preparation, geographically remote project staff, etc.

### POST-LICENSE COMPETENCY

In fall 1998, CAB conducted five customer focus group meetings to gather broad-based input for the annual update of the Board's strategic plan. During the focus group meetings, some questions were raised about the post-licensure competency of architects. As a result, the Board created the Task Force on Post-Licensure Competency to study this issue, to consider CAB's role in ensuring licensees' continued competency, and to investigate possible solutions, including the possibility of mandatory continuing education (CE) for all California-licensed architects.

In March 2000, CAB contracted with Professional Management and Evaluation Services, Inc., to conduct a scientifically-defensible statewide study of the post-licensure competency and professional development of California architects in order to provide CAB with valid and reliable data upon which to make future policy decisions about these issues.

The survey was sent to California-licensed architects; allied design professionals (engineers and landscape architects); California general building contractors; regulators (building officials, plan checkers, and planners); end-users (clients and developers); and forensic, insurance, and legal professionals. Numerous scientific analyses were conducted to determine that the data were reliable.

Based on the results of the survey and the recommendations of the Task Force on Post-Licensure Competency, CAB concluded that: 1) overall, California architects did not have serious or significant post-licensure competency problems; 2) at the present time, a broad-based, mandatory continuing education program was not warranted; and 3) CAB will continue to review the need for targeted actions to correct or improve identified areas of potential competency problems as they relate to public health, safety, and welfare. The identified areas of potential competency problems include:

- Coordination of consultants' work products to avoid conflicts in documentation and additional costs and time delays;
- Appropriate review and check of documents to avoid design conflicts, schedule delays, and increased costs;
- Appropriate observation procedures during site visits to identify potential construction problems and avoid added cost and time;
- Clear communication of technical instructions, design decisions, and changes to consultants in a timely manner to minimize errors and to meet schedule;
- Code issues that span multiple areas; and
- Business/contract management competency.

## INTERNSHIP

Over the years, CAB has sought to set appropriate standards of entry into the practice in order to balance the need to protect the public with the need to ensure that unreasonable barriers to entering the practice are not established. CAB is concerned about the minimum level of competency of its candidates as derived through their internship. Virtually all architectural licensing boards have a three-year experience requirement in addition to the five-year educational requirement (or the equivalent). Presently, 49 U.S. jurisdictions require completion of the IDP as prescribed by NCARB. Completion of IDP not only helps ensure the minimal competence of architectural candidates, but also facilitates interstate and international practice.

CAB has determined the public would benefit from a required structured internship program. The goals of such a program are to: 1) improve the competency of entry-level architects, and 2) facilitate reciprocity. To this end, CAB sought regulatory changes to require completion of IDP effective January 1, 2005. In response to concerns over the "seat-time" (number of hours) nature of IDP, CAB ~~also initially~~ implemented a requirement for a component, which provides evidence and documentation regarding the intern's experience. The evidence-based program developed by CAB ~~is~~ was called CIDP.

In 2006, CAB held a workshop titled *Preparing Candidates for Successful Internships* to solicit perspectives from educators and practitioners regarding how to best prepare candidates for successful internships and, ultimately, for careers in architecture.

As a result of recent positive changes made by NCARB to IDP, CAB continues to ~~assess its internship~~ require IDP requirement; however, CIDP was repealed in March 2012.

## INFORMATION TECHNOLOGY

Rapid changes in information technology continue to have dramatic impact on the profession of architecture. As the profession adapts to these changes, CAB needs to monitor how changes in practice necessitate changes in regulation. Electronic seals, plan checking, permitting, and data transfer are some of the issues CAB must address. Additionally, the increased use of BIM has raised questions of responsibility, control of documents, and quality of work.

CAB must continue to utilize the most advanced technologies to manage and improve its internal operations. The Governor has made “electronic government” (e-government) a priority, so CAB must be prepared to address electronic application filing, license renewal, and expanded information dissemination.

CAB charged the REC with continuing to monitor the impact of emerging technologies in the field of architecture on CAB’s ability to ensure public health, safety, and welfare.

## EDUCATION

CAB’s main area of responsibility regarding education is the establishment of requirements for licensure. CAB currently requires five years of educational equivalents as a condition for licensure, but defines educational equivalents in a number of ways, including work experience under an architect.

CAB’s role with architectural education is identified as:

- Setting educational requirements for licensure in California.
- Influencing national education policy through collateral organizations.
- Providing students and candidates information on licensing.
- Serving as an information resource to the state’s architectural education community.

CAB has determined that the state’s architectural schools comprise one of its key constituent groups. The October 1999 Education Summit identified the need for CAB to establish an ongoing relationship with the state’s architectural programs to coordinate communication and to provide needed information. CAB held the 2001 Education Forum in conjunction with The American Institute of Architects, California Council’s (AIACC) Monterey Design Conference at the Asilomar Conference Center. The Education Forum reinforced the belief that CAB should continue to work in partnership with schools of architecture and the AIACC to facilitate information exchange and problem solving. The 2002 Architectural Educator/Practitioner Workshop, held in October at Woodbury University, also showed the value in collaborating with schools. CAB also held an Architectural Educators/Practitioners Workshop in February 2006 at California State Polytechnic University, Pomona. CAB will continue to fine-tune its relationship with the schools and work to better inform students about licensure, professional practice, and the Board.

## **NCARB RELATIONS**

CAB's goal is to influence NCARB's decision-making to benefit its constituency – the public of California. That public includes licensees who are certificate holders, candidates who are taking the national exam, and interns participating in IDP. To that end, CAB members devote hundreds of hours working on NCARB committees creating the exam, improving IDP, negotiating international agreements, etc. At the same time, CAB provides input on how it believes NCARB can build on its successes and continue to improve. Fortunately, the NCARB Board of Directors and their staff have become more responsive and are moving to improve their services, but CAB feels more needs to be done.

CAB continues to seek leadership positions and build on relationships established by previous Board members and to increase its presence on NCARB committees and on the NCARB regional counterpart, the Western Conference of Architectural Registration Boards (WCARB). CAB will continue to work with other large states (e.g., Florida, Texas, New York) and with WCARB member boards, recognizing common ground in practice and recognizing reciprocity as an issue of consumer protection.

## Mission

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;
- [Collaborating with the profession and academy to ensure an effective licensure system and enforcement program;](#) 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.

## Vision

CAB will play a major role in ensuring that architects provide quality professional services.

- California architects will possess the knowledge, skills, and abilities enabling them to meet the expectations of clients and consumers.
- California architects will be competent in all areas of practice and will adhere to professional standards of technical competency and conduct.
- Candidates will have access to the necessary education and training opportunities.
- Consumers will have access to an adequate supply of architects and will have the information they need to make informed choices for procuring architectural services.

## Values

CAB will strive for high quality in all its programs, making it an effective and efficient architectural regulatory organization.

To that end, CAB will:

- Be participatory, through continuing involvement with NCARB and other organizations;
- Be professional, by treating all persons who interact with CAB as valued customers;
- Focus on prevention, providing information and education to consumers, candidates, clients, licensees, and others;
- Be progressive, utilizing the most advanced means for providing services; and
- Be proactive, exercising leadership among consumer protection and professional practice groups.

## Goals

CAB has established six goals, which provide the framework for the results it wants to achieve in furtherance of its mission.

### **PROFESSIONAL QUALIFICATIONS**

Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations.

### **PRACTICE STANDARDS**

Establish regulatory standards of practice for California architects.

### **ENFORCEMENT**

Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

### **PUBLIC AND PROFESSIONAL AWARENESS**

Increase public and professional awareness of CAB's mission, activities, and services.

### **ORGANIZATIONAL RELATIONSHIPS**

Improve effectiveness of relationships with related organizations in order to further CAB's mission and goals.

### **ORGANIZATIONAL EFFECTIVENESS AND CUSTOMER SERVICE**

Enhance organizational effectiveness and improve the quality of customer service in all programs.

## Constituencies and Needs

As indicated in the table below, CAB has different constituencies who depend on it for meeting their various needs. In addition, CAB obtains useful information and feedback from these groups that helps to further its mission.

<b>INDIVIDUALS</b>	<b>CONSTITUENCY NEEDS</b>	<b>CONSTITUENCY CONTRIBUTIONS</b>
Public – users of facilities	Safety, welfare, accessibility to persons with disabilities, and recourse	Comments on the quality of services rendered
Clients – procurers of services	Enforcement, regulation of practice, and recourse, qualified architects	Comments on the quality of services rendered
Students	Information and coordination with schools, and preparation for <del>CADP</del> /ADP	Comments about the clarity of the licensing process
Candidates	Fair exams, access to licensure, and information	Comments about the clarity of the licensing process
Interns	Fair exams, access to licensure, and information	Comments about the clarity of the licensing process, regulation of the profession and practice trends
Licensees	Regulation of practice and unlicensed practice and information	Comments about the clarity of the licensing process
Building Officials	Maintaining standards, regulation, and information	Comments regarding the quality of projects submitted by registered architects
<b>ORGANIZATIONS</b>	<b>CONSTITUENCY NEEDS</b>	<b>CONSTITUENCY CONTRIBUTIONS</b>
Legislature	Protection of the public interest and efficient administration of program	Comments on clarity, fairness and appropriateness of regulation
Executive Branch	Protection of the public interest and efficient administration of program	Comments on clarity, fairness and appropriateness of regulation
Office of Emergency Services	Screening and recruitment of inspectors and response to declared emergencies	Comment on public health, safety and welfare issues
Federal Emergency Management Agency	Support and information	Comment on public health, safety and welfare issues
Seismic Safety Commission	Information dissemination, collaboration, setting minimum practice standards, and response to earthquakes	Comment on public health, safety and welfare issues
Division of the State Architect	Support and information	Comment on public health, safety and welfare issues

## Constituencies and Needs (cont.)

ORGANIZATIONS	CONSTITUENCY NEEDS	CONSTITUENCY CONTRIBUTIONS
California Building Officials (CALBO) and Office of Statewide Health, Planning, and Development	Information and coordination	Comment on public health, safety and welfare issues
NCARB	Information, participation, and support	Information and support
AIA; AIACC; and other professional architectural organizations	Regulation of the profession, information, and interstate/international reciprocity	Information and support
Architectural Schools	Information and coordination	Information and support
Association of Collegiate Schools of Architecture	Information and coordination	Enforcement of Architects Practice Act provisions
DCA	Support and information	Information and support
Office of the Attorney General	Information and coordination	Information and support
Board for Professional Engineers, Land Surveyors, and Geologists	Information and coordination	Information and support
Contractors State License Board	Information and coordination	Information and support

# Action Plan

The Action Plan is a dynamic framework for the many activities CAB performs in promoting and meeting its goals. The goals and objectives are assigned to committees, subcommittees, task forces, staff, or individuals, as appropriate, who create more detailed action plans in order to meet the goals and objectives set by CAB. In the pages that follow, Objectives identified by the Board as critical essential are shown in blue highlight and priority important in yellow highlight ~~in the pages that follow.~~

- Professional Qualifications ..... 
- Practice Standards ..... 
- Enforcement ..... 
- Public and Professional Awareness ..... 
- Organizational Relationships ..... 
- Organizational Effectiveness and Customer Service ..... 

# Professional Qualifications

**GOAL:** Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations.

## ONGOING RESPONSIBILITIES

Analyze and recommend educational and experience requirements.

Work toward interstate/international reciprocal recognition with other architectural registration jurisdictions.

Review and make recommendations to revise the Architects Practice Act and CAB's regulations to reflect current practice.

Provide advice and input, with AIACC, to the academic community and National Architectural Accrediting Board (NAAB) regarding the quality and comprehensiveness of architectural curricula, as well as preparation of students for architectural licensure, and the supply of architects.

Oversee the content, development, and administration of the CSE.

Review the Architect Registration Examination (ARE) and the CSE to ensure they fairly and effectively test the knowledge, skills, and abilities of importance to architectural practice in California.

~~Administer CDP/IDP.~~

Work with NCARB, AIA/AIACC to refine ~~CDP/IDP~~ as appropriate.

Explore ways to incorporate and emphasize knowledge of building codes and accessibility requirements in ~~CDP/IDP~~, ARE, and CSE, specifically Business and Professions Code section (BPC) 5550.1.

Monitor sustainable development and green building trends and the importance of these issues to consumers.

Monitor implementation of the Certified Access Specialist Program.

## LEAD RESPONSIBILITY

Professional Qualifications Committee

~~Professional Qualifications Committee~~

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

Professional Qualifications Committee

## OBJECTIVES

~~1. Develop a continuing education strategy and framework based on NCARB research and data.~~

~~2. Develop a system to audit completion of coursework on disability access requirements pursuant to Assembly Bill 1746 (Chapter 240, Statutes of 2010).~~

31. Review AIACC's 2011 Architectural Education Summit Report once completed and made available to determine potential follow-up items for CAB.

42. Prepare a Present recommendation to NCARB on the feasibility of establishing criteria for a "broadly experienced intern" pathway for submission to NCARB licensure.

## LEAD RESPONSIBILITY

~~Professional Qualifications Committee~~

~~Professional Qualifications Committee~~

Professional Qualifications Committee

Professional Qualifications Committee

## TARGET DATE

~~December 2012~~

~~December 2012~~

December 20123

December 20123

OBJECTIVES (cont.)	LEAD RESPONSIBILITY	TARGET DATE
53. Pursue a regulatory amendment to establish a pathway for candidates holding an NCARB certificate through the Broadly Experienced Foreign Architect (BEFA) Program.	Professional Qualifications Committee	<del>June</del> <u>December 2013</u>
64. Execute contract renewal with NCARB for the ARE.	Staff	June 2013
75. Conduct <del>and complete</del> an occupational analysis of the practice of architecture in California to be used for the ongoing development of the CSE.	Professional Qualifications Committee	December 2013 <del>4</del>
<del>8. Sponsor legislation to amend BPC section 30 to accept individual taxpayer identification numbers in lieu of social security number requirement for foreign-licensed professionals.</del>	<del>Professional Qualifications Committee</del>	<del>December 2013</del>
96. Conduct a national audit of NCARB's and CAB's test specifications to determine appropriate content of the CSE.	Professional Qualifications Committee	January 2014
7. <u>Develop a strategy to expedite reciprocity licensure for military spouses and domestic partners pursuant to Assembly Bill 1904 (Chapter 399, Statutes of 2012).</u>	<u>Professional Qualifications Committee</u>	<u>December 2013</u>
8. <u>Review and comment on NAAB accreditation standards.</u>	<u>Professional Qualifications Committee</u>	<u>December 2013</u>
9. <u>Promote multiple pathways to licensure.</u>	<u>Professional Qualifications Committee</u>	<u>December 2013</u>

# Practice Standards

**GOAL:** Establish regulatory standards of practice for California architects.

## ONGOING RESPONSIBILITIES

Identify areas of practice that require attention by CAB and make recommendations for revising standards of practice contained in the Architects Practice Act and regulations.

Monitor methods of practice and proposed changes in laws that may impact architectural practice and assess their impact on the regulatory process.

Review need to enact additional rules of professional conduct.

Monitor impact of emerging technology and global trends on goals and objectives.

Monitor impact of building code adoption and analyze implications on exemptions defined in BPC section 5537, as it relates to materials and methods of construction.

Monitor the application of alternative project delivery methods and tools for their potential effect on the public's health, safety, and welfare.

Communicate with building officials regarding the statutory requirements for architects' stamps and signatures.

## LEAD RESPONSIBILITY

Regulatory & Enforcement Committee

## OBJECTIVES

~~1. Pursue an amendment to clarify consumers' rights with respect to confidentiality.~~

## LEAD RESPONSIBILITY

~~Regulatory & Enforcement Committee~~

## TARGET DATE

~~December 2013~~

1. Examine definition of the practice of architecture and potentially consider creating a definition of "instruments of service" for a regulatory proposal.

Regulatory & Enforcement Committee

December 2014

# Enforcement

**GOAL:** Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

## ONGOING RESPONSIBILITIES

- Coordinate efforts with NCARB on regulatory and enforcement issues.
- Oversee effectiveness of building official contact program.
- Actively enforce laws and regulations pertaining to unlicensed activity.
- Monitor impacts of new technology on enforcement procedures.
- Implement identified alternative enforcement tools.
- Review literature regarding the impact of technology on the profession.
- Maintain CAB presence at CALBO and International Code Council (ICC) chapters.
- Monitor the enforcement of penalties and continue to explore creative ways of collecting fines due.
- Monitor DCA's enforcement legislation.

## LEAD RESPONSIBILITY

- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee
- Regulatory & Enforcement Committee/Staff
- Regulatory & Enforcement Committee

## OBJECTIVES

- ~~1. Prepare memorandum for Board's review and discussion regarding fingerprint requirement for licensees to determine its potential application to CAB.~~
- ~~2. Review DCA's best practices, and analyze and adjust CAB's enforcement procedures where appropriate.~~
- ~~3. Define "instruments of service" for a potential regulatory proposal.~~
- ~~4. Initiate a conversation with AIACC to explore the feasibility of a Qualifications-Based Selection enforcement process.~~
- ~~5. Respond to Certified Access Specialist Institute questions regarding Architects Practice Act.~~

## LEAD RESPONSIBILITY

- ~~Staff~~
- ~~Regulatory & Enforcement Committee~~

## TARGET DATE

- ~~June 2012~~
- ~~December 2012~~
- ~~December 2012~~
- ~~December 2012~~
- ~~December 2012~~

1. <u>Execute new architect consultant contract.</u>	<u>Staff</u>	<u>July 2013</u>
2. <u>Review and consider adding mediation to reporting requirements (BPC section 5588).</u>	<u>Regulatory &amp; Enforcement Committee</u>	<u>December 2013</u>
3. <u>Review and update CAB's Disciplinary Guidelines.</u>	<u>Regulatory &amp; Enforcement Committee</u>	<u>July 2014</u>
4. <u>Review and consider adding a provision regarding "scope of work" to the written contract requirements (BPC section 5536.22).</u>	<u>Regulatory &amp; Enforcement Committee</u>	<u>December 2014</u>

# Public and Professional Awareness

**GOAL:** Increase public and professional awareness of CAB's mission, activities, and services.

## ONGOING RESPONSIBILITIES

Monitor CAB Communications Plan and recommend expanded communication vehicles as needed.

Disseminate information to licensees, candidates, consumers, government agencies, students, schools, and others about the value of the architectural license.

Fine tune, update, and promote written materials and CAB's website.

Maintain a presence at schools of architecture to inform students about licensing requirements.

Use CAB newsletter to communicate with licensees on such topics as: 1) changes in state regulations, including building code changes, access compliance, and license requirements; and 2) current and upcoming issues such as BIM, IDP, integrated project delivery (IPD), sustainable design, etc.

Implement recommendations for greater use of electronic communication.

Continue CAB's school and student outreach programs.

Expand the consumer content on CAB's website.

Maintain social media presence and monitor trends.

## LEAD RESPONSIBILITY

Communications Committee

Staff

Communications Committee

Staff

Communications Committee

Communications Committee

Communications Committee

Communications Committee/Regulatory & Enforcement Committee

Communications Committee/Staff

## OBJECTIVES

~~1. Prepare a concise CAB mission statement for use in all communications.~~

~~2. Establish a social media presence for CAB.~~

~~3. Review and finalize CAB schools presentation materials.~~

~~4. Expand the CAB e-news distribution list.~~

1. Explore digital alternatives for outreach to schools.

2. Explore different publication frequency and format for CAB's newsletter, *California Architects*.

## LEAD RESPONSIBILITY

~~Communications Committee~~

~~Communications Committee~~

~~Communications Committee~~

~~Communications Committee~~

Communications Committee

Communications Committee

## TARGET DATE

~~June 2012~~

~~December 2012~~

~~December 2012~~

~~December 2012~~

December 2013

December 2013

# Organizational Relationships

**GOAL:** Improve effectiveness of relationships with related organizations in order to further CAB's mission and goals.

## ONGOING RESPONSIBILITIES

- Maintain working relationship with NCARB.
- Maximize involvement in NCARB and WCARB and obtain appointments to committees and elected office positions.
- Maintain working relationship with AIA, AIACC, and other professional architectural organizations.
- Work with AIACC to advance CAB's goals and objectives.
- Maintain working relationship with DCA and other state agencies.
- Maintain communications with allied organizations (i.e., contractors, engineers, building officials, and insurance providers).
- Maintain communication with educational community through liaison program.
- Recruit qualified potential representatives for CAB committees.
- Maintain relationships with major organizations representing primary constituencies including CAB Board member liaisons as needed.
- Monitor proposed legislation which directly or indirectly affects architectural practice.
- Ensure programs, activities, and services are accessible to persons with disabilities.
- Integrate best practices, relevant information, and strategies between CAB and LATC.
- Continue to hold CAB meetings at campuses, including community colleges; engage faculty in dialogues regarding the value of licensure.

## LEAD RESPONSIBILITY

- Executive Committee
- Staff
- Staff
- Executive Committee

OBJECTIVES	LEAD RESPONSIBILITY	TARGET DATE
1. Review CAB's liaison program and determine <del>its</del> future focus for agencies and schools.	Executive Committee	December 201 <del>2</del> <u>3</u>
2. <del>Advance CAB's position with respect to</del> Participate in Sunset Review process and support California Council for Interior Designers' Certification <del>license issue.</del>	Executive Committee	December 201 <del>2</del> <u>3</u>
3. <u>Promote the awareness of the value of CAB's participation at the nation level.</u>	<u>Executive Committee</u>	<u>December 2013</u>
4. <u>Continue education with California planning and building departments.</u>	<u>Executive Committee</u>	<u>December 2013</u>



## Performance Measures

CAB measures its performance by the (1) competence of the architects it licenses, (2) quality of services CAB provides, and (3) competitiveness of the marketplace.

### COMPETENCE OF ARCHITECTS

Architects are expected to possess certain knowledge, skills, and abilities. Consumers and clients desire architectural services to be delivered by well-qualified architects. These are the qualities an architect should possess to meet those expectations. CAB's role is to focus on those areas that directly impact public health, safety, and welfare.

#### TECHNICAL EXPERTISE

- Ability to prepare a clear and complete set of working drawings
- Ability to take a concept and work with the client to get it built
- Knowledge of regulatory requirements, including safety, access, and code issues
- Project sustainability
- Understanding of building systems, including materials, structures, and technologies
- Knowledge of how a building is built

#### LEGAL AND ETHICAL PERFORMANCE

- Knowledge of legal requirements
- Utilize written contracts
- Follow rules of conduct
- Meet contractual obligations

#### COMMUNICATION SKILLS

- Graphic communication skills
- Oral communication skills
- Written communication skills

#### CREATIVE ABILITIES

- Design ability, creativity, and knowledge of current design trends

#### LEADERSHIP SKILLS

- Community leadership
- Project management
- Consensus building

#### MANAGEMENT SKILLS

- Budget and financial management
- On-time delivery
- Contract administration

CAB can utilize the following methods and benchmarks to measure whether it is improving the competence of California architects:

- Number and type of complaints
- Focus group meetings with various constituent and user groups
- Building official surveys

### **QUALITY OF CAB SERVICES**

CAB has many constituencies it must serve. They are delineated in the Constituencies and Needs section beginning on page     . One of CAB's goals is to enhance organizational effectiveness and improve the quality of customer service in all programs.

The following methods and benchmarks can provide a basis to measure CAB's performance:

- Number and type of complaints
- Focus group meetings with various constituent groups
- Building official surveys

### **COMPETITIVENESS OF THE MARKETPLACE**

CAB needs to ensure that consumers operate in a fair, competitive marketplace that provides them with a choice of qualified architects. CAB must protect the public's health, safety, and welfare while being careful not to over-regulate the marketplace. It appears that CAB has not set unreasonable barriers to entering the practice given the large number of architects available.

The following methods and benchmarks can provide a basis to measure CAB's performance:

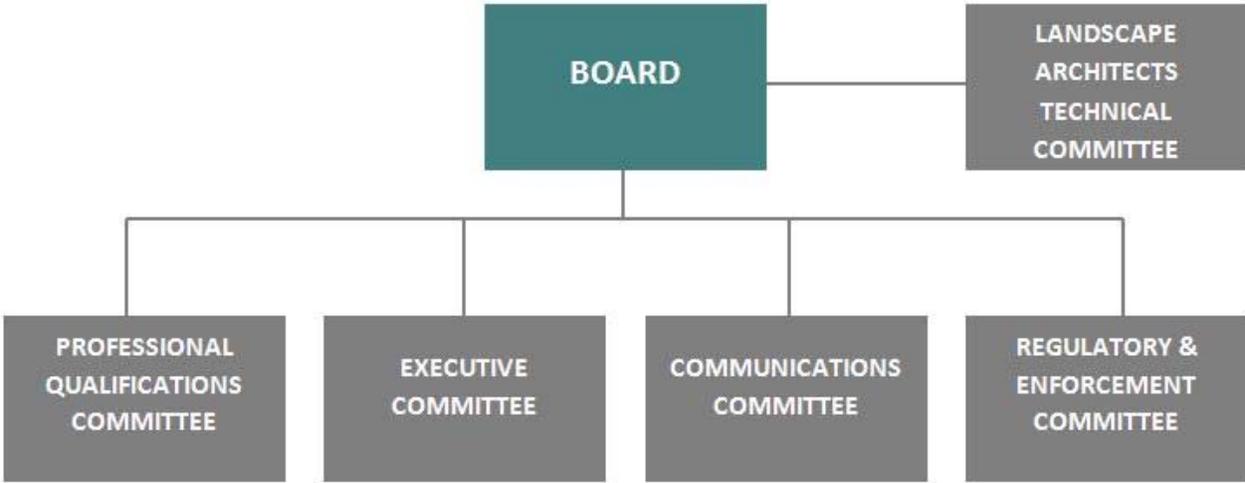
- Comparison with other jurisdictions (per capita, distribution, etc.)
- Exam pass rates
- Trends
- Number of qualified architects

# Appendices

- A. Organizational Structure..... 
- B. External Factors Influencing CAB..... 
- C. Communications Plan..... 

# Appendix A: Organizational Structure

CAB has developed the organizational structure below to implement its strategic plan. CAB will establish subcommittees and task forces as needed.



## Appendix B: External Factors Influencing CAB

Every annual update to CAB's strategic plan is preceded by an environmental scan. From an examination of CAB's external environment CAB members and staff identify the potential issues and challenges, which may affect CAB's ability to carry out its mission over the long term. The following trends and assumptions were identified, but may not be universally accepted by all practitioners, and help form the foundation of CAB's strategic plan.

### CONSUMER AND CLIENT ISSUES

- The potential expansion of public works projects will expand opportunities for architects.
- Consumer expectations are on the rise, and clients of architectural services are demanding higher levels of service and quality and expect lower costs.
- Concerns about climate change and energy efficiency, drought conditions, and the environment have made green building standards a mainstream issue. Increasingly, clients are demanding that architects utilize "sustainable" or "green" building materials and strategies.
- Demand for application of sustainable design practices and use of sustainable materials and technologies will require architects and other design professionals to acquire relevant knowledge and skills.
- Clients are increasingly awarding jobs based on competitions, ultimately affecting the quality of products and services.
- New computer software has resulted in more clients attempting drawings or other aspects of architecture on their own, without the use of a licensed architect.

### ARCHITECTURAL PRACTICE

#### Evolution of Firms

- The trend toward specialization in architectural practice will continue.
- Architectural practice is expanding beyond its traditional scope, and more architects are practicing outside the limits of their primary expertise.
- Firms continue to reinvent themselves in response to market changes and new trends in practice, including emerging technologies.
- International practice opportunities are increasing.

#### Project Delivery

- The increasing use of alternative project delivery, including IPD and the application of BIM, will impact the assignment of responsible control and liability.
- Changes in technology, alternative project delivery methods, regulations, among other factors, continue to redefine the standard of care.
- The Internet allows architects to work on projects at great distances from their home offices.
- The improper use of BIM by unlicensed individuals may negatively affect the public's health, safety, and welfare.
- The number of turn-key and design/build projects continues to increase, thereby increasing potential conflicts of interest between contractors and owners. Responsible control is taken out of the hands of the architect and leaves the owner without a clear advocate.
- The use of program/construction managers is on the rise.

- As the role of construction manager in project delivery grows, so does the potential threat to public health, safety, and welfare, as construction managers are not regulated.
- The use of team approaches to project management and development is increasing.
- The use of public/private partnerships is increasing in light of public sector budget constraints.
- Increasingly, architects are signing blueprints that are created outside of their realm of observation, often outside of the country.

### **Market Conditions**

- Potential gaps in the supply of architects resulting from the recent economic downturn may lead to an increase in unlicensed practice in the future.
- The marketplace is experiencing increased pressures to lower fees, increase services, and operate in a compressed time frame environment.
- Consolidation of architectural firms continues.
- The role of principal has evolved from mentor into business manager.
- Architects' salaries are low relative to business and high-tech fields.
- An increasing number of principals are spending less time on traditional architectural functions and more time on business development, client relations, and operating the business.

### **Liability**

- The ability to practice architecture is increasingly restricted by the ability to obtain professional liability insurance.
- Construction defect liability is an issue in the Legislature.

### **Miscellaneous**

- Use of the legislative process to impact architectural practice is increasing.
- Building security will be a growing concern in the foreseeable future.
- Fewer practitioners have close ties to academia than in years past.

## **ARCHITECTURAL EDUCATION AND TRAINING**

- The increasing cost of education is further reducing the number of architects and creating a gap between education and practice.
- License and examination fee increases, changing requirements, and modifications to exam format and structure are creating challenges for those interested in becoming licensed.
- Increasingly, architecture students are choosing not to take the licensure exam, which may reflect a change in the perception of the license as a gateway to professional practice.
- Architectural education needs to evolve to address strategic issues and changes in the field, including new technologies, building systems, and practice trends.
- There is a growing need for partnership among academia, practitioners, and CAB.
- Internships will need to focus on public health, safety, and welfare items, such as construction methods, life safety, Americans with Disabilities Act compliance, and construction document coordination.
- NAAB appears to have reduced its focus on ensuring that students effectively demonstrate four of the core competencies related to architectural practice.

- Global outsourcing may reduce potential internship opportunities.
- Technology is increasingly used to provide continuing education opportunities.

## **CONSTRUCTION INDUSTRY**

- Changes in model codes affect local standards and review processes.
- Codes remain in flux.
- Materials' specifications are changing.
- The shift to metric standard continues.
- Trend toward new configurations of professional teams to include designing, building, and construction. This can result in an unclear definition of the architect's responsibility (e.g., in relation to construction defects).
- Building technologies have remained the same, but there are changes in building materials (e.g., straw bale and adobe blocks in residential construction).
- Demand for "green" (environmentally sensitive, energy efficient) architecture is increasing.
- While the construction management function is expanding, it is still unregulated, potentially affecting the public's health, safety, and welfare.
- The construction industry lacks qualified craftspeople to meet current demands.

## **ECONOMY**

- Economic cycles are less predictable, resulting in more rapid fluctuations affecting job security and the demand for qualified professionals.
- Fiscal conservatism continues to influence the economic decision-making of consumers and clients, resulting in fewer business opportunities for practicing architects.
- Greater competition for jobs has the potential to impact the quality of services and consumer protection.
- International investors are becoming a bigger factor in the California economy.
- Growing international practices and outsourcing of architectural services puts downward pressure on labor costs and quality of service.
- More clients are demanding faster project delivery.
- Alternative careers (e.g., entertainment, computers) are expanding.
- The economic downturn may result in the loss of quality architects from the profession.
- The quality of plan checking is likely to be affected by downsized local building departments.

## **GOVERNMENT**

- The Sunset Review process has been re-instituted and is underway.
- Uncertainty in the political realm continues.
- State-mandated furloughs are resulting in a decrease in CAB's capacity to oversee the licensure process and enforce licensure requirements.
- Severe State budget constraints are likely to continue.
- Efforts to restructure and streamline government continue.
- In 2004, Sunset Review recommended that CAB allocate more funding towards addressing enforcement issues, diverting funding from possible research and development efforts.

- Not all reportable civil action judgments, settlements, arbitration awards, or administrative actions with values ~~greater than of~~ \$5,000 or greater in cases involving architects are being reported to CAB as required by law.
- Unregulated construction management may have a negative effect on architectural control.
- Electronic service delivery using the Internet is increasingly common.
- Changes in the California Legislature make it important to renew contacts and develop new relationships.

## INTERSTATE AND INTERNATIONAL PRACTICE

- The practice of architecture is becoming increasingly interstate and international in nature. Architects are using foreign firms to do construction documents. The opening of the international marketplace, symbolized by the North American Free Trade Agreement and General Agreement on Tariffs and Trade, broadens the scope of trade.
- This trend increases the need for greater uniformity of licensing requirements as more out-of-state consultants are hired and technology increases the ease of communications and information transfer.
- There is increased foreign investment in California businesses and infrastructure.
- NCARB continues to emphasize consistency in licensing requirements to achieve reciprocity.

## DEMOGRAPHICS

- California's population continues to become more diverse. All regions of California are projected to continue to grow.
- California's population is aging and individuals of the "baby boom" generation are beginning to retire, resulting in a decrease in the number of experienced, practicing architects.
- California's population is growing in high-risk areas (e.g., flood plains, earthquake-prone regions).
- California's infrastructure, roads, utilities, and housing supply are not keeping pace with its growing population.
- Increased elderly and young populations affect needed services.
- Increased cultural diversity affects consumers, regulators, and the education system.
- Increase in population affects natural resources (e.g., air, water, and space), infrastructure, and the education system.

## INFORMATION TECHNOLOGY

- Electronic technology greatly expands both opportunities and challenges for communication and control over the preparation of technical documents.
- Technology also impacts the regulatory environment, as products such as engineering software and prototype plans become increasingly available.
- Changes in technology necessitate changes in regulation of architects to address issues such as computer-aided design, supervision/apprenticing of interns, etc.
- Technology has put less emphasis on paper documents.
- Some architects lack technological competency. Their challenge is to learn how to manage and regulate the technology properly.
- Technological innovations in modeling and engineering have created opportunities for new designs and new structures.

- Technology is impacting record documentation and the assignment of liability and negligence.
- Web-based project management will continue to impact project delivery, thereby making document control, accuracy, and integrity more critical.
- The adoption of BIM techniques has introduced new concerns regarding consumer protection and user safety in buildings.

## Appendix C: Communications Plan

To support its strategic priorities, the California Architects Board (CAB) conducts information and outreach activities. This plan presents key messages, existing communications channels, and preliminary strategies for improving external communications.

### AUDIENCES

CAB provides information to six main audiences:

- Consumers (clients of architects)
- Candidates and pre-candidates (interns and students)
- Professionals (licensed architects)
- Building officials
- Allied professionals (other design and construction professional associations and licensing boards)
- Architectural education community

#### **CONSUMERS (CLIENTS OF ARCHITECTS)**

##### ***Messages and Key Information***

Consumers need information on how to choose the right architect and how to address complaints during or after projects. Other important consumer information includes:

- Guidelines on hiring architects, including criteria
- Consumer rights
- Assistance available from CAB

This information requires greater visibility and needs to be targeted more directly to specific audiences based on the importance of data as it relates to the public's health, safety, and welfare.

##### ***Existing Communications Channels***

- Consumer's Guide to Hiring an Architect (print and website)
- [Consumer Tips for Design Projects](#)
- Information sheets (print and website)
- Post-disaster forums and press releases
- Press releases

##### ***Preliminary Strategies***

- Articles in trade association and consumer magazines
- Articles in local newspapers (home sections)
- Outreach via related associations, such as local boards of realtors
- Liaison with Department of Consumer Affairs (DCA)

#### **CANDIDATES AND PRE-CANDIDATES (INTERNS AND STUDENTS)**

##### ***Messages and Key Information***

Candidates for examinations and those considering the profession need accurate, timely information. Students need information and guidance about the necessary requirements of the practice of architecture, and exam candidates need detailed information about the licensure process to avoid costly mistakes. Other important information includes:

- Education requirements
- Experience requirements
- Written and supplemental examination requirements
- License requirements
- Practice limitations for those without licenses
- Background on CAB
- Standards of practice information
- Other states' requirements (e.g., in regard to reciprocity)

#### ***Existing Communications Channels***

- Architectural Careers website and bookmark
- Candidate's Handbook (website)
- ~~Comprehensive Intern Development Program (CIDP) Handbook~~
- National Council of Architectural Registration Boards website and documents
- The American Institute of Architects, California Council (AIACC), Construction Specifications Institute (CSI), and Society of American Registered Architects (SARA) meetings, chapter meetings, and publications
- Seminar presentations

#### ***Preliminary Strategies***

- Expand information and applications available on CAB's website
- Provide more information to students and provide it earlier in their educational endeavors
- Create and distribute a poster to schools to display information referencing CAB's website and available publications

#### ***PROFESSIONALS (LICENSED ARCHITECTS)***

##### ***Messages and Key Information***

Licensed professionals require up-to-date information to stay current in the field and provide quality architectural services. This pertains especially to sole practitioners and unaffiliated architects. Important information topics include:

- Architects Practice Act (law and regulations)
- Standards of practice
- Disciplinary actions
- Issues of practice (e.g., codes, professional trends, etc.)

#### ***Existing Communications Channels***

- CAB's quarterly newsletter (website)

- Architects Practice Act with Rules and Regulations (website)
- AIACC, CSI, and SARA meetings, chapter meetings, and publications

### ***Preliminary Strategies***

- Upgrade graphics on reports and publications
- Develop contact plan for AIACC (Executive Committee) and its chapters
- Expand publication dissemination to licensees
- Update the ~~CIDP~~/IDP Communication Plan

## **BUILDING OFFICIALS**

### ***Messages and Key Information***

Building officials need to know which plans require professionals, and who are licensed architects. Other information needed by these agencies includes:

- Architects Practice Act (laws and regulations)
- Guidance in interpreting the Act
- Licensee information
- Disciplinary actions

### ***Existing Communications Channels***

- Building Official Information Guide (print)
- Architects Practice Act with Rules and Regulations (website)
- California Building Officials (CALBO) meetings
- Tables at CALBO meetings
- International ~~Conference of Building Officials~~ [Code Council](#) (ICBOC) chapter meetings
- Visits to building officials
- Annual surveys

### ***Preliminary Strategies***

- Work with ICBOC to create code pamphlets

## **ALLIED PROFESSIONALS**

### ***(OTHER DESIGN AND CONSTRUCTION PROFESSIONAL ASSOCIATIONS AND LICENSING BOARDS)***

### ***Messages and Key Information***

Professional associations for design and construction industries (e.g., contractors, engineers, geologists, and building industry associations) need to be kept informed of CAB's activities which may impact their organizations and the industries they represent. Likewise, the state licensing boards which regulate those industries need to be kept informed of activities that may impact their boards and the professions they regulate.

### ***Existing Communications Channels***

- Newsletters
- Website

- DCA Executive Officers Council
- Website links to affiliated professionals' websites
- Architectural/engineering meetings

#### ***Preliminary Strategies***

- Interact with Board for Professional Engineers, Land Surveyors, and Geologists and Contractors State License Board (Executive Committee)

### **ARCHITECTURAL EDUCATION COMMUNITY**

#### ***Messages and Key Information***

California schools with architectural programs (i.e., colleges, universities, and community colleges) and high schools need to know about licensure and candidate information. These include:

- Examination/licensure requirements
- Candidate exam pass rates
- ~~CIDP/IDP~~
- CAB programs

#### ***Existing Communications Channels***

- Candidate's Handbook (website)
- Summary of Architect Registration Examination pass rates by school
- Education forums

#### ***Preliminary Strategies***

- Expand education forums
- Meet at schools when possible
- ~~Distribute CIDP Handbook~~

### **GRAPHIC STANDARDS**

CAB will maintain and update its graphic standards to ensure clarity, consistency, and accuracy of information in all printed materials and publications.

### **WEBSITE**

The Internet is being used effectively as a tool to reach all audiences through links to and from related sites. The current site functions well and has outstanding graphics. CAB will continue to improve website access, ease of use, and value to users.

## **Agenda Item G**

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

There are no items to be considered in closed session as of February 27, 2013.

## **Agenda Item H**

### **WESTERN CONFERENCE OF ARCHITECTURAL REGISTRATION BOARDS (WCARB)**

1. Review of the 2013 Joint Regional Annual Meeting of WCARB
2. Discuss and Possible Action on National Council of Architectural Registration Boards (NCARB) Resolutions
3. Discuss and Possible Action on 2013 Elections

## **Agenda Item H.1**

### **REVIEW OF THE 2013 JOINT REGIONAL ANNUAL MEETING OF WCARB**

The 2013 Joint Regional Meeting of WCARB is being held as a joint meeting with regions 1, 2 and 6 March 14-16, 2013.

The Board is asked to review and discuss the relevant issues for the meeting.



## NCARB Joint Regional Meeting Regions 1, 2 and 6



Providence, Rhode Island  
March 14 – 16, 2013

### AGENDA

#### Thursday, March 14 (Travel Day)

1:00 - 5:00

3:00

6:00 - 7:30

Registration Desk Open  
Hotel Check-In  
Renaissance Providence Downtown Hotel  
Welcome Reception at Hotel  
Dinner on Your Own

#### Friday, March 15

7:30 - 8:30

8:00 - Noon

8:30 - 8:45

8:45 - 10:45

11:00 - 12:00

12:00 - 1:00

12:00 - 5:00

5:30

5:45 - 9:00

9:00

Breakfast Buffet  
Registration Desk Open  
Welcome – Region 1 / RI Board  
The Design, Redesign, and Construction of a Regulator:  
A Blueprint for What it takes to Regulate the Profession  
Dale Atkinson  
CEO Presentation  
Buffet Lunch Available  
Regional Meetings  
Board Buses for Travel to Dinner  
Dinner at Providence Art Club  
<http://www.providenceartclub.org/>  
Return to Hotel

#### Saturday, March 16

7:30 - 8:30

8:30 - 10:30

10:45 - 11:45

12:00 - 1:00

1:00 - 1:45

2:00 - 2:45

Evening

Breakfast Buffet  
NCARB Business

- President Remarks
- CEO Remarks
- First Vice President Remarks
- Resolutions-Review/Questions
- NCARB Service Certificates

Roundtable Breakout Discussions  
Group Lunch  
Guest Speaker  
Morgan Grefe – Executive Director, RI Historical Society  
Restoration/Renovation of the Renaissance Hotel  
(former Masonic Temple)  
David J. Odeh – Odeh Engineers  
Regional Dinners or  
Dinner on Your Own

#### Sunday, March 17 (Travel Day)

# The 2013 WCARB Regional Meeting

Friday, March 14<sup>th</sup> – Afternoon Meeting

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12:00 p.m.	<b>Convene Meeting</b> <i>Bob Calvani, Chair</i>	<b>Haydn Room</b>
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12:30 p.m.	<ol style="list-style-type: none"><li>1. <b>Quorum Roll Call</b></li><li>2. <b>Approval of Agenda</b></li><li>3. <b>Executive Committee Report</b> <i>Bob Calvani</i></li><li>4. <b>Financial Report</b> <i>Gina Spaulding</i></li><li>5. <b>Regional Director's Report</b> <i>Greg Erny</i></li><li>6. <b>Nominations – from the floor</b><ol style="list-style-type: none"><li>a. <b>Regional Director</b></li><li>b. <b>Executive Committee</b></li><li>c. <b>Executive Committee Chair</b></li><li>d. <b>Executive Committee Vice Chair</b></li></ol></li><li>7. <b>Nominee Speeches</b><ol style="list-style-type: none"><li>a. <b>Regional Director</b></li><li>b. <b>Executive Committee</b></li><li>c. <b>Executive Committee Chair</b></li></ol></li><li>8. <b>Brief State Reports</b> (reports are on web site)</li></ol>	
2:30 p.m. - 2:45 p.m.	<ol style="list-style-type: none"><li>9. <b>Break</b></li><li>10. <b>"Golden Nugget's" from Each Jurisdiction</b></li><li>11. <b>Resolution Discussion</b> <i>Bob Calvani</i></li><li>12. <b>Bylaws Amendment Discussion</b> <i>Bob Calvani</i></li><li>13. <b>2014 Regional Meeting Discussion</b></li><li>14. <b>Elections</b> <i>Election Committee Chair</i><ol style="list-style-type: none"><li>a. <b>Regional Director</b></li><li>b. <b>Executive Committee</b></li><li>c. <b>Executive Officers</b><ol style="list-style-type: none"><li>1. <b>Chair</b></li><li>2. <b>Vice Chair</b></li></ol></li></ol></li></ol>	
5:00 p.m.	15. <b>Adjourn</b>	

## **Agenda Item H.2**

### **DISCUSS AND POSSIBLE ACTION ON NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) RESOLUTIONS**

The Board will discuss resolutions that will be acted upon at the 2013 NCARB Annual Meeting and Conference. Attached are the draft resolutions and NCARB bylaws.



NCARB

**Draft of the Resolutions**  
to be Acted Upon at the  
**2013 Annual Meeting**

MARCH 2013

National Council of Architectural Registration Boards  
1801 K Street NW, Suite 700K  
Washington, DC 20006  
202/783-6500  
[www.ncarb.org](http://www.ncarb.org)

**RESOLUTION 2013-A**

Supported by the Council Board of Directors ( \_\_ - \_\_ )

**TITLE:** *Certification Guidelines* Amendment – Modifications to Broadly Experienced Architect Terminology

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Section 2.2, paragraph A, Alternatives to the Education Requirement of the *Certification Guidelines* be amended to read as follows:

**“2.2 Alternatives to the Education Requirement**

If you do not hold a professional degree in architecture as identified in Section 1.2, NCARB will accept either of the following:

- A. Satisfaction of NCARB’s Broadly Experienced Architect (BEA) Program, which permits an applicant with the required years of experience in comprehensive practice practicing architecture as defined in the *Legislative Guidelines and Model Law, Model Regulations* in which the applicant exercised responsible control within a U.S. jurisdiction while registered in such jurisdiction to demonstrate that a combination of education and/or comprehensive practice experience in practicing architecture satisfies all of his/her education deficiencies with respect to the *NCARB Education Standard* set forth in the *Education Guidelines*. The required years are:
- Six years for architects who hold a pre-professional degree in architecture awarded by a U.S.-regionally accredited institution or the Canadian equivalent, or
  - Eight years for architects who hold any other baccalaureate or higher degree, or
  - Ten years for architects who do not hold a post-secondary baccalaureate or higher degree.”

**SPONSORS’ STATEMENT OF SUPPORT:**

The Broadly Experienced Architect (BEA) Committee recommends replacing the term “comprehensive practice” with “practice of architecture” in the *Certification Guidelines* to clarify the purpose of the program. The BEA Program is a way for architects, who do not have a degree from a NAAB-accredited program, to demonstrate how their experience in the practice of architecture satisfies identified education deficiencies. The concept of comprehensive practice is not relevant to BEA Program eligibility, and review of a BEA dossier is focused on the projects, or parts of projects, that demonstrate that the architect has overcome the specific education deficiencies.

**RESOLUTION 2013-B**

Supported by the Council Board of Directors ( \_\_ - \_\_ )

**TITLE:** *Certification Guidelines* Amendment – Alternative to Education Requirement

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that sub-section B of section 2.2 of the *Certification Guidelines* be amended to read as follows:

- “B. Applicants with a degree in the field of architecture that is not accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) granted by an academic institution outside the United States and Canada must obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the *NCARB Education Standard*.”

**SPONSORS' STATEMENT OF SUPPORT:**

The Broadly Experienced Architect (BEA) Committee recommends that any architect with a degree from a non-accredited program, wherever educated, have the opportunity to show that he or she has obtained education that meets the NCARB *Education Standard* as verified by an Education Evaluation Services for Architects (EESA)-NCARB evaluation conducted by the National Architectural Accrediting Board (NAAB). At present, only holders of degrees from academic institutions outside the United States and Canada may do this.

The committee believes that if there are no deficiencies to overcome, no further assessment beyond an EESA-NCARB evaluation should be required of anyone, and those architects meeting the *Education Standard* would also satisfy the education requirement for certification outside of the BEA Program. Architects who have not satisfied the *Education Standard* must satisfy any deficiencies as noted in the *Education Guidelines*.

**RESOLUTION 2013-C**

Supported by the Council Board of Directors ( \_\_ - \_\_ )

**TITLE:** *Certification Guidelines* Amendment – Modification to Broadly Experienced Foreign Architect Terminology

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that section 5.4 Experience Requirement of the *Certification Guidelines* be amended to read as follows:

**“5.4 Experience Requirement**

You must have completed a minimum of seven (7) years of comprehensive practice as a credentialed architect over which you exercised responsible control in the foreign country in which you are credentialed.

- “Comprehensive practice” means the application of the knowledge and skills of those aspects of the profession assessed by an architectural practice that regularly involves familiarity with all of those areas tested on the Architect Registration Examination, including programming, design, technical and construction documents production, and construction administration.
- “Responsible control” means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by U.S. registered architects applying the required professional standard of care.”

**SPONSORS’ STATEMENT OF SUPPORT:**

The Broadly Experienced Architect (BEA) Committee, which oversees both the BEA and Broadly Experienced Foreign Architect (BEFA) Programs, recommends changes to the definition of “comprehensive practice” in the *Certification Guidelines* for clarity. It believes the current definition does not adequately define the depth and assessment required of the BEFA Program, which allows foreign architects to demonstrate competence to independently practice architecture, while protecting the health, safety, and welfare to meet the examination requirement of NCARB certification.

The change identified in the resolution provides a more accurate definition for the program requirement—to demonstrate competence through completed projects (application of knowledge and skill) in a foreign country. The committee also recommends eliminating the list of specific categories covered by the Architect Registration Examination (ARE) in the definition of comprehensive practice. This allows for flexibility for future changes to the divisions of the ARE without affecting the comprehensive practice.

**RESOLUTION 2013-D**

Supported by the Council Board of Directors ( \_\_ - \_\_ )

**TITLE:** *Bylaws* Amendment – Eligibility for the Public Director Position

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that the third paragraph of Article VII, section 2 of the *Bylaws* be amended to read as follows:

“A candidate for election as the Public Director (i) shall be (i) a citizen of the United States, (ii) shall not be a person engaged in or licensed to engage in the design of any portion of buildings or structures or a ~~person participating in the regulation of design of any portion of buildings or structures~~ member of a Member Board or Member Board Executive, and (iii) shall be nominated by the Council Board of Directors and elected at the Annual Meeting, ~~and (iv) such person so nominated shall be elected at the Annual Meeting.~~ A Public Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Public Director shall be filled by the Council Board of Directors.”

**SPONSORS’ STATEMENT OF SUPPORT:**

The Governance Task Force recommends clarifying who may not be a public director on the NCARB Board of Directors. This resolution modifies the *Bylaws* to formally restrict a Member Board Member or a Member Board Executive from serving as the public director. It ensures that a person who can contribute an outsider’s perspective, which is not prejudiced or influenced by current involvement with NCARB, fills the position. The resolution also expands the ability of the Board to nominate someone who is familiar with architecture, but not engaged in or licensed to engage in the design of buildings or structures, such as a code official.

**RESOLUTION 2013-E**

Supported by the Council Board of Directors ( \_\_ - \_\_ )

**TITLE:** *Model Regulations* Amendment – Continuing Education Requirements for License Reinstatement

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Section 100.703 of the *Model Regulations* be amended by adding new sub-section (D) and that old sub-section (D) be renumbered as (E) as follows:

**“100.703 Renewal**

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

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

Continuing Education Requirements. In addition to all other requirements for registration renewal, an architect must complete a minimum of 12 Continuing Education Hours each calendar year or be exempt from these continuing education requirements as provided below. Failure to comply with these requirements may result in non-renewal of the architect’s registration.

- (A) Continuing Education Hours. Twelve (12) Continuing Education Hours must be completed in Health, Safety, and Welfare Subjects acquired in Structured Educational Activities. Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.
- (B) Reporting and Record keeping. An architect shall complete and submit forms as required by the Board certifying that the architect has completed the required Continuing Education Hours. Forms may be audited by the Board for verification of compliance with these requirements. Documentation of reported Continuing Education Hours shall be maintained by the architect for six years from the date of award. If the Board disallows any Continuing Education Hours the architect shall have 60 days from notice of such disallowance either to provide further evidence of having completed the Continuing Education Hours disallowed or to remedy the disallowance by completing the required number of Continuing Education Hours (but such Continuing Education Hours shall not again be used for the next calendar year). If the Board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required Continuing Education Hours, the architect may be subject to disciplinary action in accordance with the Board regulations.
- (C) Exemptions. An architect shall not be subject to these requirements if:
  - 1. The architect has been granted emeritus or other similar honorific but inactive status by the Board; or

2. The architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the Board other like hardship, then upon the Board's so finding, the architect may be excused from some or all of these requirements.
- (D) Reinstatement. To reinstate a registration an applicant shall submit proof of completion of 12 Continuing Education Hours. Said hours may be earned either in the calendar year of reinstatement or in the immediately prior calendar year. Such hours may be applied to satisfy a continuing education requirement applicable to the first registration renewal following reinstatement but shall not be used to satisfy any continuing education requirement applicable to the second registration renewal following reinstatement.
- (E) The Board adopts the forms [at the end of the Model Regulations] as the forms to be used for reporting compliance with these requirements.

**SPONSORS' STATEMENT OF SUPPORT:**

In 2011, NCARB Member Boards revised the continuing education requirements in the Council's *Model Law and Regulations* to recommend 12 CEHs in health, safety, and welfare subjects each calendar year. Since 45 jurisdictions now require continuing education hours (CEHs) for registration renewal, the Continuing Education, Member Board Executive, and Procedures and Document Committees reviewed how continuing education might be applied toward reinstatement.

This resolution provides a standard for requiring continuing education for reinstatement of a license. The committees all agreed that requiring 12 CEHs is the fair and appropriate standard for reinstatement regardless of the length of time the registration has lapsed. If a registrant has earned 12 CEHs in the current or previous calendar year, he or she may apply those hours to reinstatement. If a registrant has not earned 12 CEHs, they must earn 12 hours before their license is reinstated.

The resolution also allows the hours earned for reinstatement to be used to satisfy the first renewal if they are earned in the appropriate calendar year. For example, if a registrant earns 12 CEHs in 2013 to reinstate their license, they do not need to earn an additional 12 CEHs in 2013 to renew their license in 2014. This is the most appropriate and simple standard for Member Board Executives to administer for all registrants since a registrant may reinstate at time, but renewals occur on a regular timeframe.

**Resolution 2013-F**

Supported by the Council Board of Directors ( \_\_ - \_\_ )

**Title:** *Model Law and Regulations* Amendment – Use of Electronic Seals and Signatures

**Submitted By:** Council Board of Directors

**RESOLVED**, that the first three sentences of Section 6, Seal in the *Model Law* be amended to read as follows:

“Every registered architect shall have a seal of a design authorized by the Board by regulation. All technical submissions, which are (a) required by public authorities for building permits or regulatory approvals, or (b) are intended for construction purposes, including all addenda and other changes to such submissions, shall be sealed and signed by the architect with the impression of his/her seal and the signature of the architect. The signature and seal may be electronic and shall mean that the architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care.”

**FURTHER RESOLVED**, that the first sentence sub-section (B) of section 100.805 (Professional Conduct) of the *Model Regulations* be amended to read as follows:

“(B) All technical submissions, which are (a) required by public authorities for building permits or regulatory approvals, or (b) are intended for construction purposes, including all addenda and other changes to such submissions, shall be signed and sealed by with the impression of the seal and signature of the registered architect, which signature and seal may be electronic.”

**FINALLY RESOLVED**, that sub-section (B) of section 100.806 (Design and Use of Architect’s Seal) of the *Model Regulations* be amended to read as follows:

“(B) As required by [statutory reference], the seal and signature shall be imprinted appear on all technical submissions, as follows: on each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. The original signature of the individual named on the seal shall appear across the face of each original seal imprint. Such seal and signature may be electronic.”

**SPONSORS’ STATEMENT OF SUPPORT:**

The Member Board Executives Committee and the Procedures and Documents Committee have identified outdated language in the existing *Model Law* and the *Model Regulations* describing the seal and signature on technical submissions. Both reference an imprint or impression in describing the seal and require the physical application of the seal and signature. Neither allow for an electronic image of the seal or signature, which is now becoming common practice and is even required by governmental authorities in some jurisdictions. To align current practice, the

committees recommend modifying the language to allow for the use of an electronic image of the seal and signature.

This change is consistent with federal law, which now states that a contract or signature in interstate or foreign commerce “may not be denied legal effect, validity, or enforceability solely because it is in electronic form.” Electronic Signatures in Global and National Commerce Act (Pub.L. 106-229, 14 Stat. 464, enacted June 30, 2000, 15 U.S.C. ch.96).

DRAFT

**RESOLUTION 2013-G**

Supported by the Council Board of Directors ( \_\_ - \_\_ )

**TITLE:** *Inter-Recognition Agreement with Canada – Update and Conforming Changes to Certification Guidelines*

**SUBMITTED BY:** Council Board of Directors

RESOLVED, that the existing Inter-Recognition Agreement be dissolved and the new Mutual Recognition Agreement between the National Council of Architectural Registration Boards and the Canadian Architectural Licensing Authorities be and hereby is ratified and approved in the form published in the *Pre-Annual Meeting Report*.

**FURTHER RESOLVED,** that Sections 3 and 4 of the *Certification Guidelines* be deleted in their entirety.

**SPONSORS' STATEMENT OF SUPPORT:**

Architects licensed to practice in a U.S. or Canadian jurisdiction have benefitted from the long-standing *Inter-Recognition Agreement Between the National Council of Architectural Registration Boards and the Committee of Canadian Architectural Councils* (now known as the Canadian Architectural Licensing Authorities (CALA)) for the mutual recognition of licensure. The agreement, signed in 1994, established recognized standards and grandfathering provisions for education, internship, and examination for the basis of immediate and mutual recognition. The agreement has served the members of NCARB and CALA well and has been a model for mutual recognition agreements around the world. Evolution in the path to licensure within the Canadian provinces has necessitated a review and update of the existing agreement in order to continue the facilitation of the cross-border practice of architecture.

NCARB and CALA represent mature and sophisticated regulatory bodies that support professional licensure and protect the public. Each country conducts a practice analysis that serves to identify the competencies required to practice architecture. The results of the practice analysis are used to shape and inform the requirements of three rigorous components commonly referred to as the three "E"s: education, experience, and examination. NCARB traditionally looks at the three components individually, while Canada is moving toward a more holistic view.

Comparing and contrasting the current programs found:

- **EDUCATION:** A professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) is still considered to be the equivalent of a degree from a program accredited by the Canadian Architectural Certification Board (CACB). NAAB and CACB remain in close contact and regularly review each other's accreditation procedures and conditions.
- **EXPERIENCE:** The Intern Development Program (IDP) and Canada's Internship in Architecture Program (IAP) remain focused on the broad range of experience required prior to licensure; however, they now primarily differ in length. The IDP requires completion of 5,600 hours in a combination of three different experience settings, starting

as early as post-high school for those working in an architect's office. A revised IAP released in 2012 requires completion of 3,720 hours of experience; however, all hours are gained after completion of a CACB degree and only in the office of an architect. Some consider the IDP more flexible; others consider IAP more concentrated.

- EXAMINATION: The Architect Registration Examination® (ARE®) and Canada's Examination for Architects in Canada (ExAC), released in 2008, are significantly different in approach. The ARE is a seven-division computer-based examination that requires the demonstration of the knowledge and skill required to practice independently. The Canadian exam is a four division, paper-and-pencil exam administered over a two-day period once each year. The ExAC focuses on the *Canadian Handbook of Practice* and the *National Building Code of Canada*. The purpose of the ExAC is to assess the experience interns gain through the IAP. There is no consideration for testing the academic knowledge previously tested and proven through the education process.

When reviewing these recent changes, the leadership of NCARB and CALA determined that the terms and conditions of the existing agreement were no longer applicable. After more than a year of exploration and negotiation, both parties are proposing to their member regulators that all architects now be required to complete 2,000 hours (approximately one year) of licensed practice in their home jurisdiction prior to seeking reciprocal licensure. This new experience requirement and delayed recognition is intended to overcome perceived differences in the individual requirements for initial registration.

Under this new agreement, the architect must provide proof of licensure, attest to having completed 2,000 hours of licensed practice, and the regulatory authority must provide a statement of good standing. Through the NCARB Certificate, the architect can obtain authorization to practice from each host jurisdiction that is a signatory to the new agreement. The architect must comply with all practice requirements of the jurisdiction and is subject to all governing legislation and regulations of the jurisdiction.

The agreement is only accessible to those architects that are citizens or permanent residents of the United States or Canada and that acquired their license in a U.S. or Canadian jurisdiction without having been registered by means of a foreign reciprocal registration procedure such as the Broadly Experience Foreign Architect Program or other international mutual recognition agreement. Those architects currently licensed or certified under the existing agreement are not affected.

Supporting and implementing this new agreement allows current architects on both sides of the border the continued professional recognition afforded by the original agreement. However, the focus of the new forward-looking agreement is on the future generations of architects. The new agreement respects each country's rigorous path to licensure rather than dissecting the individual steps along the way and serves as a bold model for mutual recognition agreements in the future.

You can read the full draft agreement and supporting documents in Appendix A.

**MUTUAL RECOGNITION AGREEMENT**  
**Between The**  
**NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS**  
**And The**  
**CANADIAN ARCHITECTURAL LICENSING AUTHORITIES**

**The National Council of Architectural Registration Boards (NCARB)** representing the architectural licensing boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

**AND**

**The Canadian Architectural Licensing Authorities** representing the 11 Provincial and Territorial jurisdictions in Canada (collectively CALA and individually, the CALA jurisdictions): Architectural Institute of British Columbia; Alberta Association of Architects; Saskatchewan Association of Architects; Manitoba Association of Architects; Ontario Association of Architects; Ordre des architectes du Quebec; Nova Scotia Association of Architects; Architects Association of New Brunswick; Architect's Registration Board of Newfoundland & Labrador; Architects Association of Prince Edward Island; Northwest Territories Association of Architects.

**WHEREAS**, NCARB establishes model regulations for the profession of architecture and promulgates recommended national standards for education, experience, and examination for initial licensure and continuing education standards for license renewal; as well as establishing the education, experience, and examination requirements for the NCARB Certificate in support of reciprocal licensure;

**WHEREAS**, the NCARB Member Boards and the CALA jurisdictions are empowered by statutes to regulate the profession of architecture in their respective jurisdictions, including setting education, experience, and examination requirements for licensure/registration and license/registration renewal;

**WHEREAS**, the standards, protocols, and procedures required for entry to the practice of architecture within the United States and Canada have benefitted from many years of collaboration between NCARB and the CALA jurisdictions;

**WHEREAS**, accepting there are some differences between the systems in place in United States and Canada, there is significant and substantial equivalence between the regulatory systems for licensure/registration and recognition of the privilege and obligations of architects to practice in the United States and Canada;

**WHEREAS**, NCARB and the Committee of Canadian Architectural Councils previously entered into the Inter-Recognition Agreement which took effect on July 1, 1994. The Committee of Canadian Architectural Councils no longer exists as an organization, such former Inter-Recognition Agreement is hereby declared no longer to exist and the parties desire to enter into this new Mutual Recognition Agreement.

**WHEREAS**, NCARB and the CALA jurisdictions recognize the NCARB Member Boards and the CALA jurisdictions as mature and sophisticated regulators to which the utmost full faith and credit should be accorded and desire to facilitate reciprocal licensure/registration in the host country of architects who have been licensed/registered in their home country;

**WHEREAS**, any architect seeking to engage or actively engaging in the practice of architecture in any NCARB Member Board or CALA jurisdiction must obtain the authorization to practice from the jurisdiction, must comply with all practice requirements of the jurisdiction, and is subject to all governing legislation and regulations of the jurisdiction;

**NOW THEREFORE**, NCARB and the CALA jurisdictions agree as follows:

#### **ELIGIBILITY**

1. Architects who are able to benefit from the provisions of this agreement must be citizens respectively of the United States or Canada or have lawful permanent residency status in that country as their home country in order to seek licensure/registration in the other country as the host country under this Agreement. Architects shall not be required to establish citizenship or permanent residency status in the host country in which they seek licensure/registration under this Agreement.
2. Architects must also be licensed/registered in a jurisdiction of their home country without having been registered by means of a foreign reciprocal registration procedure such as the Broadly Experienced Foreign Architect programs of the two countries or other international mutual recognition agreement, and must have completed at least 2,000 hours of post-licensure/registration experience practicing as an architect in such jurisdiction.

#### **CONDITIONS**

##### **U.S. Architect to Canadian Jurisdiction**

Upon application, those CALA jurisdictions who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective province or territory any architect who

1. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a current signatory to this Agreement;
2. holds a current NCARB Certificate;
3. meets the eligibility requirements listed above; and
4. whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

### **Canadian Architect to U.S. Jurisdiction**

Upon application, NCARB shall issue an NCARB Certificate to any architect licensed/registered in one or more CALA jurisdiction(s) meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective jurisdictions any architect who

1. is currently licensed/registered in good standing by one or more of the CALA jurisdiction(s) that is a current signatory to this Agreement;
2. holds a current NCARB Certificate;
3. meets the eligibility requirements listed above; and
4. whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

### **DEFINITIONS**

#### **Demonstration of Required Experience**

2,000 cumulative hours of post-licensure experience shall be demonstrated by individual applicants through the provision of proof of licensure in good standing without disciplinary action and a signed affidavit attesting to the experience.

### **LIMITATIONS**

Nothing in this Agreement limits the ability of an NCARB Member Board or CALA jurisdiction to refuse to license/register an architect or impose terms, conditions or restrictions on his/her license/registration as a result of complaints or disciplinary or criminal proceeding relating to the competency, conduct, or character of that architect where such action is considered necessary to protect the public interest. Nothing in this Agreement limits the ability of NCARB, an NCARB Member Board or a CALA jurisdiction to seek appropriate verification of any matter pertaining to the eligibility of an applicant under this Agreement.

### **AMENDMENT**

This agreement may only be amended with the written consent of NCARB and all of the CALA jurisdictions who are initial signatories. Any such amendment will be submitted to all of the NCARB jurisdictions who may re-affirm their respective assent to this Agreement as so amended or may withdraw as a signatory.

### **SIGNING AND WITHDRAWING**

Any NCARB Member Board or CALA jurisdiction may become a party to the applicable provisions of this Agreement upon submitting a written affirmation of its intent to become a signatory in the case of NCARB Member Boards to NCARB and in the case of CALA

jurisdictions either by signing this Agreement or submitting a written affirmation of its intent to become a signatory to NCARB and the other CALA jurisdictions. Any NCARB Member Board or CALA jurisdiction may likewise withdraw from this Agreement with 90-days written notice given respectively to the same parties in the same manner. NCARB and the CALA jurisdictions shall each promptly notify the other in writing of all signatories and withdrawals. In the event of withdrawal, all licenses/registrations and NCARB certification granted to architects pursuant to this Agreement shall remain valid as long as all renewal obligations are maintained and all other generally applicable requirements are met or unless revoked for cause.

**TERMINATION**

NCARB or any three CALA jurisdictions may invoke termination of this agreement with 90-days written notice to the other party. This Agreement shall also terminate if less than one-half of the respective NCARB Member Boards and CALA jurisdictions cease to be signatories to this Agreement. In the event of termination, all licenses/registrations granted to architects of either country prior to the effective termination date shall remain valid as long as all registration renewal obligations are maintained or unless registration is revoked for cause.

**ENTRY INTO FORCE**

This Agreement shall come into force at such time as one-half of all NCARB Member Boards have become parties to this Agreement and one-half of all CALA jurisdictions have become parties to this Agreement all as described above so long as such condition is met on or before January 1, 2014.

**Signatures**

**NCARB**

**CALA**

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DATE

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Dear Sir or Madam:

This is to confirm that [ *NAME OF INDIVIDUAL* ] was licensed/registered on [ *MONTH / DAY / YEAR* ] with the [ *NAME OF LICENSING AUTHORITY* ] and was not licensed by means of a foreign reciprocal registration procedure such as the Broadly Experienced Foreign Architect program or other international mutual recognition agreement.

[ *NAME OF INDIVIDUAL* ] is currently a licensee/registrant in good standing with the [ *NAME OF LICENSING AUTHORITY* ] and is not currently the subject of disciplinary action by this licensing authority nor has a record of unresolved disciplinary action on file with this licensing authority.

Sincerely,

NAME  
Registrar

**DECLARATION AND UNDERTAKING**  
**For The**  
**MUTUAL RECOGNITION AGREEMENT**  
**Between The**  
**NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)**  
**And The**  
**CANADIAN ARCHITECTURAL LICENSING AUTHORITIES (CALA)**

I, [ *NAME* ], declare and affirm that:

I am a citizen or hold permanent residency status in [ *UNITED STATES or CANADA* ];

I am a licensed/registered architect, and currently a licensee/registrant in good standing with the [ *NAME OF LICENSING AUTHORITY* ] which is my principal place of practice;

I was licensed on [ *MONTH / DAY / YEAR* ] with the [ *NAME OF LICENSING AUTHORITY* ] who will separately be confirming that I am in good standing with that Authority, and I did not obtain licensure in that jurisdiction by means of a foreign reciprocal registration procedure such as the Broadly Experienced Foreign Architect program or other international mutual recognition agreement;

I have completed a minimum of 2,000 hours of post-licensure experience as an architect engaged in the lawful practice of architecture; and

I meet all of the eligibility requirements of the Mutual Recognition Agreement for reciprocal licensing between NCARB and CALA.

*I affirm that the above statements are accurate and true to the best of my knowledge and belief.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Name (print)*

2012-2013

**NCARB BYLAWS**

*(Adopted June 23, 1979, Cambridge, MA. Amended June 27, 1981, Maui, HI; June 26, 1982, Minneapolis, MN; June 25, 1983, Philadelphia, PA; June 30, 1984, Portland, OR; June 29, 1985, San Antonio, TX; June 28, 1986, Atlanta, GA; June 27, 1987, Seattle, WA; June 29, 1988, Chicago, IL; June 28, 1989, Boston, MA; June 30, 1990, Washington, DC; June 29, 1991, Denver, CO; June 27, 1992, San Francisco, CA; June 26, 1993, Kansas City, MO; June 25, 1994, Dearborn, MI; June 24, 1995, New Orleans, LA; June 29, 1996, Baltimore, MD; June 28, 1997, Minneapolis, MN; June 27, 1998, San Diego, CA; June 26, 1999, Charleston, SC; June 17, 2000, Chicago, IL; June 23, 2001, Seattle, WA; June 29, 2002, Boston, MA; June 28, 2003, San Antonio, TX; June 26, 2004, Portland, OR; June 25, 2005, Miami, FL; June 24, 2006, Cincinnati, OH; June 23, 2007, Denver, CO; June 28, 2008, Pittsburgh, PA; June 26, 2010, San Francisco, CA; June 25, 2011, Washington, DC; June 23, 2012, Minneapolis, MN).*

## **ARTICLE I—NAME**

The name of this organization shall be the National Council of Architectural Registration Boards.

## **ARTICLE II—DEFINITIONS**

The following terms shall have the following meanings when used in these Bylaws:

- A. "Council" shall mean the National Council of Architectural Registration Boards;
- B. "Jurisdiction" shall mean any political subdivision of the United States, including any State, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the practice of architecture;
- C. "Member Board" is a member of the Council and shall mean the body legally authorized by a Jurisdiction to certify that an applicant for registration as an architect is qualified.

## **ARTICLE III—PURPOSE**

The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public and to assist Member Boards in carrying out their duties. Pursuant thereto, the Council shall develop and recommend standards to be required of an applicant for architectural registration; develop and recommend standards regulating the practice of architecture; provide a process for certifying to Member Boards the qualifications of an architect for registration; and represent the interests of Member Boards before public and private agencies, provided that the Council shall not purport to represent the interest of a specific Member Board without that Member Board's approval.

## **ARTICLE IV—MEMBERSHIP**

**SECTION 1. Members.** The membership of the Council shall be the legally constituted Jurisdiction Boards in good standing. Membership in the Council shall be attained through acceptance by the Council Board of Directors. Application shall be made upon forms furnished by the Council. Every Member Board shall annually provide the Council with the names and addresses of its members, a copy of its law relating to the registration and practice of architecture, a copy of its rules or regulations administering such law, and a roster of all persons registered by the Member Board, and shall pay the annual membership dues. All Member Boards in good standing shall have equal rights.

**SECTION 2. Removal.** If, after written notification from the Council Board of Directors, a Member Board shall (i) fail to pay its dues or other financial obligations to the Council or to its Region, or (ii) shall persistently refuse registration to architects holding the Council Certificate for the reason that such architects are not the residents of the Member Board's jurisdiction, or (iii) shall fail to administer the Architect Registration Examination prepared by the Council to all its applicants (other than applicants of whom it does not require a written examination) for registration, then the Council Board of Directors may recommend to the Council that such Member Board be removed from membership in the Council. Upon such recommendation, such Member Board may be removed from membership in the Council by the affirmative vote of not less than two-thirds of all Member Boards.

**SECTION 3. Reinstatement.** A jurisdiction shall be reinstated as a member in the Council by a vote of two-thirds of all Member Boards following payment of all financial obligations of membership had the jurisdiction not been removed unless, by such vote, such financial obligations shall be modified or waived, and being in compliance with all other requirements of Article IV, Sections 1 and 2.

## **ARTICLE V—MEETINGS**

**SECTION 1. Annual Meeting.** The Council shall hold an Annual Meeting at a time and place as determined by the Council Board of Directors. Notice of all Annual Meetings shall be sent to the chair or equivalent presiding officer and to the Member Board Executive of each Member Board not less than 90 days prior to each such meeting.

**SECTION 2. Special Meetings.** Special business meetings of the Council may be called by the President/Chair of the Board, with the approval of the Council Board of Directors, or by a majority of the Member Boards. The Bylaws which govern notice for and the procedures and conduct of business of the Annual Meeting shall apply to Special Meetings.

SECTION 3. Delegates and Credentials. Each Member Board shall be entitled to be represented at meetings of the Council by one or more official delegates who shall be members of that Member Board.

A delegate attending the Annual Meeting or any Special Meeting of the Council who is entitled to cast the vote of its Member Board shall be identified by a letter of credentials from the delegate's Member Board, which voting delegate the Member Board may change by a subsequent letter of credentials. A Member Board may be represented by as many delegates as attend, but only one vote may be cast for each Member Board by its delegates.

SECTION 4. Quorum. A quorum for the transaction of business at the Annual Meeting of the Council shall be one or more delegates representing a majority of the Member Boards.

SECTION 5. Resolutions and Other Motions. Resolutions are the substantive matters placed on the agenda for a meeting of the Council in accordance with this Section. All resolutions to be considered at any meeting of the Council, except those submitted by the Council Board of Directors, those submitted by Select Committees and those of the laudatory type, shall be submitted to the Regional Chairs Committee not later than 75 days prior to the meeting at which the resolution is to be considered. The Regional Chairs Committee shall review each resolution submitted by Regions and Member Boards for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of clarity and to avoid duplication. All resolutions shall, insofar as practicable without altering or confusing the intent of the resolution, avoid invective or argument; but the proponent of a resolution may, when submitting the resolution to the Regional Chairs Committee, include a brief summary of the argument in support of the resolution, which summary shall be published with the publication of the resolution. The Council shall distribute all resolutions, except laudatory resolutions, to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. If the Board of Directors discloses its position to the Council, the vote of the Board of Directors shall be disclosed at the same time.

Only Member Boards, Regions, Select Committees, and the Council Board of Directors may offer resolutions to be presented at any meeting of the Council, or amendments to resolutions so presented. All other motions permitted under Robert's Rules of Order Newly Revised may be made by any delegate or Council Officer or Director.

SECTION 6. Voting. The affirmative vote of two-thirds of all Member Boards is required to pass any amendment to these Bylaws or to remove any Member Board from membership in the Council. The affirmative vote of a majority of all Member Boards is required to pass any other resolution. Except as specified in Article VIII, Section 4, with regard to the election of Officers, voting upon all other issues shall

require the quantum of vote set forth in Robert's Rules of Order Newly Revised. There shall be no voting by proxy.

SECTION 7. Order of Business. An agenda outlining the order of business shall be prepared for all Council meetings. The agenda shall be prepared under the direction of the Council Board of Directors and printed and sent by the Secretary to all Member Boards at least 30 days before the date set for a particular meeting.

SECTION 8. Rules of Order. The Council shall be governed by Robert's Rules of Order Newly Revised when not in conflict with the Bylaws of the Council.

SECTION 9. Advisory Votes by Letter or Electronic Ballot. The Council Board of Directors may from time to time submit any issue or question to the Member Boards for an advisory vote by letter or electronic ballot, provided the subject matter and the ballot shall have been officially submitted in writing to the Member Boards at least 60 days prior to a date therein set for final receipt of ballots. Only ballots returned in the prescribed time will be counted.

SECTION 10. Other Participants. Council Officers and Directors, Member Board Executives or Attorneys when designated by their Member Boards, persons designated by the Board of Directors, and persons designated by the Presiding Officer shall have the privilege of the floor at Council meetings and may take part in the discussions and perform all functions of the delegates except to vote, or, except as provided in Article V, Section 5, with respect to Officers and Directors, to initiate action.

SECTION 11. International Agreements. All written international and/or foreign agreements entered into by the Council shall be subject to ratification by majority vote of the members at an Annual Meeting.

## ARTICLE VI—REGIONS

SECTION 1. Purpose. In order to foster closer communication between Member Boards and the Council, as well as among Member Boards, and further to foster the development of future leaders and assist the Council in achieving its stated purpose, six geographical Regions comprising, in the aggregate, all the Member Boards are hereby established. Each Member Board shall be required to be a member of its Region.

SECTION 2. Membership. The membership of the Regions is established as follows:

REGION 1—New England Conference: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

REGION 2—Middle-Atlantic Conference: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia.

REGION 3—Southern Conference: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands.

REGION 4—Mid-Central Conference: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin.

REGION 5—Central States Conference: Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming.

REGION 6—Western Conference: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington.

## ARTICLE VII —THE COUNCIL BOARD OF DIRECTORS

SECTION 1. Membership. The Council Board of Directors shall comprise the Officers of the Council as designated in Section 1 of Article VIII, one Director elected from each Region, the immediate Past President, one Member Board Executive Director, and one Public Director elected as provided in this Article VII.

SECTION 2. Qualifications and Limitations. A candidate for election as a Regional Director shall be (i) a citizen of the United States, and (ii) a member of a Member Board within the Region, or the Chair of the Region, or the incumbent Regional Director, at the time he or she is nominated by the Region. In the case of a Member Board regulating professions in addition to the profession of architecture, and which is divided into professional sections, the candidate will qualify as a member of a Member Board only if he or she is a member of the architectural section of the Member Board. All Directors shall serve without compensation.

A candidate for election as the Member Board Executive Director shall be (i) a citizen of the United States, (ii) either an executive director or hold a comparable position as the primary administrator responsible for overseeing the activities of a Member Board at the time of election, (iii) nominated by vote of a majority of the members of the Member Board Executives Committee, and (iv) such person so nominated shall be elected at the Annual Meeting. A Member Board Executive Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Member Board Executive Director shall be filled by vote of a majority of the members of the Member Board Executives Committee.

A candidate for election as the Public Director shall be (i) a citizen of the United States, (ii) shall not be a person engaged in or licensed to engage in the design of any portion of buildings or structures or a person participating in the regulation of design of any portion of buildings or structures, (iii) nominated by the Council Board of Directors, and (iv) such person so nominated shall be elected at the Annual Meeting. A Public Director shall serve the same term and with the same

limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Public Director shall be filled by the Council Board of Directors.

SECTION 3. Terms of Office. The terms of office of Officers and Directors shall be as provided in Section 5 of Article VIII. Regional Directors shall be nominated as provided in Section 4 of this Article and persons so nominated shall be elected at the Annual Meeting of the Council to serve from the adjournment of said Annual Meeting until the adjournment of the next following Annual Meeting or until their successors are duly elected. No person shall serve more than three terms in succession as a Director.

SECTION 4. Removal. As provided by applicable Iowa law, a Regional Director may be removed with or without cause by the Region electing such Director by a majority vote of those present and voting at a meeting duly called for such purpose; the Member Board Executive Director and the Public Director may be removed with or without cause by a majority vote of those present and voting at a meeting duly called for such purpose, respectively by the Member Board Executives Committee in the case of the Member Board Executive Director and the Council Board of Directors in the case of the Public Director; and the Past President may be removed with or without cause by appropriately amending these Bylaws at a meeting of the Member Boards duly called for such purpose. Because any Officer is a Director on account of his or her election as an Officer, any Officer removed as such Officer in accordance with these Bylaws shall cease to be a Director upon such removal.

SECTION 5. Nomination of Regional Directors. Each Region shall select its nominee for Director at a Region meeting. The nominations will be announced by the several Regions at the Annual Meeting of the Council.

SECTION 6. Vacancies. Vacancies in the offices of Officer and Directors shall be filled as provided in Section 6 of Article VIII. A vacancy in the office of a Regional Director shall be filled by an appointee designated by and from the Region originally represented. Any Regional Director who moves his or her principal residence to a place outside the region which he or she represents shall be deemed to have vacated the office of Regional Director, and any Member Board Executive Director and/or Public Director who ceases to be eligible as provided in this Article VII, Section 2, clause (ii) shall be deemed to have vacated the office of Member Board Executive Director or Public Director, respectively.

SECTION 7. Duties. The affairs of the Council shall be managed under the authority and direction of the Council Board of Directors. It shall exercise all authority, right, and power granted to it by the laws of the State of Iowa and shall perform all duties required by the said laws and by these Bylaws, and, in accordance therewith, it shall not delegate any of the authority, rights, or power or any of the duties imposed on it by these Bylaws or otherwise, unless such delegation is specifically provided for in these Bylaws.

SECTION 8. Meetings of the Board. The Council Board of Directors may meet in any manner allowed by applicable law in regular or special meetings in order to transact business. Unless finances of the Council will not permit, the Council Board of Directors shall hold a regular meeting immediately prior to the opening of the Annual Meeting and a regular meeting immediately following the adjournment of the Annual Meeting of the Council. Special meetings may be held upon call of the President/Chair of the Board or the Executive Committee and shall be held upon written request of the majority of the Council Board of Directors. All members shall be given due notice in writing of the time and place of all meetings, although notice of any meeting may be waived in writing by any member. A majority of the membership of Council Board of Directors shall constitute a quorum for the transaction of business. In the event that a Regional Director is unable to attend a meeting of the Council Board of Directors, the Chair of the Region the Director represents shall have the privilege of participating in the meeting in the Director's stead.

SECTION 9. Executive Committee of the Council Board of Directors. The Executive Committee of the Council Board of Directors shall comprise the President/Chair of the Board, the First Vice President/President Elect, the Second Vice President, the Treasurer, the Secretary, and the immediate Past President. The Executive Committee shall:

- A. act for the Council Board of Directors between meetings only as directed by the Board;
- B. develop short-range and long-range goals, consistent with the mission of the Council, as the basis for planning and implementation by the Board; and
- C. assist the President/Chair of the Board with the development of issues to be presented at the spring Regional Meetings.
- D. prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Council Board of Directors; periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Council Board of Directors for appropriate action.

SECTION 10. Audit Committee. The Audit Committee, appointed in the same manner and with the same term as all other committees, shall consist of the Treasurer, who shall serve as the chair of the Committee, one additional Executive Committee Member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board and shall be responsible for overseeing the Council's financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes and from the implementation of changes in policies that affect internal financial

controls. The Audit Committee shall annually select and engage an independent auditor of the Council's financial records.

## ARTICLE VIII—OFFICERS

SECTION 1. Officers. The Officers of the Council shall be the President/Chair of the Board, the First Vice President/President Elect, the Second Vice President, the Treasurer, and the Secretary.

SECTION 2. Qualifications and Limitations. To be eligible for elective office in the Council a person shall be:

- A. a citizen of the United States; and
- B. at the time of election; serving either (i) as a member of the Council Board of Directors or (ii) as a member of a Member Board and, in the case of Member Boards regulating professions in addition to the profession of architecture and which is divided into professional sections, as a member of the architectural section of the Member Board. Elected Officers of the Council shall serve without compensation, provided, however, that nothing herein shall prohibit the Council Board of Directors from providing reasonable allowances from time to time to the President/Chair of the Board and to the First Vice President/President Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.

SECTION 3. Nomination of Officers. Any person qualified as prescribed in Section 2 may be nominated for office by declaring his or her candidacy at the time election for such office begins at the Annual Meeting.

SECTION 4. Election of Officers. All elections of Officers shall be by ballot at the Annual Meeting, unless the Council shall agree to waive the provision. A majority vote of the Member Boards present and voting shall elect an Officer. If more than two candidates have been nominated, ballots shall be taken until a candidate receives such a majority vote. If there has not been such a majority vote on a ballot, the candidate receiving the least number of votes shall be eliminated prior to the next ballot.

SECTION 5. Terms of Office.

- A. The Second Vice President shall serve from the adjournment of the Annual Meeting at which such person is elected, until the adjournment of the next following Annual Meeting or until a successor is duly elected.
- B. The First Vice President/President Elect shall serve as such from the adjournment of the Annual Meeting at which such person is so elected, until the adjournment of the next following Annual Meeting at which time such person shall assume the office of President/Chair of the Board and shall serve as such until the adjournment of the next following Annual Meeting.

- C. The Treasurer and the Secretary shall serve from the adjournment of the Annual Meeting at which they are elected until the adjournment of the next following Annual Meeting or until their successors are elected.
- D. No incumbent shall serve for more than one term in succession as President/Chair of the Board, First Vice President/President Elect, or Second Vice President; provided, however, that an Officer shall be eligible for reelection for the full term of office if during the period immediately prior thereto such Officer had succeeded to or been elected to the office to fill a vacancy.
- D. develop charges for all committees that will serve during his or her term as President/Chair of the Board. Following approval of the charges by the Council Board of Directors, oversee the work of all committees in discharging their responsibilities;
- E. represent the Council Board of Directors and its policies to all external and internal constituents including to the Chief Executive Officer; and
- F. perform such other duties and powers as the Council Board of Directors may from time to time decide.

SECTION 6. Removal. As provided by applicable Iowa law, an Officer may be removed with or without cause by the Council Board of Directors by a majority vote of those present and voting at a meeting duly called for such purpose.

SECTION 7. Vacancies. A vacancy in the office of the President/Chair of the Board shall be filled by the First Vice President/President Elect assuming the office. A vacancy in the office of the First Vice President/President Elect shall be filled by the Second Vice President assuming the office. A vacancy in the office of Second Vice President, Secretary, or Treasurer shall be filled by an appointee designated by the Council Board of Directors to hold office until the adjournment of the next Annual Meeting; but the balance of the unexpired term, if any, shall be filled at the Annual Meeting by nomination and election as provided in Sections 3 and 4.

SECTION 8. President/Chair of the Board. The President/Chair of the Board shall be the senior elected officer of the Council and shall:

- A. preside at all meetings of the Council Board of Directors, the Executive Committee of the Council Board of Directors, and the Annual Meeting;
- B. present to the Council at the Annual Meeting a report of activities during the President/Chair of the Board's term of office;
- C. identify individuals to serve on all committees while serving as First Vice President/President Elect and when serving as either President/Chair of the Board or First Vice President/President Elect may appoint all members of committees to serve during his or her own term of office as President/Chair of the Board subject to the approval of the Council Board of Directors;

SECTION 9. Vice President. The Vice Presidents, in order, shall, in the absence of the President/Chair of the Board, exercise the duties of and possess all the powers of the President/Chair of the Board.

SECTION 10. Treasurer. The Treasurer shall generally oversee the financial affairs of the Council and be the primary liaison of the Council Board of Directors with the person designated by the Chief Executive Officer as the chief financial officer of the Council. The Treasurer shall report to the Council Board of Directors and Annual Meeting on financial matters of the Council. The Treasurer shall perform such duties and have such powers additional to the foregoing as the Council Board of Directors may designate.

SECTION 11. Secretary. The Secretary shall record or cause to be recorded all votes, consents, and the proceedings of all meetings of the Council and of the Board of Directors. The Secretary shall perform such duties as the Board of Directors may designate. Records of the Council meetings shall be open at all reasonable times to the inspection of any Member Board.

In the absence of the Secretary from any meeting of the Council or from any meeting of the Board of Directors, a temporary Secretary designated by the person presiding at the meeting shall perform the duties of the Secretary.

SECTION 12. Chief Executive Officer. The Chief Executive Officer shall be the senior appointed officer of the Council. Such person shall be appointed by, shall serve at the pleasure of and shall have such compensation and benefits as shall be established from time to time by the Council Board of Directors. The Chief Executive Officer shall have general charge of the management and administration of the Council's affairs, the implementation of policies established from time to time by the Council Board of Directors and such other duties and powers as the Council Board of Directors may from time to time determine, subject always to the ultimate authority of the Council Board of Directors under applicable law and these Bylaws.

SECTION 13. Bonding. The Council's Chief Executive Officer and those in general charge of the Council's financial matters shall be bonded in an amount of not less than \$500,000. The Chief Executive Officer may decide to have others bonded in the Council. The cost of such bond shall be paid from funds of the Council.

## ARTICLE IX—COUNCIL SERVICES TO MEMBERS OF THE ARCHITECTURAL PROFESSION

SECTION 1. Council Record. The Council shall, upon request of individual members of the architectural profession, secure, authenticate, and record factual data of an applicant's education, training, examination, practice, and character. Upon request of the applicant, this Record will be forwarded to any Member Board or to any foreign registration authority with whom NCARB has an agreement for mutual reciprocity.

SECTION 2. Council Certification. Certification shall be given an Architect holding a Council Record verifying that the Architect has complied with the Council standards of education, training, examination, registration, and character. In addition to this verification, the Certification shall carry the recommendation of the Council that registration be granted the Architect without further examination of credentials. For applicants registered as Architects in countries where formal agreements with the Council exist, the standards and procedures for Certification will be in accordance with such written agreements or as otherwise established by the Council. Architects certified by the Council shall have a Certificate incorporated in their Council Record.

SECTION 3. Annual Renewal. Council Certification shall be in effect for a period of one year. Renewal of the Certification shall be predicated upon the submission of an annual fee and an annual report containing such information as the Council deems appropriate. The Certification shall lapse if the annual fee and report are not received by the Council within such grace period as the Council Board of Directors may establish. A lapsed Certification may be reactivated by paying delinquent renewal fees, furnishing delinquent annual reports, and paying such fee for reinstatement as the Council Board may establish.

SECTION 4. Revocation of Certification. The Council shall revoke an Architect's Certification if:

- A. a Member Board has revoked (without limitation as to time) the Architect's registration for a cause other than nonpayment of renewal fees or failure to file information with the Member Board; or
- B. facts are subsequently revealed which show that the Architect was actually ineligible for Certification at the time of Certification.

In addition, the Council may revoke an Architect's Certification if:

- C. a Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of his or her architectural practice, violated the law or has engaged in conduct involving wanton disregard for the rights of others; or
- D. the Architect has surrendered or allowed to lapse his or her registration in connection with disciplinary action pending or threatened; or
- E. a Member Board has denied the Architect registration for a cause other than the failure to comply with the educational, experience, age, citizenship, or other technical qualifications for registration in such jurisdiction; or
- F. the Architect has willfully misstated a material fact in a formal submission to the Council.

The Council may reinstate a Certification previously revoked, if the cause of the revocation has been removed, corrected, or otherwise remedied.

In order to assist the Council in carrying out its responsibilities under this Section, each Member Board shall (unless prohibited by its State Law) report to the Council each case in which the Member Board has revoked or suspended an Architect's registration for cause other than nonpayment of renewal fees or failure to file information with the Member Board, or in which the Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of architectural practice, violated the laws.

## ARTICLE X—COUNCIL SERVICES TO MEMBER BOARDS

SECTION 1. Architect Registration Examination. The Council shall prepare an architect registration examination for use by Member Boards. The Council Board of Directors shall issue, from time to time, rules respecting the administration and grading of examinations, which shall include, among other things, the schedule of charges for the use of the examinations, the date or dates on which examinations may be administered, safeguards to prevent improper disclosure of information respecting the examinations, and such other matters respecting the administration and grading of examinations as the Council Board deems appropriate. Every Member Board using the Architect Registration Examination shall comply strictly with the rules issued by the Council Board, unless the Council Board agrees to waive any of the rules in a particular case. If any Member Board refuses to comply with the rules applicable to its use of the examinations or, after so agreeing, fails to comply with such rules, the Council Board may withhold the examinations from such Member Board until it is satisfied that such Member Board will comply with such rules thereafter. Any Member Board which refuses registration to architects holding the Council Certification for the reason that the Member Board has requirements or procedures for grading the Architect Registration Examination which are different from the requirements or procedures established by the Council

shall be denied the use of the examinations until such policy of refusing registration is revoked; but the Council Board may, with sufficient cause, waive the denial of the use of the examinations.

SECTION 2. Forms and Documents. In order to ensure uniformity in the reporting of an applicant's education experience, registration (if applicable), and other necessary supporting data for determining eligibility for examination, Council Certification, or reciprocal registration, the Council shall study and prepare forms and documents appropriate for use by both the Council and Member Boards.

SECTION 3. Research. The Council, through work of committees, shall engage in research pertinent to all matters relating to legal registration of architects.

SECTION 4. International Relations. The Council shall engage in the exploration and formulation of agreements with foreign countries to allow architects to practice in countries other than their own.

## **ARTICLE XI—FINANCES, FUNDS, ACCOUNTING, INVESTMENTS, AND RECORDS OF THE COUNCIL**

SECTION 1. Dues and Fees.

- A. Annual membership dues may be changed for any period after July 1, 2018, by resolution adopted at an Annual Meeting with implementation of any change to take place not less than three years after such resolution is adopted.
- B. Fees: The fees to be charged for services to members of the architectural profession shall be established, from time to time, by an affirmative vote of not less than two-thirds of the Council Board of Directors present and voting.

SECTION 2. Operating Fund.

- A. Receipts: All membership dues and all fees and other revenues received from any of the activities of the Council shall be placed in the operating fund of the Council. The operating fund shall be administered by the Council's chief financial officer.
- B. General Budget: As soon as feasible following the Annual Meeting, the Council Board of Directors shall adopt a general budget which shall show the anticipated income and expenditures for the current year.
- C. Authority to Expend and Disburse Money: No Officer, Director, Committee, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and in its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability,

or commitment has been properly incorporated into the budget, and the Council Board of Directors has made an appropriation to pay the same.

- D. Fiscal Year: The Fiscal Year of the Council shall be from July 1 of one year to June 30 of the next succeeding year.

SECTION 3. Securities and Investments. In accordance with the Council Board of Directors policies and directions by the Board to the Chief Executive Officer, the Council's chief financial officer shall have charge of the investment of all funds of the Council not held in its operating fund. In accordance with such policies and such directions, such chief financial officer may sell, purchase, transfer, and convey securities and exercise all rights, by proxy or by participation, of the Council with respect to such securities, or may authorize such purchases, sales, transfers, conveyances, and the exercise of any or all of said rights.

SECTION 4. Liabilities of Officers, Directors, and Employees. No Officer, Director, or employee of the Council shall be personally liable for any decrease of the capital, surplus, income, balance, or reserve of any fund or account resulting from his or her acts performed in good faith and within the scope of his or her authority.

SECTION 5. Disclosure of Records. Upon written request made with reasonable specificity, a Member Board shall have the right to receive from the Council with reasonable promptness copies of any Council record it may reasonably request, but excluding (i) information barred from disclosure by an applicable statute; (ii) trade secrets; (iii) information disclosed to the Council in reliance upon its continued non-disclosure; (iv) information that, if released, would give an inappropriate advantage to a competitor or bidder with respect to a request for proposals issued or about to be issued by the Council; (v) personnel information, the disclosure of which would constitute an unwarranted invasion of personal privacy; (vi) attorney-client communications and attorney work-product materials; (vii) transcripts and personal information respecting Certificate applicants or holders without the permission of such applicant or holder; (viii) contents and results of examinations except to the extent disclosure is provided for in the contract between the Council and the Member Board together with data, methodologies, practices, plans, proposals, records of committee deliberations and other records relating to the content, administration, scoring or security of examinations; and (ix) information arising from investigatory cases. Any of the excluded records that the Council has already distributed publicly shall, notwithstanding the preceding sentence, be available to any Member Board. To the extent permitted by applicable law, Council records furnished to a Member Board shall not be distributed by the Member Board to outsiders. The Council may charge the Member Board only reasonable costs to comply with the request. Such charges shall be itemized by the Council in an invoice to the Member Board.

## ARTICLE XII—COMMITTEES

**SECTION 1. Authorization and Appointment of Committees.** Committees may be established to perform services for the Council. Except as otherwise specifically provided, all Committees shall be appointed as provided in Article VIII, Section 7 of these Bylaws and shall be under the jurisdiction of the Council Board of Directors, reporting to it when directed. Except as otherwise specifically provided, the President/Chair of the Board shall select the Chair of all Committees.

The Council Board of Directors may delegate to any of the Officers the authority to supervise the work of any of the Committees. The President/Chair of the Board shall have the power to make appointments to any unfilled or vacant Committee membership.

The Council Board of Directors may at any time discontinue a Committee other than a standing Committee established in the Bylaws, or make any changes in a Committee's personnel without regard to the terms of appointment of the Committee members.

**SECTION 2. Reports of Committees.** Each Committee shall report in writing annually to the Council Board of Directors, at least 60 days prior to the date of the Annual Meeting, for inclusion in the *Pre-Annual Meeting Report*, further, shall make interim reports to the Council Board of Directors as directed. Such reports shall be filed with the President/Chair of the Board, with a copy to the Chief Executive Officer.

**SECTION 3. General Procedure of Committees.** Every Committee shall perform in accordance with these Bylaws and with the directions of the Council Board of Directors. With the approval of the Council Board of Directors, every Committee may call and hold meetings and meet with other organizations or their representatives.

**SECTION 4. Terms of Committee Appointments.** The terms of Committee appointments shall be for one fiscal year except as otherwise approved by the Council Board of Directors.

**SECTION 5. Committees.** The following Committees are hereby established and may from time to time make recommendations to the Council Board of Directors for consideration:

- A. Education Committee: The Committee shall oversee the development, delivery, and assessment of the Council's education policies for use by Member Boards and its relationship with the National Architectural Accrediting Board (NAAB).
- B. Internship Committee: The Committee shall oversee the development, delivery, and assessment of the Intern Development Program for use by Member Boards.
- C. Examination Committee: The Committee shall oversee the development, delivery, and assessment of the Architect Registration Examination (ARE) for use by Member Boards.
- D. Continuing Education Committee: The Committee shall oversee the development, delivery, and assessment of the Council's policies and programs relating to continuing education standards for use by Member Boards.
- E. Procedures and Documents Committee: The Committee shall review proposed resolutions, procedures, and documents for their impact on and consistency with Council policies and programs. The Committee shall assess the usefulness of special Council publications, and modify as appropriate.
- F. Professional Conduct Committee: The Committee shall oversee the development, application, assessment, and adjudication of Council policies and practices relating to the professional conduct of Record holders and others using Council services.
- G. Member Board Executives Committee: The Committee shall consider issues of concern to the jurisdictions and Member Board Executives. The Committee shall nominate a Member Board Executive Director to serve on the Council Board of Directors as provided in Article VII, Section 2.
- H. Regional Chairs Committee: The Committee shall discharge its responsibilities as described in Article V, Section 5, and consider issues of concern to the Regions. The membership of the Committee shall be the Chairs of each of the Regions and the First Vice President/President Elect who shall serve as Chair of the Committee.
- I. Credentials Committee: The Committee shall examine and verify Annual Meeting delegate credentials, report to the membership on Annual Meeting attendance, and tabulate and report election results to the President/Chair of the Board. Members of the Credentials Committee shall be sitting Member Board Members and/or Member Board Executives.
- J. Other: Committees, task forces, and work groups may be established from time to time by the President/Chair of the Board with the approval of the Council Board of Directors.

SECTION 6. Select Committees. Whenever the Council establishes by resolution a Committee, a majority of whose members are, in accordance with such resolution, to be selected by a procedure other than those set out in Section 7 of Article VIII, such a Committee shall be deemed a Select Committee and shall have, in addition to the duties and powers set out in the resolution, the right, notwithstanding Article V, Section 5, to offer resolutions to be voted on at the Annual Meeting on subjects germane to the work of such Select Committee, provided such resolutions are included in the annual report of such Select Committee submitted to the Council Board of Directors in accordance with Section 2 of this Article XII. Such annual report of a Select Committee shall be included in the *Pre-Annual Meeting and Conference Report* without revision by the Council Board of Directors.

### **ARTICLE XIII—INDEMNIFICATION**

In addition to such further indemnification as may be authorized by the Board of Directors from time to time consistent with applicable law, to the fullest extent permitted by law, including without limitation Section 504 of the Iowa Code known as the Revised Iowa Nonprofit Council Act ("RINCA") and after the Council's Board of Directors makes the determination that the standards of Section 504.852 of RINCA (or successor provisions) have been met for the specific proceeding at issue, any present or former director, officer, employee determined by Board of Directors to be an executive employee, or member of a Council committee, or the estate or personal representative of any such person, made a party to any action, suit or other proceeding, civil or criminal, by reason of the fact that such person is or was serving the Council as such, or serving at the Council's request in any other entity or with respect to the Council's employee benefit plan, shall be indemnified by the Council against the reasonable expenses, including without limitation amounts paid by way of judgment, fine or penalty and reasonable defense costs including attorney's fees incurred in connection with the defense of such proceeding whether or not such defense shall be successful in whole or in part, or in connection with any appeal therein, or any settlement of any such proceeding on terms approved by the Council Board of Directors. Such indemnification shall not be deemed exclusive of any other rights to which such persons may be entitled. Any other present or former employee or agent of the Council may also be indemnified with the approval of the Council Board of Directors. Expenses incurred of the character described above may, with the approval of the Council Board of Directors, be advanced to any person entitled to indemnity upon satisfaction of the requirements of Section 504.854 (or successor provisions) of RINCA. The Council shall have the power to purchase and maintain insurance on behalf of any person described above, or any other employee, volunteer or agent of the Council, against liability asserted against or incurred by such person on account of his or her status as such, whether or not the Council would have the power to indemnify or advance expenses to such persons.

### **ARTICLE XIV—SEAL**

The Official Seal of the Council shall be used in all legal documents and on the Certification referred to in Article IX, Section 2 of these Bylaws.

### **ARTICLE XV—AMENDMENTS**

These Bylaws may be amended at any special meeting or Annual Meeting of the Council by resolution submitted to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than two-thirds of the Member Boards shall be required to secure adoption of any amendment to these Bylaws.

## **Agenda Item H.3**

### **DISCUSS AND POSSIBLE ACTION ON 2013 ELECTIONS**

The Board will discuss 2013 WCARB and NCARB elections. Attached are the candidates' election material.



(541) 772-4372

221 WEST 10TH ST • MEDFORD, OR 97501 • FAX: (541) 499-6329 • WWW.OREGONARCHITECTURE.BIZ

January 21, 2012

Fellow Member Board Members in Region 6,

I am writing to you today to ask for your vote as I seek reelection to the WCARB Executive Committee and the Vice-Chair position.

I am completing the second year of my first term on the Executive Committee and a year as Vice Chairman. I believe I still have plenty to offer Region 6 in the way of personal and professional experience and expertise. As the pressure on our respective state governments to work stronger, faster, more efficiently increases, and it is important we be able to share our collective wisdom regionally. Someone who understands the big picture will be an important part of that process.



One main purpose of the Executive Committee is to plan a Regional Meeting where attendees can come away saying “I learned something here today”, something that will help them do their job better. That happened in Seattle, and I think you will see that happening in Providence with the Golden Nugget event. Clearly I can’t take credit for events, but I can take credit for being part of the team that made it happen. I ask for your support to continue my efforts to keep this organization useful for all its members.

I also believe I understand the broader issues that affect the profession on the national and international levels. For three years I was Director of Professional Development at NCARB. Daily I dealt with issues of ARE test development and administration, Continuing Education, and international licensure. While at NCARB I brought sense to the exam pricing structure, systematized the process for accessible accommodations, developed a schedule for the delivery of monograms, and separated test delivery from test administration within the organization. I was intimately involved in new item type research projects and the Practice Analysis and Test Spec that led to ARE 4.0.

I am available by either e-mail ([mark@oregonarchitecture.biz](mailto:mark@oregonarchitecture.biz)) or phone (541.772.4372) for questions or comments.

Warmest Regards,

Mark McKechnie, AIA



Jay Cone Architecture PC AIA  
651 El Dorado Ln. Hailey Idaho 83333  
Tel / Fax 208. 578. 5226  
jcone@jayconearchitecture.com

February 15, 2013

Dear Members and Executives of NCARB Region 6:

I hope everyone is having a good winter. I am looking forward to the 2013 NCARB Regional Conference in Providence and the opportunity to see all of you.

This will be my third Regional Conference as I begin my fourth year on the Idaho Board. I was appointed to the Board in February of 2010. After serving for a year I sought appointment to the ARE Multiple Choice Subcommittee for Programming, Planning and Practice. After two years I sought appointment to the newly formed Test Specification Task Force and I continue to serve on both of those committees. It has been incredibly gratifying and rewarding to serve and to work with Member Board Members from all Regions.

I continue to be impressed by the dedication and willingness of all of you as volunteers. This is the only organization I have ever been a part of where the enthusiasm of the volunteers outpaces available positions. I am one of those who are eager to continue to serve and eager to expand my involvement.

I would like to announce my intentions to run for one of the vacant positions on the WCARB Executive Committee at the forthcoming Regional Conference. Unquestionably Architects will face unprecedented challenges in the coming years. It would be my honor to have a role in shaping the future of our profession.

Happy and safe travels to Providence!

Sincerely,  
Jay Cone

February 22, 2013

Member Board Members  
National Council of Architecture Registration Boards

Re: Candidacy for Secretary of the Council



Dear Regions 1, 2 and 6 Member Boards:

As you prepare for your regional meeting in Providence, I wanted to share with each of you that on January 14th at our Board of Director's meeting in Orlando, I made my formal announcement of candidacy for the Office of Secretary of the Council. With this announcement, I will be vacating the Regional Director's office in June at our Annual Meeting. I do not plan to attend your meeting, however, I hope to speak to each of you either before the Annual Meeting via phone or at the meeting once we arrive.

I am beginning my third 4 year term as a board member of the Alabama Board of Architects. Over the past nine years I have seen a lot of changes in NCARB. The changes are exciting and continue to improve customer service, bring financial stability to the council, improve the IDP and ARE and push us forward to consider Blue Sky discussions. I want to continue the work we have been doing and be a part of the successful future.

I ask for your support in my quest for Secretary of the Council and will be talking to you about what you feel are issues facing NCARB and what we can improve. In addition, I feel that NCARB can better support each of your jurisdictions and I welcome any input on what those jurisdictional issues are for each of you.

I thank you for your continued support and I look forward to continuing to serve you and NCARB in the coming years!

Respectfully,

A handwritten signature in blue ink that reads 'Kristine A. Harding'.

Kristine A. Harding, AIA, NCARB  
Director of Region 3



## **Kristine A. Harding, AIA, NCARB, LEED GA**

### Education

<b>Rice University</b> -Bachelor of Arts in Architecture	1983
Bachelor of Architecture	1985
Via Gabina Villas Archeological Dig	1982
Gensler Associates Scholarship	1985

### Practice

**KPS Group, Inc.**, Huntsville, AL.  
Vice President, Group Manager

### Registration

Alabama, Tennessee  
NCARB Certification

### AIA Service

North Alabama Chapter AIA	Director	1998
North Alabama Chapter AIA	President-Elect	1999
North Alabama Chapter AIA	President	2000
NAC-AIA Design Awards	Chair	2000
Auburn Advisory Council	Member	2000
North Alabama Chapter AIA	Past-President	2001
Auburn Advisory Council	Vice Chair	2001
Alabama Council AIA	Secretary	2002
NAC-AIA Design Awards	Chair	2002
Auburn Advisory Council	Chair	2002
Alabama Council AIA	Vice President	2003
Auburn Advisory Council	Chair	2003
Alabama Council AIA	President-Elect	2004
Alabama Council AIA	President	2005
Alabama Council AIA	Past President	2006
Gulf States Design Awards	Chair	2006
Gulf States Design Awards	Chair	2007

### NCARB Service

Alabama Board of Architects	Member	2005-Present
Alabama Board of Architects	Chair	2008, 2009
Professional Development Committee	Member	2007, 2008
Committee on Procedures & Documents	Member	2009, 2010
Committee on Procedures & Documents	Chair	2011
Committee on Education	Bd. Liaison	2012
Internship Committee	Bd. Liaison	2013
IDPAC	Co-Chair	2013
Audit Committee	Member	2013
Region 3 SCNCARB	Secretary	2008
Region 3 SCNCARB	Vice Chair	2009

Region 3 SCNCARB	Vice Chair	2010
Region 3 SCNCARB	Chair	2011
Region 3 SCNCARB	Director	2012
Region 3 SCNCARB	Director	2013
Credentials Committee	Member	2009

Community Service

Cummings Research Park Design Control Committee, Member		
Huntsville Sports Commission	Past President/Past Member	
Huntsville Madison County Leadership		Class 14
Project Chair/RAD Equipment to the HSV Police Dept.		
Leadership Alabama		Class 16
Project Committee for Alabama Heart & Soul		
Leadership Alabama Board of Directors		2007
Huntsville Madison County Marina & Port Authority		Board

Awards

Congressional Medal for Antarctic Service		1983
Alabama Council AIA Accolade Award		2011

## **Agenda Item I**

### **CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)**

1. Discuss and Possible Action Regarding Board and NCARB Examination Security/Confidentiality Policies, Including Business and Professions Code Section 123
2. Update and Possible Action Regarding CSE Development and Results
3. Update and Possible Action Regarding CSE Project Scenario Documents (Handouts)

### **DISCUSS AND POSSIBLE ACTION REGARDING BOARD AND NCARB EXAMINATION SECURITY/ CONFIDENTIALITY POLICIES, INCLUDING BUSINESS AND PROFESSIONS CODE SECTION 123**

The American Institute of Architects, California Council (AIACC) has raised concerns regarding security and confidentiality policies/requirements of the National Council of Architectural Registration Boards (NCARB) and the Board for the Architect Registration Examination (ARE) and California Supplemental Examination (CSE).

The AIACC provided these concerns:

- 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 are concerned about sanctions for violating the confidentiality agreement that they are required to sign and 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?

Board members, at the March 7, 2012 meeting, discussed AIACC's concerns and the possible need to assist candidates in determining to what extent the examination can be discussed with mentors. They were also advised this issue was going to be considered by NCARB's Board of Directors (BOD) at its next scheduled meeting. The Board requested any information from the next BOD meeting be reported at its June 14, 2012 meeting.

It was reported, at the Board's June 14, 2012 meeting, the issue had been considered by the BOD and it was not amenable to changing its current security agreement language after consulting with its legal counsel. However, it was noted the BOD did acknowledge a need to find a mechanism to better communicate interns' options related to the discussion of examination content with mentors.

California's statute on examination security (Business and Professions Code [BPC] 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. Board members agreed that the issue should be discussed further with the BOD. Legal Counsel, Don Chang, was asked to draft a summary of California law on examination security, which could be shared with the BOD during future discussions.

At the September 13, 2012 meeting, Board members continued the discussion on the extent to which candidates and mentors may discuss the ARE during test preparation. Jon Baker advised that prior to the meeting he had forwarded Mr. Chang's opinion to the BOD for its consideration. He reported that after further discussion between the BOD and its legal counsel the decision was still such that the security language should not be modified. Mr. Baker stated the BOD could sympathize with candidates and that it was not their intention for the security policy to interfere with the learning and preparatory processes of interns and their mentors. He further advised that NCARB has incurred

significant one-time and permanent costs because of past security breaches and have taken an adamant position to enforce its examination security policy. The Board requested the issue be kept in the forefront of the BOD's considerations until an amicable resolution is reached.

There was no further update to provide Board members at its December 11, 2012 Board meeting. Board Vice President Sheran Voigt, with the consensus of the Board, issued a directive to staff that a letter be prepared to reiterate the Board's concerns and requesting that NCARB reconsider its position on the matter.

Attached is the letter to NCARB from Board President Sheran Voigt.

Attachments

1. Letter Dated February 27, 2013 to NCARB
2. BPC Section 123
3. Legal Memo Dated August 27, 2012 on California Examination Security



Edmund G. Brown Jr.  
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

February 27, 2013

Mr. Michael J. Armstrong, Chief Executive Officer  
National Council of Architectural Registration Boards  
1801 K Street, NW, Suite 700K  
Washington, DC 20006

Dear Mr. Armstrong:

I am writing you on behalf of the California Architects Board (Board) about an examination security issue.

The Board understands the importance of examination security. Both for our California Supplemental Examination and the Architect Registration Examination (ARE), examination security protects the integrity of the examination and prevents the loss of valuable content.

There are reports from the profession in California that the admonishments in the examination security advisories are so severe as to have a chilling effect on candidate preparation. Jon Baker relayed this concern to NCARB when he was on the NCARB Board of Directors. We wish to reiterate this concern and urge NCARB to consider this issue further as part of its ongoing efforts on examination security.

When last discussed, the majority of the NCARB Board of Directors was sympathetic to the issue and agreed with candidates' need to talk openly with their mentor or supervisor when preparing for and learning from their exam experience. Since NCARB legal counsel recommended against changing any of the current language in the candidate instructions, the Board of Directors acknowledged the need to communicate to candidates that discussions with mentors and supervisors would not violate the intent of the exam security language. At that time the NCARB Board of Directors and NCARB staff agreed to seek ways to communicate these issues with candidates in the future, but we are unaware of any changes that have been implemented to date.

The Board does not wish to diminish the criticality of examination security. We do believe that there can be a balance achieved in protecting content. For example, California exam security law (Business and Professions Code section 123 [attached]) focuses on whether candidate behavior will "subvert the examination." That means that a conversation between an intern/candidate and his or her architect/supervisor about an ARE item that was challenging is really more of an examination preparation conversation rather

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SACRAMENTO,  
CA 95834

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

[cab@dca.ca.gov](mailto:cab@dca.ca.gov)  
[www.cab.ca.gov](http://www.cab.ca.gov)

Mr. Michael J. Armstrong  
February 27, 2013  
Page 2

than a dialogue intended to subvert the examination. Accordingly, such a conversation would not be a violation of California's examination security statute (see attached legal opinion). We do not believe, based upon the discussions with the NCARB Board of Directors, that NCARB intends for such behavior to be deemed a violation of NCARB's standards as well.

Thank you for considering our comments. Please contact Executive Officer Doug McCauley at (916) 575-7232 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sheran Voigt".

SHERAN VOIGT  
President

cc: Board Members

Attachments



Edmund G. Brown Jr.  
GOVERNOR

# CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION  
2420 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834  
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CAB@DCA.CA.GOV

## **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.

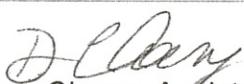
The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other provision of law.

**§ 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.



## MEMORANDUM

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

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, sovereignty, 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.

**UPDATE AND POSSIBLE ACTION REGARDING CSE DEVELOPMENT AND RESULTS**

The CSE has been administered to candidates in a computer-delivered format since February 1, 2011. Approximately 2,000 candidates have taken the CSE in this format. The Board currently has an Intra-Agency Contract (IAC) Agreement with the Office of Professional Examination Services (OPES) to provide services such as exam development, test scoring, statistical analyses, and audits. Examination development is conducted with OPES throughout the year on an ongoing basis to continuously generate new examination items and forms.

The current IAC with OPES expires on June 30, 2013. Board staff has met with OPES to commence development of a new IAC for the 2013/2014 fiscal year that will include provisions for the CSE Occupational Analysis.

Staff from OPES will provide a presentation to Board members relative to exam performance and discuss the status of exam development and validation, as well as the occupational analysis process.

**UPDATE AND POSSIBLE ACTION REGARDING CSE PROJECT  
SCENARIO DOCUMENTS (HANDOUTS)**

The CSE has been based upon project scenario documents (handouts) since 1998. There was a recent incident in January at the Houston, Texas PSI test center related to the handouts. Previously, since the launch of computer-based testing, there have been nine instances where issues with the handouts occurred with varying situations and degrees of severity. The instance from January is the only one where the candidate was given the wrong handouts and completed the exam with it. Approximately 2,000 candidates have taken the examination since it was launched in computer-delivered format in February 1, 2011.

Following the initial launch of the exam, there was a group of instances that resulted in new quality control measures. In February/March 2011, there were two instances of candidates receiving their handouts late and one who did not receive the handouts at all. Additional quality control measures were implemented regarding the proctor check-in procedures, etc. Corrective bulletins were also issued from PSI to all test centers to help prevent further issues.

Attached is a document that chronicles these incidents and the quality control measures implemented to date. After each grouping of incidents are the additional quality control measures implemented to help prevent further occurrences. As of February 11, 2013, there is a special pop-up window that requires the proctors to indicate “yes” they have read and understand to hand the candidate the specific handouts.

As you have heard at our meetings, examinations are successive approximations. They continually improve, but there can also be issues to resolve along the way. Staff will continue to develop additional quality control measures to improve the examination’s performance.

Attachment

Project Scenario Documents Incidents

## Project Scenario Documents Incidents - 2011 and 2012

This is a summary of project scenario document (handouts) incidents over the first two years of the computer-based California Supplemental Examination (CSE), which has been provided to approximately 2,000 candidates. Each grouping of incidents below was followed with a series of quality control improvements, noted in bullet points. Staff and PSI provided candidates the appropriate remedy based upon precedents from the oral format and Examination Committee in a timely manner.

Date	Code	Result
2/24/2011	O	Next Exam Fee Waived
3/8/2011	L	Next Exam Fee Waived
3/9/2011	L	Inconsequential Impact - Candidate Passed

- Corrective bulletin emailed to all PSI sites reminding proctors of handouts
- Enhanced proctor's check-in script to better emphasize that part one of the examination requires handouts
- Additional proctor training on handouts

5/31/2011	L	Inconsequential Impact - Candidate Passed
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- Corrective bulletin emailed to PSI sites reminding proctors of specific handouts
- Modified candidates' screen viewed prior to tutorial noting that part one requires handouts
- Improved candidates' screen viewed on each scenario-based item to emphasize the need to reference the handouts
- Clarified language in the CSE Candidate Handbook to emphasize the handouts

8/25/2011	S	Inconsequential Impact - Candidate Passed
3/2/2012	P	Next Exam Fee Waived
3/9/2012	L	Next Exam Fee Waived
3/15/2012	W	Inconsequential Impact - Candidate Passed
3/23/2012	W	Next Exam Fee Waived

- Corrective bulletin emailed to PSI sites reminding proctors of specific handouts
- Added language on candidates' scheduling letters emphasizing handouts
- Incorporated additional content on [cab.ca.gov](http://cab.ca.gov) regarding handouts

### Additional Recent Improvements:

- Enhanced candidates' screens for scenario-based items by noting the specific handouts needed for such items
- Improved proctor's check-in process to include a pop-up screen that requires proctor to acknowledge that they have provided the candidate the handouts

### Key

- O: Not given handouts
- L: Given handouts late
- S: Handouts initially not available, but were provided later
- P: Given handouts with pages flipped out of order
- W: Given wrong handouts

## Agenda Item J

### **REVIEW AND APPROVE RECOMMENDED MODIFICATIONS TO PROPOSED REGULATORY LANGUAGE AMENDING CALIFORNIA CODE OF REGULATIONS (CCR) SECTION 109, FILING OF APPLICATION AND SECTION 117, EXPERIENCE EVALUATION**

The Professional Qualifications Committee (PQC), at its May 16, 2012 meeting, was asked to consider an allowance for academic internships (as specified in the National Council of Architectural Registration Boards' [NCARB] April 2012 *Intern Development Program [IDP] Guidelines*) as it relates to the Board's regulations. Additionally, the PQC was asked to make a recommendation to the Board regarding whether to grant experience credit for work performed while a candidate is in an academic internship and accept the other provisions of the April 2012 *IDP Guidelines* into the regulations. The PQC recommended the Board align its regulations with the April 2012 *IDP Guidelines* and accept its provisions, including the allowance for academic internships. The Board, at its June 14, 2012 meeting, approved the PQC's recommendation and directed staff to proceed with a regulatory change proposal.

Staff presented the Board, at its September 13, 2012 meeting, with proposed regulatory language that updates the *IDP Guidelines* referenced within the regulations to the April 2012 *IDP Guidelines* to align the regulations with the current requirements and allowances of IDP. The Board approved the language at the meeting.

Since the action taken by the Board, NCARB released the November 2012 *IDP Guidelines*. Staff analyzed and noted the differences between the April and November 2012 editions. These differences include (but are not limited to): 1) eliminating the 930-hour limit on experience that could be earned through an academic internship; 2) eliminating prior NCARB approval of internship programs; 3) expanding the experience that could be gained under Supplemental Experience; and 4) increasing the maximum hours that can be earned for teaching in a National Architectural Accreditation Board accredited program.

Staff, after the analysis, modified the proposed language that was previously approved by the Board to reference the current November 2012 *IDP Guidelines* and filed the notice with the Office of Administrative Law.

The Board is asked to review and approve the recommended modified regulatory proposal language to CCR 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. Attached are both the originally proposed language (approved September 13, 2012) and the regulatory language with the recommended modification that updates the *IDP Guidelines* referenced within the regulations to the November 2012 edition.

Attachments

1. Proposed Regulatory Language CCR Sections 109 and 117 (originally approved September 13, 2012)
2. Proposed Regulatory Language CCR Sections 109 and 117 (with recommended modification)

**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.**

**CALIFORNIA ARCHITECTS BOARD**  
**PROPOSED REGULATORY LANGUAGE**  
**(WITH RECOMMENDED MODIFICATION)**

**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~~ November 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 is earned 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.**

## Agenda Item K

### **REVIEW AND APPROVE RECOMMENDED MODIFICATIONS TO PROPOSED REGULATORY LANGUAGE AMENDING CCR SECTION 121, FORM OF EXAMINATIONS; RECIPROCIDTY**

At its December 5, 2011 meeting, the Board discussed its reciprocity requirements in relation to the National Council of Architectural Registration Boards' (NCARB) Broadly Experienced Foreign Architect (BEFA) Program. The Board voted to add an objective to its 2012 Strategic Plan to pursue a regulatory amendment that establishes a pathway for candidates holding an NCARB Certificate earned through the BEFA Program. The objective was assigned to the Professional Qualifications Committee (PQC).

The PQC was provided information regarding the BEFA Program at its May 16, 2012 meeting. The PQC was asked to review a proposed regulatory amendment to CCR 121 that would permit the Board to accept an NCARB Certification earned via the BEFA Program for eligibility to take the California Supplemental Examination (CSE) and subsequently licensure. PQC was also asked to provide the Board with any other recommendations in furtherance of the relevant Strategic Plan objective. PQC made a recommendation to the Board to amend CCR 121 to recognize and accept an NCARB Certificate earned through the BEFA Program for foreign architects seeking reciprocal licensure in California. At its June 14, 2012 meeting, the Board approved PQC's recommendation.

Since the action taken by the Board, staff discovered a discrepancy related to United Kingdom (U.K.) candidates who may seek reciprocity through the BEFA Program. Specifically, the originally proposed language stated that a candidate who is registered as an architect in a foreign country, other than a Canadian province or the U.K., could submit an NCARB Certificate gained through the BEFA Program and become eligible for the CSE. Current regulations allow a candidate from the U.K. to submit a reciprocity application only if they possess a current and valid Certification issued by NCARB on or before December 31, 1996; therefore, the originally proposed language had the unintended consequence of excluding U.K. reciprocity through BEFA. Staff modified the proposed language to eliminate this discrepancy and allow U.K. and other foreign licensed architects (excluding Canadian architects) reciprocity once they have successfully completed the BEFA Program. Canadian candidates are specifically excluded from earning an NCARB Certificate through the BEFA Program pursuant to the NCARB *Certification Guidelines*. The modified language was filed with the regulatory notice at the Office of Administrative Law.

The Board is asked to review and approve the attached recommended modified regulatory proposal language to CCR, section 121, Form of Examination; Reciprocity, and delegate authority to the

Executive Officer to adopt the regulation provided no adverse comments are received during the public comment period and make minor technical changes to the language, if needed.

Attachment

1. Proposed Regulatory Language CCR 121 (originally approved June 14, 2012)
2. Proposed Regulatory Language CCR 121 (with recommended modification)

**CALIFORNIA ARCHITECTS BOARD**  
**PROPOSED REGULATORY LANGUAGE**

**Article 3. Examinations**

Amend Section 121 as follows:

**Section 121, Form of Examinations; Reciprocity.**

\* \* \*

- (b) (1) A candidate who is registered as an architect in a Canadian province and who holds a current and valid Certification issued by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.
  
- (2) A candidate who is registered as an architect in the United Kingdom and who holds a current and valid Certification issued on or before December 31, 1996 by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.
  
- (3) A candidate who is registered as an architect in a foreign country, other than a Canadian province or the United Kingdom, and who holds a current and valid Certificate issued by the National Council of Architectural Registration Boards obtained by completing the Broadly Experienced Foreign Architect Program shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

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

**CALIFORNIA ARCHITECTS BOARD**  
**PROPOSED REGULATORY LANGUAGE**  
**(WITH RECOMMENDED MODIFICATION)**

**Article 3. Examinations**

Amend Section 121 as follows:

**Section 121, Form of Examinations; Reciprocity**

\* \* \*

- (b) (1) A candidate who is registered as an architect in a Canadian province and who holds a current and valid Certification issued by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.
  
- (2) A candidate who is registered as an architect in the United Kingdom and who holds a current and valid Certification issued on or before December 31, 1996 by the National Council of Architectural Registration Boards shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.
  
- (3) A candidate who is registered as an architect in a foreign country and who holds a current and valid Certificate issued by the National Council of Architectural Registration Boards obtained by completing the Broadly Experienced Foreign Architect Program shall be eligible for licensure upon passing the California Supplemental Examination as specified in Section 124 of these regulations.

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

## **Agenda Item L**

### **LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT**

1. Update on January 24-25, 2013 LATC Meeting
2. Review and Approve Recommended Modifications to Proposed Regulatory Language Amending CCR, Title 16, Division 26, Section 2614, Examination Transition Plan
3. Review and Approve Recommended Modifications to Proposed Regulatory Language Amending CCR, Title 16, Division 26, Section 2620.5, Requirements for an Approved Extension Certificate Program

## **Agenda Item L.1**

### **UPDATE ON JANUARY 24-25, 2013 LATC MEETING**

The LATC met on January 24-25, 2013 in Sacramento. Attached is the notice of the meeting. Program Manager Trish Rodriguez will provide an update on the meeting.

#### Attachment

LATC January 24-25, 2013 Notice of Meeting

## **NOTICE OF MEETING**

**January 24-25, 2013**  
**Landscape Architects Technical Committee**  
**2420 Del Paso Road**  
**Sequoia Room**  
**Sacramento, CA 95834**

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](mailto: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**  
**January 24, 2013**  
**9:30 a.m. – 5:00 p.m.**

- A. Call to Order – Roll Call – Establishment of a Quorum  
Chair's Remarks  
Public Comment Session
- B. Approve November 14, 2012 LATC Summary Report
- C. Program Manager's Report
- D. Presentation by Department of Consumer Affairs (DCA) Staff Regarding New Online Program (BreEZe)
- E. Report on Council of Landscape Architectural Registration Boards (CLARB)
- F. Annual Enforcement Report
- G. Budget Update

- H. Review Public Comments on Proposed Regulation to Amend California Code of Regulations (CCR) Section 2620.5, Requirements for an Approved Extension Certificate Program, and Possible Action
- I. Review Proposed Amendments to CCR Section 2649, Fees, and Possible Action
- J. Review and Consider Request for Re-Licensure
- K. Review and Approval of Intra-Agency Contracts with the DCA Office of Professional Examination Services for California Supplemental Examination Occupational Analysis and Exam Development
- L. Review Legal Opinion Letter from DCA Legal Counsel Regarding Business and Professions Code Section 5641, Exceptions, Exemptions, and Possible Action

Adjourn

**Agenda**  
**January 25, 2013**  
**8:30 a.m. – 3:00 p.m.**

- M. Call to Order – Roll Call – Establishment of a Quorum  
Chair's Remarks  
Public Comment Session
- N. Strategic and Communications Planning Review Session for Fiscal Year 2013/2014
- O. Review Tentative Schedule and Confirm Future LATC Meeting Dates

Adjourn

Please contact John Keidel 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](http://www.latc.ca.gov).

### **REVIEW AND APPROVE RECOMMENDED MODIFICATIONS TO PROPOSED REGULATORY LANGUAGE AMENDING CCR, TITLE 16, DIVISION 26, SECTION 2614, EXAMINATION TRANSITION PLAN**

The Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination (LARE), the licensing examination for the Landscape Architects Technical Committee (LATC). In September 2012, CLARB implemented modest structural changes to the LARE to better align its content with current practice. The new exam consists of four rather than five sections, and has moved to a fully computerized model. According to CLARB, these changes are the result of a 2010 task analysis study, advancements in testing technology, and evolution of the marketplace.

CLARB developed a transition plan for previous sections passed by candidates who have already started the exam process. As a result, California Code of Regulations (CCR) section 2614, Examination Transition Plan, needs to be amended to provide credit to candidates who have passed sections of the prior exam to be consistent with the CLARB transition plan.

At the November 16, 2011 LATC meeting, the Committee reviewed the proposed language to amend CCR section 2614 and recommended the Board proceed with the regulatory change. The Board approved the proposed regulation at its December 7-8, 2011 Board meeting. The regulatory proposal was published at the Office of Administrative Law on June 22, 2012. LATC held a public hearing on the proposed changes on August 6, 2012. No comments were received.

On October 5, 2012, the LATC issued a 15-Day Notice of Availability of Modified Language to change the implementation date of the new four-section LARE. No comments were received. Attached is a copy of the Modified Language for CCR section 2614. Since its original approval by the Board at the December 7-8, 2011 Board meeting, the proposed language has been modified and must again be approved by the Board in its modified form.

The Board is asked to review and approve the Modified Language, and delegate authority to the Executive Officer to adopt the regulation and make minor technical changes to the language, if needed.

#### Attachment

Modified Language for CCR section 2614

**CALIFORNIA CODE OF REGULATIONS  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE  
MODIFIED LANGUAGE**

**California Code of Regulations, Title 16, Division 26**

Proposed modifications to the original language are shown by underline for new text and ~~strikeout~~ for deleted text; modifications to the proposed language are shown by double underline for new text and ~~underline with strikeout~~ for deleted text.

Amend Section 2614 as follows:

**§ 2614. Examination Transition Plan**

- (a) A candidate who has received Board credit for any section of the Uniform National Examination for Landscape Architects (hereafter UNE) shall be given credit for those sections as those sections correspond to the 1992 Landscape Architect Registration Examination (hereafter LARE) sections in accordance with the following transition chart:

<b>Previous Sections Passed UNE</b>	<b>Credit to 1992 LARE</b>
Section 1 Professional Practice	Section 1 Legal and Administrative Aspects of Practice
Section 2 Design	Section 2 Programming and Environmental Analysis Section 3 Conceptualization Section 4 Design Synthesis
Section 4 Design Implementation	Section 5 Integration of Technical and Design
Section 5 Grading and Drainage	Section 6 Grading and Drainage
Section 6 California Section	Section 8 California Section

- (b) (1) A candidate who has received Board credit for any section of the 1992 LARE shall be given credit for those sections as those sections correspond to sections of the Professional Examination for Landscape Architects (hereafter PELA) in accordance with the following transition chart:

<b>Previous Sections Passed 1992 LARE</b>	<b>Credit to PELA</b>
---	-----------------------

Section 1 Legal and Administrative Aspects of Practice Section 2 Programming and Environmental Analysis Section 7 Implementation of Design	Section 1 Objective
Section 4 Design Synthesis	Section 2 Design
Section 5 Integration of Technical Design Section 6 Grading and Drainage	Section 3 Construction Documents
Section 8 California Section	Section 4 California Section

(2) A candidate who is transferring credit from the UNE or 1992 LARE to the PELA and has not previously received Board credit for Section 8 (California) of the LARE shall be required to take and pass either Section 1 (Objective) or Section 4 (California) of the PELA. A candidate who has been granted transfer credit from the LARE to Section 1 of the PELA may not apply such transfer credit to fulfill his or her requirement to have passed the California Section of the PELA.

(c) (1) A candidate who has received Board credit for any section of the PELA shall be given credit for the corresponding sections of the 1997 through 1998 LARE and the California Section in accordance with the following transition chart:

<b>Previous Sections Passed PELA</b>	<b>Credit to 1997 through 1998 LARE and California Section</b>
Section 1 Objective	Section 1 Legal and Administrative Aspects of Practice Section 2(7) Analytical and Technical Aspects of Practice, and California Section
Section 2 Design	Section 3 Conceptualization and Communication Section 4 Design Synthesis
Section 3 Construction Documents	No Transition Credit
Section 4 California Section	California Section
No Transition Credit	Section 5 Integration of Technical Design Requirements Section 6 Grading and Drainage

(2) To receive Board credit for Section 2 (7) – Analytical and Technical Aspects of Practice of the 1997 through 1998 LARE, a candidate shall either have passed Section 1 – Objective of the PELA or have received credit for both Section 2 – Programming and Environmental Analysis and Section 7 – Implementation of Design Through the Construction Process of the pre-1997 LARE, either by having previously passed those sections of the pre-1997 LARE or by having received transition credit from the UNE.

(d) (1) A candidate who has received credit for any section of the LARE which was administered on or before December 31, 1998 shall be given credit for the corresponding sections of the LARE administered on or after June 1999 in accordance with the following transition chart:

<b>Previous Sections Passed 1998 and Prior LARE</b>	<b>Credit to June 1999 through 2005 LARE</b>
Section 1 Legal and Administrative Aspects of Practice	Section A Legal and Administrative Aspects of Practice
Section 2 Analytical and Technical Aspects of Practice	Section B Analytical Aspects of Practice
Section 3 Conceptualization and Communications; and Section 4 Design Synthesis	Section C Planning and Site Design
Section 5 Integration of Technical and Design Requirements	Section D Structural and Materials and Methods of Construction
Section 6 Grading and Drainage	Section E Grading, Drainage and Stormwater Management

(2) A candidate shall receive credit for Section C of the LARE administered on or after June 1999 only if the candidate has passed both Sections 3 and 4 of the LARE administered on or before December 31, 1998. A candidate who has passed either Section 3 or 4 of the LARE administered on or before December 31, 1998, but not both, shall be required to pass Section C of the LARE administered on or after June 1999.

(e) Effective April 2006 the LARE was reformatted and the sections renamed. Credits and conversions provided for the June 1999 through June 2005 sections remain:

<b>Previous Sections Passed June 1999-2005 LARE</b>	<b>Credit to April 2006 and thereafter LARE</b>
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Section A Legal and Administrative Aspects of Practice	Section A Project and Construction Administration
Section B Analytical Aspects of Practice	Section B Inventory, Analysis and Program Development
Section C Planning and Site Design	Section C Site Design
Section D Structural and Materials and Methods of Construction	Section D Design and Construction Documentation
Section E Grading, Drainage and Stormwater Management	Section E Grading Drainage and Stormwater Management

(f) (1) ~~Effective September~~ In 2012, the LARE was restructured from five sections to four and the sections renamed.

(2) A candidate who has received credit for any section of the five-section LARE which was administered April 2006 through June 2012 shall be given credit for the corresponding sections of the four-section LARE administered on or after September 2012 in accordance with the following transition chart:

<u>Previous Sections Passed of the April 2006 through June 2012 Five-Section LARE</u>	<u>Credit to September 2012 the Four-Section and thereafter LARE</u>
<u>Section A Project and Construction Administration</u>	<u>Section 1 Project and Construction Administration</u>
<u>Section B Inventory, Analysis and Program Development</u>	<u>Section 2 Inventory and Analysis</u>
<u>Section C Site Design; and Section D Design and Construction Documentation</u>	<u>Section 3 Design</u>
<u>Section D Design and Construction Documentation; and Section E Grading, Drainage and Stormwater Management</u>	<u>Section 4 Grading, Drainage and Construction Documentation</u>

(3) A candidate shall receive credit for Section 3 of the four-section LARE administered on or after September 2012 only if the candidate has passed both Sections C and D of the previous five-section LARE administered April 2006

~~through June 2012.~~ A candidate who has passed either Section C or D of the prior five-section LARE administered April 2006 through June 2012, but not both, shall be required to pass Section 3 of the four-section LARE administered on or after September 2012.

(4) A candidate shall receive credit for Section 4 of the four-section LARE administered on or after September 2012 only if the candidate has passed both Sections D and E of the previous five-section LARE administered April 2006 through June 2012. A candidate who has passed either Section D or E of the prior five-section LARE administered April 2006 through June 2012, but not both, shall be required to pass Section 4 of the four-section LARE administered on or after September 2012.

**NOTE: Authority cited: Section 5630, Business and Professions Code;  
Reference: Sections 5650 and 5651, Business and Professions Code.**

### **REVIEW AND APPROVE RECOMMENDED MODIFICATIONS TO PROPOSED REGULATORY LANGUAGE AMENDING CCR, TITLE 16, DIVISION 26, SECTION 2620.5, REQUIREMENTS FOR AN APPROVED EXTENSION CERTIFICATE PROGRAM**

The Landscape Architects Technical Committee (LATC) established the original requirements for an approved extension certificate program based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). These requirements are outlined in California Code of Regulations (CCR) section 2620.5. In 2009, LAAB implemented changes to their university accreditation standards. Prompted by the changes made by LAAB, LATC drafted updated requirements for an approved extension certificate program and recommended the Board authorize LATC to proceed with a regulatory change. The Board approved the regulatory change and adopted the regulations at the December 15-16, 2010 Board meeting. The regulatory proposal to amend CCR section 2620.5 was published at the Office of Administrative Law on June 22, 2012.

The LATC appointed the University of California Extension Certificate Program Task Force, which was charged with developing the procedures for review of the extension certificate programs, and conducting reviews of the programs, utilizing the new procedures. At the Task Force's first meeting on June 27, 2012, the Task Force discussed several standards that could potentially require further changes to the proposed language contained in CCR section 2620.5. The Task Force discussed adding regulatory language to accommodate these standards. LATC staff and Department of Consumer Affairs (DCA) legal counsel discussed adding additional regulation language subsequent to the June 27, 2012, Task Force meeting. During this discussion, it was determined that provisions to deny or rescind a program's approval during the proposed biennial update process should also be included in CCR section 2620.5 to address any issues which may arise during the review process. Additionally, DCA legal counsel recommended adding language to provide schools with an opportunity to respond to any charges, such as deficiencies, before an approval is rescinded.

LATC held a public hearing on the originally proposed amendments to CCR section 2620.5 on August 6, 2012. No comments were received. Further action on the regulation package was temporarily suspended due to the potential for further recommended changes to the regulatory language that could arise from the Task Force meetings.

At the October 8, 2012, Task Force meeting, the Task Force reviewed modified proposed language for CCR section 2620.5 that was revised based on the discussion at the June 27, 2012 Task Force meeting and subsequent discussion between staff and DCA legal counsel. The Task Force proposed further edits to the regulatory language to align the section with LAAB guidelines and LATC goals. Subsequent to the October 8, 2012 Task Force meeting, DCA legal counsel recommended further modifying CCR section 2620.5 to limit LATC approval to schools approved by the Western Association of Schools and Colleges.

At the November 2, 2012 Task Force meeting, the Task Force decided to reduce the proposed .75 time-base requirement for the program administrator to .5 in order to allow more time to evaluate if the Extension Certificate Programs will be able to meet a .75 time-base requirement.

LATC reviewed and approved the modifications to the proposed language for CCR section 2620.5 at its November 14, 2012 meeting. LATC also approved a new program approval requirement that effective September 2015, students shall be required to have a Bachelor's degree as a prerequisite for entry into the extension certificate programs. LATC voted to authorize staff to issue a Notice of Availability of Modified Language for the regulatory file.

LATC issued a 40-day Notice of Availability of Modified Language for CCR section 2620.5 on November 30, 2012. The written comment period for the notice ended on January 9, 2013. One public comment was received during the comment period.

At the January 24-25, 2013 LATC meeting, LATC approved a couple of modifications to the proposed language based on the public comment that was received during the comment period and additional public comments that were reviewed during the meeting. LATC agreed to remove the program approval requirement [subsection (q)] that effective September 2015, students shall be required to have a Bachelor's degree as a prerequisite for entry into the extension certificate programs. LATC also removed the program approval requirement [subsection (n)(5)] which required at least three full-time equivalence faculty to be licensed in landscape architecture.

Attached is a copy of the Second Modified Language for CCR section 2620.5. The proposed language has been modified since it was originally approved by the Board at its December 15-16, 2010 meeting and must be adopted again by the Board in its modified form. The Board is asked to review and approve the modified regulation and delegate authority to the Executive Officer to adopt the regulation and make minor technical changes to the language, if needed.

Attachment

Second Modified Language for CCR section 2620.5

**CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE  
SECOND MODIFIED LANGUAGE**

**California Code of Regulations, Title 16, Division 26**

Proposed modifications to the original language are shown by underline for new text and ~~strikeout~~ for deleted text; first modifications to the proposed language are shown by double underline for new text and ~~underline with strikeout~~ for deleted text; second modifications to the proposed language are shown by ~~double underline with double strikeout~~ for deleted text [more specifically, subsections (n)(4), (n)(5), and (q)].

Amend Section 2620.5 to read as follows:

**§ 2620.5 Requirements for an Approved Extension Certificate Program**

An extension certificate program shall meet the following requirements:

- (a) The educational program shall be established in an educational institution which has a four-year educational curriculum and either is approved by the Western Association of Schools and Colleges under a regional accrediting body ~~Section 94900 of the Education Code~~ or is an institution of public higher education as defined by Section 66010 of the Education Code.
- (b) There shall be a written statement of the program's philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall be reinforced by course inclusion, emphasis and sequence in a manner which promotes achievement of program objectives. The program's literature shall fully and accurately describe the program's philosophy and objectives.
- (c) The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.
- (d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.
- (e) There shall be an organizational chart which identifies the relationships, lines of authority and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.
- (f) The program shall have sufficient authority and resources to achieve its educational objectives.
- (g) The program's ~~administrator~~ director shall be a California licensed landscape architect.

- (h) The ~~program administrator~~ ~~director~~ ~~faculty~~ shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program. The faculty shall be adequate in type and number to develop and implement the program approved by the Board.
- (i) The program curriculum shall provide instruction in the following areas related to landscape architecture including public health, safety, and welfare:
- (1) History, ~~design theory, art~~ and ~~criticism~~ critique ~~communication~~
  - (2) Natural ~~and~~ ~~and~~ ~~and~~ ~~social~~ systems; including and principles of sustainability
  - (3) Public Policy and regulation
  - (4) ~~Design, site design and planning and management at various scales and applications including but not limited to pedestrian and vehicular circulation, grading drainage and storm water management as a process in shaping the environment~~
  - (5) Site design and Implementation: Plant materials, methods, technologies, and their application
  - (6) Construction documentation, materials, and techniques and implementation administration
  - (7) Written, verbal and visual communication
  - (8) Professional practice methods
  - (9) Professional ethics and values and ethics
  - (10) Plants and ecosystems
  - (11) Computer applications systems and other advanced technology

~~The program's areas of study curriculum shall not be revised until it has been approved by the Board.~~

- (j) The program shall consist of at least 90 quarter units or 60 semester units.
- (k) The program shall maintain a current syllabus for each required course which includes the course objectives, learning outcomes, content, and the methods of evaluating student performance, ~~and clearly identifies where the public health, safety, and welfare issues are addressed.~~
- (l) The program clearly identifies where the public health, safety, and welfare issues are addressed.
- (m) The curriculum shall be offered in a timeframe which reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe those requirements.
- (n) A program shall meet the following requirements for its instructional personnel:
- (1) At least one half of the program's instructional personnel shall hold a professional degree or certificate from an approved extension certificate program in landscape architecture.
  - (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

- (3) The program administrator shall be at least .5 time-base.
- (4) The program administrative support shall be 1.0 full-time equivalence ~~(FTE).~~
- ~~(5) The program shall have 3 FTE instructional faculty with a degree in landscape architecture.~~

(o) The program shall submit an annual report in writing based on the date of the most recent Board approval. The report shall include:

- (1) Verification of continued compliance with minimum requirements;
- ~~(2)~~ Any significant changes such as ~~in~~ curriculum, personnel, administration, fiscal support, and physical facilities that have occurred since the last report;
- ~~(3)~~ Current enrollment and demographics; and
- ~~(4)~~ Progress toward complying with the recommendations, if any, from the last approval.

(p) The program title and degree description shall incorporate the term “Landscape Architecture.”

~~(q) Effective September 2015, students shall be required to have a Bachelor’s degree as a prerequisite for entry into the program.~~

The Board may choose to further evaluate changes to any of the reported items or to a program.

The Board will either grant or deny an application. When specific minor deficiencies are identified during evaluation of an application, but the institution is substantially in compliance with the requirements of the Code and this Division, a provisional approval to operate may be granted for a period not to exceed 24 months, to permit the institution time to correct those deficiencies identified. A provisional approval to operate shall expire at the end of its stated period and the application shall be deemed denied, unless the deficiencies are corrected prior to its expiration and an approval to operate has been granted before that date or the provisional approval to operate has been extended for a period not to exceed 24 months if the Board is satisfied that the program has made a good faith effort and has the ability to correct the deficiencies.

The Board shall review the program at least every ~~six~~seven years for approval. ~~The Board may shorten the current approval based on the information received in the programs’ annual reports.~~

The Board may rescind an approval during the six-year approval period based on the information received in the program’s annual report after providing the school with a written statement of the deficiencies and providing the school with an opportunity to respond to the charges. If an approval is rescinded, the Board may subsequently grant provisional approval in accordance with the guidelines of this section to allow the program to correct deficiencies.

**Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.**

## Agenda Item M

### REVIEW OF SCHEDULE

#### March

1-3	Council of Landscape Architectural Registration Boards (CLARB)	Scottsdale, AZ
	Spring Meeting	
7	Board Meeting	Berkeley, CA
15-16	Western Conference of Architectural Registration Boards Joint Regions 1, 2 & 6 Meeting	Providence, RI

#### April

1	<i>Cesar Chavez Day (Observed)</i>	<i>Office Closed</i>
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#### May

27	<i>Memorial Day</i>	<i>Office Closed</i>
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#### June

13	Board Meeting	Sacramento
19-20	National Council of Architectural Registration Boards Annual Meeting and Conference	San Diego
20-22	The American Institute of Architects National Convention	Denver, CO

#### July

4	<i>Independence Day</i>	<i>Office Closed</i>
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#### September

2	<i>Labor Day</i>	<i>Office Closed</i>
12	Board Meeting	Southern California
26-28	CLARB Annual Meeting	Minneapolis, MN

#### November

11	<i>Veteran's Day</i>	<i>Office Closed</i>
28-29	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

#### December

11-12	Board Meeting	TBD
25	<i>Christmas</i>	<i>Office Closed</i>

**Agenda Item N**

**ADJOURNMENT**

Time: \_\_\_\_\_