

MINUTES
REGULAR MEETING
CALIFORNIA ARCHITECTS BOARD

March 17, 2011

Pomona, CA

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

President Pasqual Gutierrez called the meeting to order at 10:42 a.m. Secretary Sheran Voigt called the roll.

Board Members Present

Pasqual Gutierrez, President
Marilyn Lyon, Vice President (arrived at 10:48 a.m.)
Sheran Voigt, Secretary
Jon Alan Baker
Iris Cochlan
Jeffrey Heller (arrived at 11:25 a.m.; departed at 2:00 p.m.)
Michael Merino
Hraztan Zeitlian

Board Members Absent

Fermin Villegas

Guests Present

Andy Bowden, Landscape Architects Technical Committee (LATC)
Denise De Anda, Center for Public Interest Law
Daniel Iacofano, Moore Iacofano Goltsman, Inc.
LaVonne Powell, Senior Advisor to the Department of Consumer Affairs' (DCA) Director
Hofu Wu, Architect D., FAIA, Senior Staff, California State Polytechnic University, Pomona

Staff Present

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

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

B. PRESIDENT'S REMARKS

Mr. Gutierrez thanked Iris Cochlan for her service as President and presented her with a gift. He also thanked California State Polytechnic University, Pomona for allowing the Board to conduct its meeting on campus and announced that Dr. Hofu Wu, FAIA, Senior Faculty Member, would present an update about the school's architecture program. He announced that a new member, Fermin Villegas, was appointed to the Board, but was unable to attend the meeting. He welcomed Daniel Iacofano of MIG, who will facilitate the review of the Board's Strategic Plan. He also welcomed LaVonne Powell, Senior Advisor to the DCA Director, who will present the DCA Director's Report.

Mr. Gutierrez also thanked the Board staff for all of their efforts for the past month with the Professional Qualifications Committee (PQC) meeting, Communications Committee meeting, the Sunset Review hearing, and the implementation of the new format of the California Supplemental Examination (CSE).

*D. REVIEW AND APPROVE THE 2011 STRATEGIC PLAN

Doug McCauley requested to address the Strategic Plan out of order to accommodate Mr. Iacofano's travel arrangements. Mr. Iacofano facilitated the review of the 2011 Strategic Plan and indicated that strikeouts and underlined sections identified the changes that were made from the prior plan to the current proposed plan.

- **Michael Merino moved to approve the 2011 Strategic Plan inclusive of member exceptions and minor changes.**

Hraztan Zeitlian seconded the motion.

The motion passed 7-1 (Pasqual Gutierrez opposed).

Mr. McCauley introduced a new objective under the Enforcement goal for the Regulatory Enforcement Committee (REC) to review and possibly provide recommendations on enforcement reforms that DCA identified from the healing arts boards' legislation [Senate Bill (SB) 1111]. He stated that the REC could review the reforms contained in the legislation to determine whether the Board wishes to pursue them. Don Chang stated that the new objective could possibly be worded, "Refer the REC to review and make recommendations regarding DCA's Consumer Protection Enforcement Initiative (CPEI) enforcement proposals."

Mr. Iacofano reviewed all of the changes noted in the draft plan with the Board. The Board recommended a few minor changes which will be incorporated into the final plan.

*C. DEPARTMENT OF CONSUMER AFFAIRS DIRECTOR'S REPORT

Ms. Powell reported that the Governor had not made any new appointments and that DCA's Executive Office is down one appointment, as Paul Riches, who was the Deputy Director of Enforcement and Compliance, obtained a position with the Bureau of State Audits. She stated that the hiring freeze implemented by Governor Brown on February 15, 2011, eased some restrictions that

were in place under Governor Schwarzenegger, indicating that if core program functions (i.e., licensing and enforcement) are affected, a hiring exemption may be granted. She encouraged the Board to submit any position exemption requests soon, as there is a lengthy review process because they are reviewed and approved by DCA, State and Consumers Services Agency, the Department of Finance, and the Governor's Office. She stated that DCA had received a few position exemption requests; however, the justifications were not adequate in clearly stressing the impact the vacancies are having on those programs. She added that DCA will assist programs to help emphasize the impact of the hiring freeze in the requests. She acknowledged that LATC has a very high vacancy percentage (60 percent).

Ms. Powell reported that the Sunset Review hearings had begun and the Board is scheduled to appear before the Senate Business, Professions and Economic Development Committee (B&P) on March 21, 2011. She stated that the boards scheduled for hearings have been well prepared to present their cases to B&P because of all the preparatory work that was completed prior to them. She explained that most of the boards communicated with B&P staff well in advance of their scheduled hearing date to obtain information on the issues B&P questioned.

Ms. Powell reported that DCA met the Governor's 50 percent department-wide cell phone reduction requirement, but has been requested to pursue additional reductions in the number of cell phones issued.

Ms. Powell reported that expert consultants will now be utilized by a formal contract process and that DCA is preparing legislation to obtain an exemption from some of the contracting provisions, but was unsure whether the bill will be carried by B&P. She continued that until a decision is made on the legislation, DCA will delegate authority to each board to prepare the consultant contracts that are needed. She explained that the contracts will be simple to draft by a board and DCA would process them quickly once they are submitted. She added that DCA will be providing training beginning March 28, 2011 on the new contract process. She encouraged the Board to begin the formal contracting process quickly because DCA may be informed at some point to not pay an invoice unless there is a formal contract with all legal requirements in place.

Ms. Powell indicated that DCA's CPEI needed to be a board priority and recognized that the Board had acknowledged this by putting the issue in its new Strategic Plan.

Ms. Powell reported that the DCA BreZE project is progressing and there should be a contracted vendor in place by July or August 2011. She indicated that once implemented, the BreZE program will assist the boards with their statistical information and quicken many of the Board's processes including online renewals. She deferred further discussion about the BreZE project until an expert on the issue could address the Board. Mr. McCauley indicated that he planned to invite Debbie Balam, DCA's Acting Chief Information Officer, to a future meeting to give a presentation on the BreZE project.

Ms. Powell acknowledged and thanked the Board for posting the meeting materials online, which is a great benefit to the public and enhanced the issue of transparency for a public body. She inquired as to whether the Board webcasts its meetings and informed the Board that as more boards webcast, DCA noticed more individuals going to the websites to view the meetings live or after it concluded. Mr. Merino asked whether an interim step of recording the meeting and posting it on the website could be utilized. Mr. McCauley indicated that we could record the meeting, but DCA has the

technology to webcast the meeting live. Ms. Powell added that DCA has dedicated technical staff to travel anywhere in the State to a board meeting site in order to broadcast the meeting live through webcast. Mr. Zeitlian asked whether the live broadcast is strictly through a board's website. Ms. Powell indicated that the live webcast is broadcast through a board's website via a link to the webcast, similar to the process of viewing a meeting in the Legislature. Marilyn Lyon asked if DCA provided the technical staff for webcasting to travel throughout the State to board meeting locations, who paid for the staff's travel expense. Ms. Powell was not sure, but mentioned that it could be paid through the pro rata that all of the boards pay to DCA. Mr. McCauley agreed and said he would verify.

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

The Board went into closed session in order to consider action on three disciplinary cases and the December 15, 2010 Board meeting closed session minutes. The Board: 1) considered the Default Decision and Order in the Matter of the Citation against Tony Tzuping Lin; 2) considered the Proposed Default Decision and Order in the Matter of the Petition to Revoke Probation against Curtis R. Shupe; and 3) considered the Proposed Decision in the Matter of the Citation against Gaetano Dan Salvo.

The Board also approved the December 15, 2010 Board meeting closed session minutes.

F. PUBLIC COMMENT SESSION

There was no public comment at this meeting.

G. APPROVE THE DECEMBER 15-16, 2010 BOARD MEETING MINUTES

Mr. Gutierrez called for a motion to approve the December 15-16, 2010 Board Meeting Minutes.

- **Sheran Voigt moved to approve the December 15-16, 2010 Board Meeting Minutes.**

Michael Merino seconded the motion.

The motion passed 8-0.

H. EXECUTIVE OFFICER'S REPORT

Mr. McCauley reported that the June 16, 2011 Board meeting has been confirmed to be held at the University of Southern California (USC) and the September 15, 2011 meeting will be held in Sacramento, where staff will reserve the Hearing Room at DCA headquarters.

Mr. McCauley indicated that the Board has approximately five vacant positions due to promotions and the hiring freeze has made it difficult to fill them due to the restrictions of only hiring from within DCA. He explained that most of the vacancies are entry level positions and difficult to maintain more than two years because the individuals want to advance in their careers through promotions. He stated that LATC has a vacancy rate of 60 percent, as three of their five positions are vacant, and are working to fill them.

Mr. McCauley reported that the Legislature has been voting on budget cuts to health and welfare programs, but there is still no comprehensive solution to bridge a \$28 billion deficit. He stated that the options available are taxes, cuts, or a combination of the two to try and resolve the budget issue. He explained that the State is undergoing an unprecedented fiscal climate which will translate into more restrictions on what the Board is able to accomplish, how it is accomplished, and an emphasis on being more efficient with existing resources. He stated that the Board will need to continue its efforts of efficiency and cited the conversions of the newsletter and all meeting packets to an electronic format for both transparency and cost efficiency purposes.

Mr. McCauley stated that the Board is scheduled for an Architect Registration Examination (ARE) site visit to obtain first-hand knowledge of the ARE. He indicated that the site visit will be a single day selected in May 2011. He stated that the information from the site visit may help to influence the CSE content in the future when the test plan and occupational analysis are completed. Jon Baker indicated that there will be minimal exposure to the ARE's content during the visit and a better source to obtain ARE content information is in the Candidate's Handbook.

Mr. McCauley stated that the Board has a pool of architect Subject Matter Experts (SME), who are dedicated volunteers that develop the CSE. He explained that they travel to the exam vendor, Office of Professional Examination Services (OPES), to write, review, and approve the exam questions and to create contracts for each of them to continue their work prior to the next series of workshops will be difficult. He indicated that the legislation to request exemptions from some of the contract provisions may be submitted as an urgency measure. Ms. Powell clarified that even if the legislation were approved, there would still need to be a contract in place; however, the contract would probably be simpler in that it would only address conflict of interest, confidentiality, and scope of work issues.

Mr. Zeitlian inquired as to the method the exam commissioners are recognized for their volunteer efforts. Mr. McCauley indicated that the main method for exam commissioner recognition is the Octavius Morgan Distinguished Service Award. Mr. Zeitlian indicated that the award is not given to everyone and wanted to know if there is something that can be done to show the Board's appreciation to all of the commissioners. Mr. McCauley stated that at the conclusion of the last CSE oral administration, all of the commissioners received a thank you letter, a certificate of service from the Board, and a certificate of acknowledgement from the Governor's (Arnold Schwarzenegger) Office.

Mr. Baker, in referencing back to the ARE site visit, stated that he is unavailable on the date chosen for the site visit and suggested for the members that do attend, to focus their assessment of the exam on the graphic section because it is a very complex process to develop this portion of the exam in order for a computer to interpret and grade it. Jeffrey Heller asked how the graphic section of the exam was graded and whether any testing had been conducted to see if it accomplished the goal of demonstrating architectural knowledge in drawings. Mr. Baker explained that the graphics section of the ARE is heavily scrutinized by the exam psychometricians, is tested for several years prior to implementation as an official test item, and is graded by computer. Mr. Merino added that the National Council of Architectural Registration Boards (NCARB) does a rigorous review process of the graphic section to ensure that the computer exam results are appropriate and consistent.

Mr. Gutierrez inquired about the low ARE scores for certain sections of the exam (i.e., Building Design and Construction, and Construction Documents & Services). Mr. Merino indicated that he served on the NCARB's Construction Documents & Services Committee and stated that the exam

development process was very rigorous and included current techniques. He explained that if students taking the exam are not utilizing or familiar with the current tools or methods in order to answer the questions in these sections appropriately, it may be the reason for the lower test scores. Mr. Baker added that he was not sure if the ARE statistics reflect the results of the first year implementation of the ARE 4.0, but the psychometricians have frequently explained to expect a lower passing rate from the first implementation of a new exam format before the scores would elevate.

Mr. McCauley reported that the Board will be working with the American Institute of Architects, California Council (AIACC) and Academy for Emerging Professionals (AEP) on a joint event to determine the extent the Board will be involved and the event's objectives. He also indicated that there are efforts between the Board and AEP to perform joint outreach to the schools and are working to schedule a series of visits in mid-April. He indicated that those members who are a part of the Board's Liaison Program will receive additional information once the specifics of the April events are determined. Mr. Merino stated that he had visited a local college, Mount San Antonio College, where there was great interest in architecture at the school. Mr. McCauley indicated that there is a great opportunity for outreach at the community college level, as the Board needs to increase its outreach efforts to those schools.

Mr. Gutierrez requested a break from the Executive Officer's (EO) Report to hear the school presentation from Dr. Hofu Wu. He introduced Dr. Wu, Senior Staff of California Polytechnic State University, Pomona and shared his professional biography. Dr. Wu welcomed the Board and presented an informative overview of school's architecture program. He stated that the school currently has about 430 undergraduate and 70 graduate students and the graduation rate is 50-75 undergraduate and 12-15 graduate students every year. He indicated that their architecture program tries to emphasize sustainability and integrate a learn-by-doing philosophy in the coursework. He stated that their internships are 500 hours inclusive of the Intern Development Program (IDP) hours and by their second and third years in the program, the students use their experiences extensively to complete their projects. He added that currently, there are only three studios on campus for all of the students, but in the future, they plan to expand the program into new space and will build additional design studios.

Mr. Zeitlian inquired as to whether the student body had an appreciation for licensure and if there is a program at the school that exudes that value of having a California license. Dr. Wu stated that in the current economy, it is difficult for many students to obtain internships and jobs. He continued that the school has a large American Institute of Architects student membership population and is very active with workshops informing them of the intern and licensure processes.

Mr. McCauley resumed the EO Report with the Sunset Review. He presented a brief overview of the Sunset Review efforts over the past year and reported that the Sunset Review hearing with the B&P would be on March 21, 2011. He indicated that the Board received a preliminary draft list of the B&P questions to be responded to, and then subsequently received the actual questions on March 15, 2011 for the Board to respond to at the hearing (list of actual questions distributed at the meeting). He stated that on the list of the questions, there is a draft response for each question, but wanted the Board's guidance as to an appropriate response. He reported that preliminary discussions with the B&P staff have indicated no major issues for the Board. He proceeded to review the list of the questions and discussed the possible responses to each of them. He indicated that the primary issues the B&P has are the: 1) license renewal collection process – whether to stagger the biennial

renewal to collect fees each year; 2) continuing education (CE) – whether a comprehensive CE program is necessary for the Board; and 3) disparity in the ARE passage rates.

Mr. McCauley reported that the first issue B&P has is the Board currently collects its revenue from license renewals on a biennial basis. He indicated that B&P recommended the Board change to an ongoing biennial renewal rather than every odd year renewal cycles. Mr. McCauley indicated that the Board would need to research the issue further to determine the impacts of changing the renewal cycle. He also mentioned that impacts from DCA's new business system, BreZE, and affects on the CE requirement needed to be considered prior to changing the renewal process.

Second, Mr. McCauley indicated that B&P is concerned that the Board's position on CE has not been consistent. He stated that the Board completed a CE study that culminated in 2001 indicating there was no need for a CE program, but subsequently, the Board identified a need for a comprehensive health, safety, and welfare (HSW) CE program. He explained that a majority of the states that have a comprehensive CE program and that the context of the practice has changed dramatically since the study was completed. He cited the changes in technology, sustainability, accessibility, project delivery mechanisms, etc., as major contributors to the changes in the profession. He continued that if a comprehensive HSW CE program is implemented correctly, the Board could absorb the cost and utilize existing resources used for the disabled access CE program.

Mr. McCauley reported that the last major issue B&P has is the disparity of California applicants' ARE passage rates. He explained that there are many contributing variables influencing passage rates, such as whether the individual has a degree, the school they attended, the type of firm where the internship was completed, the pathway chosen to enter the profession, the individual's exam preparation techniques, etc. He stated that LATC has the same issue on passage rates to address with B&P due to similar flexible standards as the Board. He indicated that LATC accepts associate degrees and certificates from the extension certification programs.

Mr. McCauley reported that one of the interesting B&P questions about the ARE passage rates was what the Board's plans are to improve the exam passage rates. He indicated that the Board is not in the test preparation business, but could utilize outreach, continue to work with the schools, issue more quality materials to candidates that explain the exam process and test plan, request that AIACC to help explain the current trends in practice, and share the Test Plan of the ARE and CSE with exam candidates. He explained that these steps could be positive aspects used to answer the question. Andy Bowden clarified that the LATC does require a degree in order to become eligible for a landscape architect license and for reciprocity issues unlike the Board, where a degree is not required.

Mr. Merino inquired as to whether there will be any questions pertaining to the issues contained in SB 1111; specifically the psychological and medical evaluations of applicants. He indicated that the Board had already discussed the issue and determined that it was not necessary, but inquired whether the topic could arise in the Sunset Review hearing. Ms. Powell stated that the B&P probably would not ask in-depth questions about SB 1111, but may inquire as to which tools contained in the legislation would benefit the Board. She mentioned that the healing arts boards do fingerprint their licensees and many of their enforcement cases stem from convictions or subsequent arrests. She indicated that a board would then complete a subsequent investigation based upon the results of the fingerprinting. She continued that if there is a reason the Board's enforcement case numbers are lower, fingerprinting may be one factor as she believed that it accounted for up to 30 percent of the enforcement cases for other boards. Mr. McCauley indicated that the Board's response to the issue is

that due to the nature of the profession and construction design, all of the existing checks and balances and safety measures, such as building department's plans examiners and inspections, engineers, contractors, specialty consultants, etc., they tend to eliminate issues prior to them becoming extensive problems.

Mr. McCauley reported that currently, there is only one bill to report (SB 543) and it pertained to extending the Board's sunset date. He stated that there is no need for any action on the bill at this time.

Mr. McCauley reviewed the draft Board Liaison Program Purpose and Responsibilities document that indicated the purpose of the program, the roles and responsibilities of the liaisons, and the contact information for the Phase I organizations to be contacted and their assigned liaisons. Mr. Merino inquired as to whether the Board should send out copies of the Strategic Plan to the organizations on the liaison list. Mr. McCauley indicated that the Strategic Plan should be sent to the organizations and would inform the liaisons when they are sent. He reported that phase II of the Liaison Program will be implemented soon in order to contact the schools with an architecture program.

I. UPDATE ON CALIFORNIA SUPPLEMENTAL EXAMINATION

Justin Sotelo reported that the computer-based CSE was implemented on February 1, 2011. He stated that the last oral exam administration was held in November 2010, and that all pending eligible candidates (those who were awaiting the availability of the new exam) were forwarded to the exam vendor (Psychological Services, LLC – PSI) for testing. He explained that once the candidate's information is sent to PSI, the candidate will receive the CSE Handbook, which is their verification of eligibility and includes the procedures for scheduling the exam. The CSE Handbook, which is a comprehensive and detailed document, informs the candidate about the CSE, exam testing process and security procedures, the CSE Test Plan, and exam preparation tips. He stated that the initial group of test scores will be held for approximately 90 days in order for the OPES to perform statistical analysis. He explained that once OPES performed their analysis, the scores would be released and then the subsequent scores from that point forward would be released within 30 days of completing the exam. He stated that a major benefit of the exam transition to the computer is how quickly a candidate can become eligible for the exam, schedule a date, and take it.

Mr. Sotelo reported that the current exam development cycle would conclude in June 2011 and that another session would begin in the fall 2011. He stated that from that point forward, exam development would be ongoing.

Marilyn Lyon asked whether candidate surveys would be conducted on the experience of completing the CSE via computer. Mr. Sotelo indicated that there will be surveys completed similar to what was done for the oral exam. Mr. Baker asked whether there are more candidates taking the exam due to it being readily available once a candidate is eligible. Mr. Sotelo indicated that it may be too early to determine if more candidates are taking the exam. He continued that in the past, roughly 1,200 candidates were tested each year and the estimates project 1,200 – 1,400 may test via computer per year. Vickie Mayer stated that initially, candidates wanted the exam implemented so they could schedule for it, but once it began, candidates may have been hesitant about taking it until they determined how other candidates performed. She explained that if a candidate failed the exam, they are required to wait six months before retaking the exam.

J. UPDATE ON MARCH 2, 2011 COMMUNICATIONS COMMITTEE MEETING

Iris Cochlan provided an update on the Communication Committee's March 2, 2011 meeting. She reported that the Committee:

- Approved the summary reports for the May 20, 2010 and October 13, 2010 meetings;
- Approved the newsletter articles for the summer and fall 2011 issues;
- Approved the staff recommendations to expand the consumer content on the Board's website and the school and student outreach plan;
- Approved the communications strategy regarding the value of an architect license;
- Approved recommendations to use web-based media and newsletter to communicate key messages to candidates and licensees; and
- Reviewed the Board's 2010 strategic planning session and discussed the Committee's objectives for 2011.

K. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

Mr. Heller provided an update on the February 28, 2011 PQC meeting. He reported that Harry Falconer, NCARB Director of IDP, gave a presentation on IDP 2.0. He stated that Mr. Falconer's presentation addressed many of the original PQC concerns with IDP. He indicated that the PQC discussed the issue of the Comprehensive Intern Development Program (CIDP) extensively. However, he explained that with the implementation of NCARB's IDP 2.0 that was comprehensive and addressed many of California's recommendations (i.e., accountability and reporting), the PQC overwhelmingly approved the recommendation to eliminate CIDP.

Mr. Heller reported that the PQC discussed AIACC's AEP Education Summit and whether the educational programs prepared students for professional practice and addressed the needs of potential candidates entering the profession. He continued that Board staff updated the PQC on the CSE, CE requirements, and NCARB's actions with regard to CE. Ms. Voigt inquired whether the PQC had made a motion to present to the Board. Mr. Heller indicated that the recommendation from the PQC was to eliminate CIDP.

Mr. Gutierrez stated that initially, IDP did not address many of California's concerns and as a result, CIDP was created. He continued that over the years, IDP continued to improve to the point where it eclipsed CIDP in its digital processes such as supervisor guidelines and requiring supervisors to review work samples. He stated that the latter is a result of California's initiative and efforts with CIDP.

- **Pasqual Gutierrez moved to repeal CIDP.**

Jon Baker seconded the motion.

(No vote taken)

Mr. Merino objected to the motion because the repeal of CIDP was not agendized for this meeting and had not been advertised to the public appropriately. Therefore, he recommended placing the item on the agenda for the next meeting. Mr. Chang indicated that the meeting agenda stated to approve the recommendation from the PQC regarding CIDP, but did not specifically state what the recommendation was from the PQC. Mr. Merino indicated that he was not opposed to the

elimination of CIDP, but explained that if the Board decided to eliminate CIDP, it should properly place it on the agenda for the next meeting. Mr. Chang recommended the Board not take any specific action to eliminate CIDP today based upon the wording in the agenda item. Mr. Merino motioned to revise the recommendation to ratify or endorse the PQC's recommendation and schedule a formal vote at the next meeting for the elimination of CIDP. Mr. Chang suggested a motion to state the Board accepted the recommendation of the PQC regarding CIDP, but will schedule the agenda item for a final vote at the next meeting.

- **Michael Merino moved to amend the motion to repeal CIDP and defer a formal vote on the issue until the next meeting.**

Sheran Voigt seconded the motion.

The motion passed 8-0.

Mr. Merino requested a review and possible change to the committee chairmanship and membership assignment process. He requested that the issue be discussed and for staff to provide information on the issue for a future agenda item. Mr. Gutierrez acknowledged and noted the request for the record.

Mr. Heller continued his report and stated that the issues the AIACC's AEP want to discuss at their summit are the: 1) educational curriculum and how it relates to the profession; 2) schools and how they are serving potential candidates for licensure to enter the profession; and 3) aspects of professional practice and education including IDP and the testing for licensure. Mr. McCauley stated that the program is a work in progress and is developing into a strategic plan-like, five-year project to obtain goals within architectural education and the licensing process. Mr. Baker indicated that recent discussions on the topic raised questions as to what issues should be addressed and who the interested stakeholders are that those issues would affect. He continued that there were many debates and discussions as to which issues were important and it became apparent that there are existing gaps between the educational realm and professional practice. He added that it was not clear as to what the issues are, which issues should be addressed first, and how to address them. He stated that the outcomes of the discussions were the: a) summit should be an ongoing event, possibly on an annual basis, so it becomes a long-term dialog between education and practice; and b) first summit should be structured like a strategic planning session where all of the stakeholders are brought together and a list of issues defined that can be addressed and supported.

Mr. Heller indicated that while attending a meeting at AIACC, there is still a lack of understanding of what licensing and the Board is about and their function; especially with newly licensed individuals. He suggested as a part of the education summit, the Board could assist with articulating the purpose of the Board and the Practice Act and why certain procedures are done.

No motion was made on the issue, as the scope of the AEP summit was not finalized.

L. ENFORCEMENT PROGRAM

Hattie Johnson presented the Enforcement Program Report. She stated that the members requested enforcement statistics regarding case aging that specifically identified the types of enforcement cases and amount of time it took to resolve them. She reviewed the statistical table and the new bar graph in the meeting packet. Mr. Merino had concerns regarding the Notice of Advisement – Unlicensed

section of the table as he emphasized that it takes an average of 106 days to close this type of case. He continued that for over three months, an individual is allowed to continue to practice without consequence, which puts the public's safety at risk. He inquired as to what the Board can do to have these individuals cease their practice. Ms. Johnson explained the actions enforcement staff take upon receipt of a complaint. She indicated that the first action for this type of complaint is to send the subject a "cease and desist" letter to stop practicing immediately, an explanation of Business and Professions Code section 5536(a), which states practicing architecture without a license is a misdemeanor punishable by jail and/or fine, and a request to respond to the allegations. Mr. Merino stated that he understands the impediments that exist within the complaint process, but wanted to discuss possible solutions for staff to increase the rate at which these types of complaints are resolved to improve the case aging statistics. He indicated that some of the cases should be closed quickly especially if the individual is shown to be unlicensed, practicing, and/or advertising as an architect. Ms. Johnson stated that many of these types of cases are closed within two to three weeks with a letter of advisement. She explained that many of these types of cases may take a longer time due to various issues (i.e., no response from the subject or complainant, insufficient or inadequate information from the subject or complainant, etc.).

Ms. Lyon stated that others may review the statistics and not understand what they are reviewing and question the number of days it takes to close a case. She inquired as to whether a footnote of due process could be indicated under the statistics to show that the Board has statutory guidelines it must follow in order to process cases. Mr. Merino agreed and indicated that if there are certain statutory requirements that allow X amount of days for a subject to respond to the Board's enforcement letter to include the information so the reviewer is aware of that fact. Mr. Zeitlian inquired as to whether an overall average for the time involved to close all the cases combined could be added to the statistics and tracked on an ongoing basis. Ms. Johnson stated that the overall average for the combined case closures could be added to the table. Bob Carter indicated that there are a number of changes that have been implemented in the last six months that have improved the case aging timeline such, as the Attorney General's (AG) Office prosecuting cases promptly, the Division of Investigation has changed their procedures to investigate cases quicker, and Board staff have improved the triage of cases to close the simple cases faster. He stated that within the next six months, the new procedural changes will be reflected in the statistics, but are currently too new to indicate a change. Mr. Merino stated that the statistics could provide a quantifiable value of the Board's enforcement operations to help identify resource requirements. Mr. Baker identified two areas outside of the control of the Board and those are the response from the subject or complainant and when the case was forwarded to the AG's Office. He suggested a second footnote under the statistics to identify the average number of days the cases were at the AG's Office or outside of the Board's control to help justify the case aging data.

Mr. Gutierrez inquired as to whether it would be a simple task to obtain the same enforcement data from other state architectural boards. He thought a comparison of the enforcement statistics from a similar sized state board could be used as a measuring method to determine how well the Board performed. Mr. McCauley stated that it may be a difficult task to compare the Board's statistics to other state boards because they may have different statutes, due process requirements, hearing mechanisms, size of staff, etc. He indicated that the standard the Board will be measured against is a statistical comparison to that of other California boards. Mr. Baker indicated that between each state, there are a number of variables to where a comparison with the Board's statistics is not a true comparison of similar information.

Ms. Johnson asked whether the Board wanted the same type of statistical information for the next enforcement report and to add any AG cases to identify the time the cases are out of the Board's control. Mr. Zeitlian stated that the Board also agreed to add some explanations of why the cases took a certain amount of time to process or that the cases are out of the Board's control. He also suggested listing DCA's benchmarks for processing cases.

Mr. Merino requested the enforcement staff pose potential recommendations to the enforcement caseload issue and present it to the Board for review (in the future, not by the next meeting).

Ms. Johnson reported that one of the architect consultant contracts expired on January 30, 2011. She indicated that there was a Request for Proposal process completed and the Board received two proposals. She continued that after the initial evaluation, only one proposal was approved for the interview process and then subsequently the contract was awarded to Barry Williams. She stated that another individual who submitted a proposal protested the awarding and until the protest is resolved, a new contract for Mr. Williams cannot be completed.

- **Sheran Voigt moved to approve the architect consultant contract subject to denial of the awarding protest.**

Marilyn Lyon seconded the motion.

The motion passed 8-0.

M. WESTERN CONFERENCE OF ARCHITECTURAL REGISTRATION BOARDS (WCARB)

Mr. McCauley indicated that the WCARB regional meeting would take place in late March where two key actions would occur. He stated that the first action was the candidate elections and the second was the vote on the NCARB resolutions. He asked Mr. Baker to provide an NCARB update.

Mr. Baker reported that NCARB had gone through a strategic planning process over the past two years and completed the final 2011 NCARB Strategic Plan that is available on NCARB's website. He indicated that the NCARB board selected a new public member who will be revealed at NCARB's June 2011 Annual Meeting. He also reported that NCARB had been extensively searching for a new Chief Executive Officer and had hired an individual who will be announced in June. He stated that NCARB's Practice Analysis Taskforce is working to coordinate the content of the practice analysis with the new Strategic Plan, which may influence some changes in the ARE over the next few years. As for the elections, he indicated that there is only one contested election for secretary and the others are mostly uncontested at this time.

Mr. Baker stated that in regard to California specifically, he received information that the State does not accept the Broadly Experienced Architect (BEA) or Broadly Experienced Foreign Architect (BEFA) certificate for reciprocity and if a candidate received their certification through the process, California did not accept it. Mr. McCauley indicated that he would research the issue in order to verify whether the State accepted these certificates. Mr. Baker had an interest in knowing what the Board does with the BEA and BEFA candidates and what is considered a minor issue because he indicated that the Board had communicated to other jurisdictions that they should not review behind the blue cover when California's candidates apply in their jurisdiction.

Mr. McCauley agreed and indicated that he would proceed through the resolutions in order and ask the Board for a vote to monitor, support, or oppose the resolution.

Resolution 2011-A..... Support**
Legislative Guidelines, Model Law and Model Regulations Amendments – Change to Continuing Education Requirements

Resolution 2011-B..... Support**
Model Regulations Amendment – Changes to the IDP Training Requirements for Initial Registration Standards

Resolution 2011-C..... Support**
Handbook for Interns and Architects Amendment – Modifications to BEA Requirements

Resolution 2011-D..... Support**
Handbook for Interns and Architects Amendment – Requirements for Certification of Foreign Architects

Resolution 2011-E..... Support**
Handbook for Interns and Architects Amendment – Correction of ARE 4.0 Exam Equivalents

Resolution 2011-F..... Support**
Handbook for Interns and Architects Amendment – Restatement of Revoked Certificate

Resolution 2011-G..... Support**
Handbook for Interns and Architects Amendment – Definition of “In Process”

Resolution 2011-H.....No Action**
Bylaws Amendment – Membership Dues

(Identification of the members in opposition to this resolution could not be confirmed; only a split vote of 3-4 was determined).

Resolution 2011-I.....Support**
Bylaws Amendment – Audit Committee

Resolution 2011-J.....Support**
Bylaws Amendment – Treasurer’s Responsibilities

Resolution 2011-K.....Support**
Bylaws Amendment – Committee Descriptions

Resolution 2011-L.....Support**
Bylaws Amendment – Reinstatement of Membership

Resolution 2011-M.....Support**
Bylaws Amendment – Omnibus Incidental Bylaw Changes

Mr. McCauley indicated that there was no need for any action on the elections, as WCARB Executive Committee candidates are running unopposed and there is time to act on the NCARB elections at the June meeting. Mr. Baker agreed and stated that the two WCARB candidates would probably be elected by acclimation and indicated that there could be additional information and candidates that interest the Board prior to the NCARB elections in June.

N. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE UPDATE ON JANUARY 26-27, 2011 MEETING

In Trish Rodriguez's and Stephanie Landregan's absence, Mr. Bowden, past President of LATC presented the LATC update. He reported that Ms. Landregan was appointed to a second term as a member of LATC and he was in his final one-year term that expires at the end of May 2011. He provided an update on California Code of Regulations (CCR) sections 2615 and 2620 that address the requirements for education, the examination, and the experience requirements. He stated that the regulatory package were delayed in being assembled due to the sunset review process, but is now complete and pending final review by LATC and Board management. He reported that CCR section 2620.5, which address the requirements to approve the extension certificate programs, was approved at the January 2011 LATC meeting and the regulatory package is being prepared by LATC staff for submission to the Office of Administrative Law. He stated that the proposed regulation package will align the criteria of the extension programs with the Landscape Architects Accreditation Board (LAAB) requirements. He also reported that LAAB is considering an accreditation for the extension certificate programs. He added that the USC's landscape architecture program is fully accredited as of February 2011.

O. SCHEDULE

Mr. Gutierrez stated that the next Board meeting is on June 16, 2011 at USC.

P. ADJOURNMENT

The meeting adjourned at 2:20 p.m.

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

***Jeffrey Heller not present for resolution votes.*