

MINUTES
REGULAR MEETING
CALIFORNIA ARCHITECTS BOARD

September 13, 2012

Walnut, CA

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

President Marilyn Lyon called the meeting to order at approximately 10:00 a.m.
Vice President Sheran Voigt called the roll.

Board Members Present

Marilyn Lyon, President
Sheran Voigt, Vice President
Hraztan Zeitlian, Secretary
Jon Alan Baker
Pasqual Gutierrez
Matthew McGuinness

Board Members Absent

Jeffrey Heller
Michael Merino
Fermin Villegas

Guests Present

Robert Ho, Co-Chair, Mount San Antonio College (Mt. SAC), Department of Architecture and Engineering Design
Michael Johnston, University of San Diego, School of Law, Center for Public Interest Law
Ken Salyer, Managing Principal, HMC Architects, Ontario
Katherine Spitz, Landscape Architects Technical Committee (LATC)

Students from Mount San Antonio College:

Joel Araujo
Gabriel Comagon
Debra Duarte
James Heinzman
Matt Hoffman
Mitchell Lam
Howard Lin

Marc Leuterio
Daniel Menard
Randy Montes
Edgar Ramirez
Eduardo Rangel
Troy Rivas
Gabriel Ruiz

Hongbo Song
Oscar Torres
Moses Williams
Paley Zhang
Simon Zou

Staff Present

Doug McCauley, Executive Officer

Vickie Mayer, Assistant Executive Officer

Marccus Reinhardt, Administration Analyst

Hattie Johnson, Enforcement Officer

Robert Carter, Architect Consultant

Don Chang, Assistant Chief Counsel, Department of Consumer Affairs (DCA)

Trish Rodriguez, Program Manager, LATC

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

B. PRESIDENT'S REMARKS

Ms. Lyon announced the appointment of Matthew McGuinness as a public member of the California Architects Board and along with the other Board members present welcomed him. She also announced the departure of Iris Cochlan who had formerly served on the Board as President. She next introduced Katherine Spitz who was recently appointed to the LATC. Ms. Lyon then welcomed the students of Mt. SAC who were present in the audience.

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

The Board went into closed session in order to consider action on two disciplinary cases, and took the following actions: 1) approved the December 7, 2011, Board meeting closed session minutes; 2) considered the Default Decision and Order in the Matter of the Citations Against David D. Rozier and Karen M. Rozier; and 3) considered the Proposed Decision and Order in the Matter of the Accusation Against Harold Craig Hudson.

D. PUBLIC COMMENT SESSION

There were no public comments.

E. APPROVE THE JUNE 14, 2012 BOARD MEETING MINUTES

Ms. Lyon asked for a motion to approve the June 14, 2012, Board Meeting Minutes.

- **Sheran Voigt moved to approve the June 14, 2012, Board Meeting Minutes.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

F. EXECUTIVE OFFICER'S REPORT

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

Mr. McCauley reminded the Board the next meeting is December 5-6, 2012, and will include a strategic planning session. He said due to travel restrictions, the meeting will not be in San Francisco, but in Southern California. He also reported that the strategic planning session will be facilitated by DCA's Strategic Organization, Leadership and Individual Development (SOLID) Planning Solutions.

Mr. McCauley said the outcome of November ballot measures to increase revenue will have a major impact of the state budget, so the possibility of new budget restrictions is very real.

Mr. McCauley stated that staff is awaiting the preliminary results from the National Council of Architectural Registration Boards' (NCARB) 2012 Practice Analysis (PA) which is projected for a release in September. He also stated the data from the PA would be incorporated into the test specifications and become the motivation behind forthcoming improvements to the Architect Registration Examination (ARE). He explained to the Mt. SAC students present how the examination validation/occupational analysis process works, including the need for a periodic surveying of architectural professionals.

Mr. McCauley reported on the Board's Enforcement Program statistics and noted that one year ago there had been 113 pending cases, but now there are currently 83. He added that staff is preparing a rulemaking package to delegate the Executive Officer authority to approve stipulated settlements to revoke or surrender a license.

Mr. McCauley stated an important issue is developing which is related to the two landscape architecture extension certificate programs. He said in the past the LATC has reviewed and approved these programs based upon the standards set forth in the regulations, which are themselves based on the national standards. He also said it has been the desire of the LATC for the national accrediting organization to assume this role, which he added would be appropriate. He further stated there is now motivation within the profession to modify the mission of the Landscape Architecture Accrediting Board (LAAB) and authorize them to review non-degree granting programs such as the extension certificate programs at the University of California (UC), Los Angeles and UC, Berkeley. Mr. McCauley stated California is presently the only state with such programs. He further said other state boards have been resistant to the idea largely because of perceived impact to their in-state landscape architecture degree programs.

Hraztan Zeitlian stated the August 2012 Monthly Report indicated the pass rate for the Building Design and Construction Systems (BD) division of the ARE is shown as 50%. He asked why the pass rate was so low for such a crucial division of the exam and how it compares historical to the other divisions. Mr. McCauley responded that in general, when ARE 4.0 was implemented an expectation existed that passing rates would decline due to the reorganization of content and then over time improve. He added this is typical when a new exam is first launched. Mr. McCauley asked Marccus Reinhardt if he could explain the trend in pass rates for BD. Mr. Reinhardt explained ARE 4.0 is still a relatively new exam and based on his observations the pass rate has continued to improve over the past four years it has been administered. He also said historical pass rate data could be generated for BD from July 2008 to the most recent quarter and provided to the Board for their review. Mr. Zeitlian asked staff to generate this data and provide it for the Board's consideration. He asked if some event has occurred that could be responsible for the low pass rate. Mr. McCauley responded that from a psychometrical perspective if the appropriate examination development procedures and validations are made even a low pass rate can be considered valid.

Matthew McGuinness asked if there was any subjectivity to grading the ARE. Mr. McCauley said there are objective criteria used for grading and human error is not a factor. Mr. Baker opined the passing rate might be low due to candidates taking the division too soon after graduating from an architectural school. He further opined the architectural schools have the expectation candidates will acquire the needed knowledge for the examination from working in the profession. Mr. Zeitlian suggested an evidence-based analysis be performed to ascertain if changes need to be made. He added that the low passing rate is alarming. Jon Baker added that the appropriate organization to approach is the National Architectural Accrediting Board (NAAB). He said NAAB is the organization that sets the standards the architectural schools are following as part of its accreditation process. He also said the architectural schools focus on theory, design, and creative thinking, and there is insufficient focus on the technical. He opined that it puts students at a great disadvantage by not preparing them for the profession and how to “build” a building.

Ms. Lyon introduced Robert Ho, Co-Chair of the Department of Architecture and Engineering Design at Mt. SAC. Mr. Ho provided an in-depth presentation on the Mt. SAC architectural program, its history, expansion, and the Department’s mission and objectives.

Ms. Lyon and Mr. Gutierrez introduced Ken Salyer, Managing Principle, at HMC Architects. Mr. Salyer provided a brief summary of his experience and encouraged the students present to persevere and transfer to an accredited university. He also summarized the projects that have been completed at Mt. SAC including new construction and multiple renovations. Mr. Ho extended an offer to the Board to visit the new on-campus Design Technology Center.

Mr. McCauley briefed the Board on legislation. He specifically noted that Senate Bill (SB) 975 (Wright), Assembly Bill (AB) 1822 (Berryhill), and AB 2570 (Hill) were on the Governor’s desk for action. He explained that SB 975 now included amendments that reiterated part of the Administrative Procedures Act wherein an outside party can petition an agency to consider action on a particular issue.

Mr. McCauley reported that SB 1186 (Steinberg) addresses litigation on accessibility issues. He said the main focus of the legislation is on the “demand letters” that initiate the process, but the measure also raises revenue for the Certified Access Specialist program (CAsp) via a surcharge on business licenses. He added there are no provisions that impact the Architects Practice Act.

Mr. McCauley reported on AB 2570 which the Board previous voted to support. He said this bill addresses the confidentiality clause sometimes inserted into a settlement agreement that prohibits the client or consumer from assisting the Board with investigations. Don Chang clarified the bill provides a general prohibition on confidentiality clauses, but also includes a provision that permits a party to request the Board exclude certain types of agreements if there is a law which places the activity outside the scope of architecture.

Mr. McCauley said The American Institute of Architects, California Council (AIACC) has been interested in Qualifications-Based Selection (QBS) for selecting the design professional of public projects. He said the AIACC has concerns regarding how some local agencies have been utilizing QBS. He also said the remedy being sought by AIACC is to have legislation passed requiring a provision in the Architects Practice Act that makes it a violation for a licensee to submit a proposal in response to a local agency request where that agency’s mechanism does not follow the law regarding QBS.

Mr. McCauley stated a forthcoming item for next year is the Sunset Review of the California Council for Interior Design Certification. He said it may be that at some point the Board could be asked for its input.

G. CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

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

Mr. McCauley said at the previous Board meeting the members approved the new intra-agency contract agreement for examination development services for fiscal year 2012/13 and a revision to the then-existing contract for the same which included a new process for validating examination questions that would no longer require results to be held. He said after the contract was approved, the Office of Professional Examination Services (OPES) proposed a new approach with a lower security risk. He explained the new process would involve the use of pre-testing rather than pilot-testing and there would be no cost increases. He further said the contract was subsequently modified to include the new process and is before them for their consideration and approval.

Mr. Baker asked if the pre-testing is a separate event using volunteers. Mr. McCauley explained the process will use both newly-licensed and experienced architects (similar to what is currently done in development) and would be used in addition to the current method for determining the validity of examination questions prior to incorporation into the CSE.

- **Sheran Voigt moved to approve the revised intra-agency contract agreement with the OPES for fiscal year 2012/13.**

Hraztan Zeitlian seconded the motion.

The motion passed 6-0.

Mr. McCauley stated the next agenda item involved examination security, which the AIACC has stated is problematic for candidates as the current NCARB security agreement prohibits any discussion of the ARE with anyone regardless of intent. He said NCARB has had breaches of examination security which caused serious ramifications for other testing candidates, such as fee increases and portions of the ARE question bank becoming invalid. He further noted the AIACC's concern is the NCARB security provisions are so stringent candidates are fearful of discussing the ARE with their mentors as part of the learning and preparatory processes because they could unknowing violate the security provisions.

Mr. McCauley stated there is a provision of law [Business and Professions Code (BPC) section 123] that requires the intent to subvert an examination before there is a violation. He said the discussion between a candidate and their mentor is vastly different than a candidate posting their examination answers on the Internet in an attempt to help other candidates cheat on the exam. He said Mr. Chang was asked at the June Board meeting to provide a legal opinion (included in the meeting packet) for consideration by the NCARB Board.

Mr. Baker said that during discussions with the NCARB Board related to examination security they spoke with their legal counsel who advised they not modify the language of the security agreement.

He said 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. He also said the NCARB Board can sympathize with candidates and it was not intended the security policy would interfere with the learning and preparatory processes of interns and their mentors. He suggested the issue be kept in the forefront of the NCARB Board's considerations until an amicable resolution is reached.

Mr. Gutierrez stated that Mr. Chang's legal opinion clearly delineates the actions by candidates that would constitute examination subversion and those that would not. He asked whether the Board could illuminate candidates on where the line is on what they can discuss with their mentors based on the Board's interpretation. Mr. Chang responded that the Board's interpretation applies only to the CSE and could not be extended to the ARE. Mr. Baker said he did not believe the Board should advise candidates on how to interpret the ARE security policy. Mr. Gutierrez stated he has an employee who would be taking the CSE soon and was afraid they would not be able to discuss the exam together. Mr. Chang said there have not been any issues related to candidates discussing the CSE with their mentor for learning purposes. He added that there have been issues with test preparation services who have compiled examination questions for use in their seminars.

Ms. Lyon stated this issue would continue to be monitored by the Board and updates can be provided at the December 2012 Board meeting.

H. REPORT ON NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. Baker said he was no longer on the NCARB Board, but would continue on the NCARB ARE Committee. He briefly discussed the NCARB 2012 Practice Analysis and how it could impact the ARE. He said there were discussions related to the graphic sections of the exam and the challenges posed by computer-delivery of those sections. He said the greatest challenge is that the content of the graphic sections is limited by the software used to administer and score them. He further said there have been discussions related to converting back to human-based scoring of the graphic vignettes so they can be more substantial and realistic, and discretionary issues can be addressed. He opined it would be a good decision to move back to human-based scoring of the vignettes. Mr. Baker added another issue with the software used to administer the graphic vignettes is its proprietary nature and that is unfamiliar and inefficient for those candidates who use professional computer-aided drafting software on their jobs. He said there have also been rudimentary discussions on administering the graphic sections via the Internet which would allow candidates to use the software of their choice.

Mr. Baker reported the Intern Development Program (IDP) and IDP Advisory Committees held discussions related to the creation of a Broadly Experienced Intern Program and that both committees were supportive of the idea. He said it was added as a research task of the IDP Advisory Committee for the next year.

Mr. Baker briefly summarized the NCARB discussions related to their key long-term strategic initiatives such as the role of NCARB in continuing education, and financial stability.

I. REVIEW AND APPROVE PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 2, SECTION 109, FILING OF APPLICATIONS AND SECTION 117, EXPERIENCE EVALUATION

Ms. Lyon asked Mr. Reinhardt to present the agenda item.

Mr. Reinhardt said in April 2012 NCARB revised the *IDP Guidelines* and included a provision that grants up to 930 hours of experience credit for work performed as part of an NCARB approved academic internship. He indicated the regulations currently prohibit candidates from earning experience credit above that which is granted for their degree earned when the work performed is a requirement for receiving the degree. He also reported Professional Qualifications Committee (PQC) was charged with review of this provision, which was done at their May 16, 2012, meeting. He further noted the recommendation of the PQC was to develop regulatory language that would permit the acceptance of the new provision and grant candidates experience credit for work performed as part of an NCARB academic internship. Mr. Reinhardt explained that the Board, at its June 14, 2012, meeting considered the PQC's recommendation and voted to approve it. Staff was then directed to develop regulatory language consistent with the recommendation for the Board's approval.

- **Sheran Voigt moved to approve the proposed regulatory language to amend California Code of Regulations sections 109 and 117 that permits the Board to grant experience credit for work performed as part of an NCARB approved academic internship.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

J. COMMUNICATIONS COMMITTEE REPORT

Ms. Lyon asked Mr. Reinhardt to present these agenda items.

Mr. Reinhardt briefly summarized the actions taken at the June 20, 2012, Communications Committee meeting including the selection of articles for future newsletter issues and recommendations for the Committee's 2012 Strategic Plan objectives.

Mr. Reinhardt said one of the Committee's 2012 Strategic Plan objectives was the development of a concise mission statement for use in all communications. He said at the Committee considered both a modified version of the Board's full mission statement and its tagline commonly used on its website and other publications and voted to recommend the use of the tagline as the concise mission statement because it distills the essence of the full mission statement.

- **Sheran Voigt moved to approve the Communications Committee's recommendation to use the Board's tagline "Public Protection Through Examination, Licensure and Regulation" as its concise mission statement for use in all communications.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

Mr. Reinhardt stated another of the Committee's 2012 Strategic Plan objectives was the establishment of a social media presence for the Board. He said staff conducted research of various social media services and presented the Committee with the two most popular and used of the

services, Facebook and Twitter. He said the Committee considered the services and voted to recommend the establishment of a Twitter account as the Board's entry into social media. Mr. Zeitlian asked whether LinkedIn had been considered as another social media service the Board could use. Mr. Reinhardt responded that LinkedIn had been considered by the Committee but was rejected because it was determined the service was not appropriate for the intent of the objective. Mr. Zeitlian said he felt the service was very appropriate because it has a broader professional network and he asked the Committee to reconsider the use of LinkedIn for a social media presence. He asked why only one social media service was selected by the Committee. Ms. Voigt responded the Committee felt Facebook has become, and is perceived, as extremely social and less professional than the Committee preferred to portray for the Board. She said Twitter conversely has retained a degree of professionalism. She said LinkedIn does have offerings, but the Committee determined it might not be all inclusive of the target audience. She added the reason for choosing only one service was the consideration of staff resources.

- **Sheran Voigt moved to approve the Communications Committee's recommendation to establish a Twitter account as a social media presence for the Board and to consider LinkedIn as another resource.**

Jon Baker seconded the motion.

The motion passed 6-0.

Mr. Reinhardt said the next agenda item is related to the 2012 Strategic Plan objective to review and finalize the Board's school presentation materials. He said within the meeting packet is the PowerPoint slide show used when presentations are made to the accredited architectural schools and the corresponding survey used for feedback from students. He said the Communications Committee reviewed the presentation materials at their June 2012 meeting and voted to recommend the Board continue to use them and make improvements or changes as necessary to keep the material relevant.

- **Sheran Voigt moved to approve the Communications Committee's recommendation to continue using the Board's school presentation materials and revise them as necessary.**

Pasqual Gutierrez seconded the motion.

The motion passed 6-0.

Mr. Baker said within the PowerPoint slide show there is a particular slide related to Prometric's role in the licensing process and he suggested adding the other vendors with which NCARB now has contracted and clarifying their roles of the examination process.

Mr. Reinhardt said the 2012 Strategic Plan also charged the Communications Committee with the objective to expand the subscriber base of the e-news subscription list on the Board's website. He said staff presented the Committee with several possible methods to achieve this objective including: 1) adding a statement on the license renewal form suggesting licensees subscribe; 2) developing an insert to be included with all mailings; 3) requesting an option be included in BreEZe (the new integrated enterprise-wide licensing and enforcement system) allowing candidates and licensees to subscribe; 4) sending a mailing to the Board's paper-based interested parties list informing them of

the e-subscriber option; and 5) including a link to the e-subscriber registration page within the signature block of staff emails.

- **Sheran Voigt moved to approve the Communications Committee's recommendation for the 2012 Strategic Plan objective to expand the Board's e-news distribution list.**

Hraztan seconded the motion.

The motion passed 6-0.

K. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

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

Ms. Rodriguez said three members were recently appointed to the LATC, Andrew Bowden, Katherine Spitz, and Nicki Johnson. She said Stephanie Landregan and Mr. Bowden were elected respectively as Chair and Vice Chair for the LATC at the August 14, 2012, meeting. She also said at the Council of Landscape Architectural Registration Boards (CLARB) 2012 Annual Meeting Stephanie Landregan was voted President-elect of CLARB.

Ms. Rodriguez briefly summarized the actions taken at the June 27, 2012, UC Extension Certificate Program Task Force meeting, which included a review of the LAAB Standards and Self-Evaluation Reports. She said the Standards and Reports will serve as a guide for drafting documents to be used by the LATC for their site reviews. The draft documents will be reviewed by the Task Force at their next meeting on October 8, 2012, at which time the site review teams will also be appointed.

Ms. Rodriguez said that while the LATC is authorized by statute to charge a maximum \$600 dollar biennial application filing fee for the approval of a landscape architecture school, a regulation is required to impose it. She said the LATC, at its August 14, 2012, meeting, voted to recommend staff develop regulatory language allowing the LATC to charge the maximum allowable fee for filing the application for the approval of a landscape architecture school. She also explained there is currently a pending regulatory proposal specifying a seven-year review period for the approval and this proposal will also need to be modified in order to align the biennial fee cycles with the approval period.

- **Sheran Voigt moved to approve the LATC's recommendation regarding the application fee for landscape architecture schools and to proceed with a regulatory proposal to set the fee.**

Hraztan Zeitlian seconded the motion.

The motion passed 6-0.

L. REVIEW OF SCHEDULE

Mr. McCauley reminded the Board members the next Board meeting is on December 5-6, 2012, in Ontario and will include the strategic planning session.

M. ADJOURNMENT

The meeting adjourned at 1:05 p.m.