

MINUTES
REGULAR MEETING
CALIFORNIA ARCHITECTS BOARD

March 7, 2013

Berkeley, CA

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

Board President Sheran Voigt called the meeting to order at 9:40 a.m. and Board Secretary Pasqual Gutierrez called roll.

Board Members Present

Sheran Voigt, President
Hraztan Zeitlian, Vice President (arrived at 9:45 a.m.)
Pasqual Gutierrez, Secretary
Jon Alan Baker
Chris Christophersen
Jeffrey Heller
Marilyn Lyon
Michael Merino
Fermin Villegas (arrived at 9:45 a.m.)

Board Members Absent

Matthew McGuinness

Guests Present

Kurt Cooknick, Director of Regulation and Practice, The American Institute of Architects, California Council (AIACC)
Nicki Johnson, Landscape Architects Technical Committee (LATC) Member
Terri Meduri, Facilitation Specialist, Department of Consumer Affairs (DCA), Strategic Organization, Leadership, and Individual Development (SOLID)
Shanker Munshani, Chairman, Academic & Credential Records, Evaluation & Verification Service
Andrea Powell, Powell & Partners, Architects
Tom Roy, Facilitation Specialist, SOLID
Sidney Sweeney, Executive Director, American Institute of Architects (AIA), East Bay
Raul Villanueva, Personnel Selection Consultant, DCA Office of Professional Examination Services (OPES)
Patsy Zakian-Greenough, California Council of Interior Design Certification (CCIDC)

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Marcus Reinhardt, Program Manager, Examination/Licensing Unit
Trish Rodriguez, Program Manager, LATC
Mel Knox, Administration Analyst
Hattie Johnson, Enforcement Officer
Robert Carter, Architect Consultant
Don Chang, Legal Counsel, DCA

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

B. PRESIDENT'S REMARKS

Ms. Voigt welcomed the newest public member of the California Architects Board (Board), Chris Christophersen, who was sworn in by the Executive Officer (EO), Doug McCauley. Mr. Christophersen highlighted his 33-year membership with the International Union of Painters and Allied Trades, District Council 16, and noted his 12-year service in various officer positions within the organization, covering the Northern territories of California and Nevada.

Ms. Voigt honored and thanked Marilyn Lyon for her service as the Board's President in 2012 and, as token of appreciation for her dedication, presented Ms. Lyon with a keepsake from the Board members. The gift was a memento of architect Frank Lloyd Wright's Hollyhock House. Ms. Lyon graciously thanked Ms. Voigt and the Board.

Ms. Voigt recognized Tom Buresh, Professor and Chair of Architecture at the University of California (UC), Berkeley, College of Environmental Design, and invited him to make a presentation to the Board. Mr. Buresh made a brief presentation, summarizing the state of the architecture program at the university and noting a general decline in interest for architecture as a profession. He simultaneously acknowledged the college's relatively optimistic attitude, citing the increase in tuition fees and the competitive undergraduate and graduate program acceptance rates, at ten percent and five percent, respectively. From an economic standpoint, Mr. Buresh noted that the college's funding from the State of California is at an all-time low, now at 11 percent, whereas, 20 years ago, 80 percent of its funding came from taxpayer dollars. Mr. Buresh also mentioned that interdisciplinary studies and collaboration with allied disciplines (landscape architects, engineers, etc.) is currently a noteworthy topic of discussion in his department, particularly as it relates to the changing dynamics of how professionals work and how these changes might affect how aspiring architects are trained. He shared his view that, in order to effectively participate in an interdisciplinary situation, architects-in-training should first develop a measure of expertise in architecture.

Mr. Gutierrez asked Mr. Buresh if he heard correctly that the university is experiencing a decline in enrollments for architectural studies. Mr. Buresh clarified his remarks and reported that the number of qualified undergraduate applicants has fallen, and suggested that the number of qualified postgraduate applicants has not. He also revealed that only 120 of 1,000 undergraduate applicants (12 percent) are eligible by university standards. He informed that the number of

people applying is flat, but the number of qualified applicants is on the decline. Professor Buresh stated that applicants are simply not prepared out of high school to attend UC Berkeley.

Ms. Voigt stated that these issues are important and acknowledged that the Board is interested in all matters that concern students of architecture. She thanked Professor Buresh for his address to the Board.

Ms. Voigt recognized Mel Knox as the Board's new Administration Analyst and extended her welcome to Mr. Knox.

C. PUBLIC COMMENT SESSION

Shanker Munshani addressed the Board regarding the evaluation of foreign credentials and requested the consideration of his organization's foreign educational evaluation services. Ms. Voigt informed Mr. Munshani that the Board is a member of the National Council of Architectural Registration Boards (NCARB) and suggested the Board is required to utilize the evaluation process conducted by NCARB; Michael Merino echoed Ms. Voigt's sentiment. Mr. Munshani stated that, in actual fact, NCARB does not dictate the private agency to be used for evaluations. Mr. McCauley stated that the Board does indeed have a provision within its regulations that addresses Mr. Munshani's comments. Marccus Reinhardt informed that the Board has, through regulation, approved the exclusive use of foreign education evaluation services from members of the National Association of Credential Evaluation Services (NACES). Mr. Merino stated there may be an issue with the regulation in effect. Don Chang explained that, under regulation, foreign curriculum must be evaluated either by the National Architectural Accrediting Board (NAAB) or by an organization approved by NACES, thus, Mr. Munshani's comments are appropriate. However, Mr. Munshani suggested that his organization is not associated with NACES. Ms. Voigt informed Mr. Munshani that his request is not an item on the day's agenda, but may be considered at a future Board meeting.

Andrea Powell, a practicing architect, encouraged the Board to make the licensure process easier for individuals who hold a degree in a foreign country. She offered her view that the profession is quite restrictive and expensive for foreign persons seeking permission to practice in California. Jon Baker said that, unfortunately, the Board does not have control over the Broadly Experienced Foreign Architect (BEFA) program and its administrative costs, as they are managed by NCARB. Mr. Baker admittedly acknowledged BEFA's high cost as a way to cover the expense of the program. Mr. Merino explained that, a part of what drives costs is NCARB's review of the candidate's data in an effort to ensure that the quality of the license is not degraded.

Sidney Sweeney spoke before the Board regarding BEFA reciprocity and implored the Board to approve the regulations being considered under a later agenda item. Her comments were focused on the unfairness of the BEFA reciprocity process, namely, time constraints and associated fees. She also expressed concern about the Americans with Disabilities Act continuing education requirement for license renewal. Ms. Sweeney stated that, although the state of local politics currently underpins the ban on Board members and staff from attending NCARB meetings, the Board should still actively engage the organization, perhaps by writing letters and issuing statements that address the concerns of consumers and of the architectural community in California.

Patsy Zakian-Greenough, representing CCIDC, introduced herself to the Board and announced that she is available for questioning and for participation in discussions as they relate to relevant issues on the agenda.

D. APPROVE THE DECEMBER 5-6, 2012, BOARD MEETING MINUTES

Ms. Voigt asked for a motion to approve the December 5-6, 2012, Board Meeting Minutes.

- **Michael Merino moved to approve the December 5-6, 2012, Board Meeting Minutes.**

Jeffrey Heller seconded the motion.

Vickie Mayer requested that the Board make a few minor corrections to the minutes before approval, asking for the minutes to reflect that Trish Rodriguez, Program Manager for the LATC, did indeed attend both days of the December meeting. Ms. Mayer also requested the typographical error on page eight, Agenda Item L, third paragraph, be corrected to read “January 24-25, 2013” rather than 2012.

- **Michael Merino amended his motion to include the corrections provided by staff.**

Jeffrey Heller approved the amended motion.

The motion passed 8-0-1 (Marilyn Lyon abstained).

Ms. Lyon delivered a Nominating Committee report to the Board. Ms. Lyon said that she and Mr. Heller were the members of the Committee. She reported that staff supported the Committee in putting out notice to Board members to inquire whether they would like to serve as an officer, by nominating themselves or by nominating other members. Ms. Lyon then informed that, via conference call, she and Mr. Heller discussed the pool of nominations before deciding on a recommended slate. She informed that the slate was then presented to the Board at its final meeting of the year, at which time nominations may also be accepted from the floor. Ms. Lyon recalled that she did not recognize in the Minutes any other nominations, but acknowledged there is always a route available to someone who wishes to nominate an individual that the Nominating Committee did not recommend on the slate. Mr. Heller added that the Nominating Committee executes its responsibilities based on accurate information, but that it also relies on an active Board to make nominations.

Mr. Merino commented that he understood the nominating process to be quite clear, but wanted to understand the criteria used by the Nominating Committee to develop the slate. He stated that he believed it important to understand the issues that influence the Committee’s judgment. Mr. Heller explained that, from his viewpoint, his decisions were influenced by a combination of factors, including individuals’ experience, performance, and abilities. He noted that his assessment of one’s abilities would involve a sense of one’s fitness to “put in the extra time.” Ms. Lyon stated that there is not a list of boxes to check, there are no set preconditions in the process, but, she said, the method is very personal as two people try to find consensus on a recommendation that, in their opinion, is best for the Board.

Mr. Merino voiced his concern about the Board's commitment to transparency, and advocated for a consistent, clear set of criteria to be considered during the Board's nomination processes. Mr. Merino also said that, if the decision to exclude his name from the slate was influenced by his status as a military service member, it would have been legally and ethically wrong.

Ms. Voigt stated that the issue can be discussed at the Board's strategic planning sessions and potentially at future Board meetings. Mr. Heller recognized Mr. Merino's comments, but also reminded that the Board is a democratic organization, allowing members to campaign on their own behalves and to seek endorsements from their counterparts.

Mr. Merino stated his opinion that, in the name of transparency, other than those issues the Board is legally required to hold in confidence, all discussions, including conference calls, should be open to the public.

Ms. Voigt stated that if Mr. Merino wishes to continue this discussion, it must be placed on the meeting agenda. Mr. Chang said that, as the Board moves into conversation surrounding committee nominating procedures, it should be properly noticed and, therefore, the Board should redirect comments to matters reflected on the agenda.

- **Michael Merino raised a point of order and made a motion to continue the discussion.**

There was no second to the motion.

The motion failed.

E. EXECUTIVE OFFICER'S REPORT

Mr. McCauley informed the Board that the next Board meeting will be held in Sacramento on June 13, 2013. He explained, Woodbury University is being considered to host the September 12, 2013 meeting.

Mr. McCauley noted that the NCARB Practice Analysis was designed to feed into the Architect Registration Examination (ARE) and NAAB criteria for education, as well as for the internship component. He noted that it will be rolled out in segments with an initial target date of June 2013 to have the examination portion complete.

Mr. McCauley said he is very proud of the Board's Enforcement Unit's efforts, having reduced the number of pending cases from about 300 to 87 since the Board's last Sunset Review, which, in turn, has helped produce positive case aging outcomes.

Mr. McCauley also spoke briefly on the important relationship between the Board, and California Building Officials (CALBO) and building departments at the local level. He mentioned that the Board makes an effort to attend the Annual CALBO Business meeting every year, and had recently attended an effective session two weeks ago.

Mr. McCauley informed that the exempt area of practice relative to landscape architecture is one of the biggest efforts currently underway, including ongoing dialogues with representatives from the Association of Professional Landscape Designers. He stated that the LATC's Exemptions and Exemptions Task Force work continues to determine whether there is sufficient clarity in existing law and if there is a need for modifications. Mr. McCauley said there is a legal opinion pending from the Board's legal counsel, which is expected to help the LATC correctly interpret what is in existing law. He also updated the Board on the UC Extension Certificate Programs, which are not NAAB-accredited but are designed to support California's objective of creating multiple pathways into the profession.

Mr. Gutierrez asked Mr. McCauley about an item regarding the Executive Committee's review of its liaison program for 2013. Mr. McCauley said the program will be a component covered during the Strategic Planning agenda item.

Mr. McCauley gave a brief synopsis of three pending legislative items. He said Senate Bill (SB) 308 will ultimately change the sunset date for CCIDC, and may potentially contain policy recommendations. He indicated that the Board has supported CCIDC in the past, and, per the Strategic Plan, is supporting that regulatory model in the Sunset Review process. Mr. McCauley explained, CCIDC is proposing a written contract requirement similar to what is contained in the Architects Practice Act.

Ms. Voigt invited comments from Board members, noting that the Board is not required to take action today. Mr. Merino commented that, regarding Assembly Bill (AB) 186, concerning military spouses, he believes it would be in the Board's interest to take a position of support. Ms. Voigt asked if anyone feels the need to introduce a motion regarding the interior design legislation. Mr. Baker expressed uncertainty and Mr. McCauley clarified the question: Does the Board wish to take a position or to further discuss the two suggestions that are contained in the CCIDC report? He explained that the first of which concerns the definition of certified interior design, while the second concerns the building departments accepting certified interior designers' plans.

Mr. Baker commented that, if the Board is being asked to take action, it would be helpful to have it more specifically noted in the agenda so the Board can fully consider the issues. Mr. Merino suggested that, for the future, staff consider organizing a position paper that specifically outlines recommended positions for the Board's consideration. Mr. McCauley noted that he would write a memo to the Board that contains detail and outlines possible courses of action. Mr. Gutierrez stated that, in his view, having a clear definition of interior design services and a contract requirement are benefits to the consumer.

Mr. McCauley delivered comments concerning the segment of the interior design profession that is seeking licensure, noting a couple of issues expected to be raised during the upcoming Sunset Review hearings. He explained that the above mentioned segment of interior designers believe CCIDC should operate more like a state board, even though the organization is a non-profit entity recognized under state law. He said the rationale is rooted in the belief that, since the organization is recognized under state law, it should be subject to the Bagley-Keene Open Meeting Act, subject to the rules related to transparency, etc. The other issue that the above mentioned segment of interior designers is raising is that the national examination for interior

designers, the National Council of Interior Design Certification, should be adopted by CCIDC as an alternative assessment tool. He noted that the final issue concerns the acceptance of interior designers' plans by building departments. If plans do not convey exempt work, Mr. McCauley suggested that perhaps the plans should not be accepted.

After Mr. McCauley's presentation of AB 186, when he recommended to the Board that the legislation be supported, Mr. Baker stated that his understanding of the bill would, hypothetically speaking, enable a licensed architect spouse of an active duty member of the military who transfers to a base in California from another jurisdiction to be issued a provisional license to practice. Mr. Baker inquired as to how that criterion would work, and asked if his understanding is correct that individuals would not need to take the California Supplemental Examination (CSE) to receive a provisional license. Mr. Chang explained that a CSE requirement for provisional licensees is not clear in the proposed legislation. He elaborated, noting that, if you read the law literally, it gives the Board discretion to issue a provisional license without having an individual pass the CSE; the Board "may" decide to do so, according to the language. Mr. Chang noted that, in the architectural profession, licensing standards between some jurisdictions and California are quite identical, but California requires the CSE while other jurisdictions do not. He recognized this as a key factor the Board would consider when deciding whether or not to exercise its discretion to issue a provisional license.

Mr. Chang also noted that a concern such as the CSE requirement will probably be raised once the bill is discussed in committee. Given the current political environment as it relates to broad support for members of the US Armed Forces, Mr. Chang stated that committee members may wish for the Board to accept a more liberal position on the matter, but also that he clearly finds the language of the law to be discretionary, and the key issue here is whether or not to waive the CSE requirement for individuals under these circumstances.

Mr. Merino commented that, because it is a matter of discretion, he does not see this as a catalyst for creating a very large volume of issues, so having something come before the Board if the bill goes in effect would require staff to conduct appropriate due diligence and evaluate its applications under the law.

Mr. Baker continued to express concern, saying that the bill would introduce major uncertainties. He highlighted that, in addition to receiving an expedited license, a provisional licensee could be exempt from passing the CSE. This potential is significant, as there could be individuals able to practice in California for 18 months without having passed an exam that the Board deems necessary to render architectural services in this state. Mr. Baker examined the question of what would happen if an individual decided to stay in California upon expiration of the provisional license. Does the Board then eliminate the provisional and require the individual to take the CSE? If the Board requires a provisional licensee to pass the CSE to maintain the ability to practice, why then would the license still be considered provisional and not permanent at that point? Mr. Baker said he understands this bill is designed to make the process easier for qualified individuals, but he is uncertain as to how the logistics should work.

Mr. Gutierrez noted the likely possibility that an individual may request to be issued a provisional license who may have already entered into a legal agreement to provide architectural services. He asked, what would the Board do if the life of the contract extended beyond 18

months? Mr. Gutierrez said that there are many complexities and questions that must be resolved, and there would need to be a slew of vetting processes in place.

Ms. Voigt said that monitoring this legislation would be very important for the Board. Mr. Merino proposed that the Board not only monitor, but that it lean toward support in spirit for the legislation to send the right message. Ms. Voigt concurred. Mr. McCauley recognized the merits of Mr. Merino's comments, and suggested that members of the Board assist staff in crafting a statement that could help shape the bill.

Ms. Lyon voiced concern for the consumers of California. She conveyed her support for the US Armed Forces, but then noted that an individual who comes to California, even on a temporary, 18-month basis, can still do public harm. Therefore, Ms. Lyon explained, the concept of waiving the CSE requirement gives her pause. Ms. Lyon also reminded the Board that any architect who wishes to practice in California must pass the CSE, suggesting that, for the Board to allow a practitioner to offer and provide services in this state without having first passed the CSE would undermine its relevance. Ms. Voigt echoed Ms. Lyon's comments, stating that the CSE is an important element of the licensure process.

Mr. Baker asked the Board whether this legislation was introduced to address an explicit problem that requires a solution, or if policy makers decided to create this program to express support for our military. Mr. Merino again highlighted Mr. McCauley's suggestion that the Board draft a note to express support for the bill in spirit and to clearly express the Board's desire to see these concerns resolved.

Fermin Villegas commented that there does not seem to be any indication the law would allow for a waiver of the CSE, noting that it directs the board or staff to expedite, not change the licensure process. He also addressed Ms. Voigt's and Ms. Lyon's concerns about potential threats to California consumers, suggesting the Board could mitigate those potential effects by adopting regulations, per subsection C, that can modify and interpret requirements. Mr. Villegas explained that, should there be a provisional license granted in expedited fashion, through regulation, the Board could potentially require the provisional licensee to associate with a fully licensed Californian architect.

Ms. Voigt asked Mr. McCauley if he has a good sense of the Board's concerns in order to articulate it in a communiqué to the Legislature. Mr. McCauley answered affirmatively.

Mr. Chang said that Mr. Villegas is correct to acknowledge the Board's ability to address these issues through regulation, but reminded the Board of the lengthy regulatory process. He explained that many of the issues identified by the Board should and could be addressed specifically within the law.

Mr. Baker stated that he does not think an intermediate license is appropriate, and that the issue revolves around the duration of a provisional license and its viability, given the nature of the profession and the Board's CSE requirement. Mr. Merino stated that his main concern is the duration of services in alignment with the provisional license, noting that the Board should not implement policies that would have provisional-licensed architects leaving California with work incomplete or leaving the consumer at a disadvantage.

- **Michael Merino moved to support AB 186 and note the Board's concerns regarding CSE and provisional issues and other potential concerns staff deems worthy in correspondence to the author of the legislation.**

Jon Baker seconded the motion.

The motion passed 9-0-0.

After Mr. McCauley presented the AIACC-sponsored AB 630 legislation on architect's instruments of service the Board took the following action:

- **Jon Baker moved to support AB 630.**

Hraztan Zeitlian seconded the motion.

Ms. Voigt then opened for discussion.

Mr. Heller explained that contracts that he and his colleagues receive are written agreements of which he has ownership, and the practice has evolved to the point where it is universal and forced; therefore, instead of offering resistance, one either chooses to accept it or one does not. He also explained that if the architect designs a project, and if that design is used, the:

- 1) architect must be credited as the designer;
- 2) consumer has no ownership unless paid in full;
- and 3) architect no longer has control over the legal system and is subject to indemnification.

Mr. Heller recommended that a host of issues be addressed in this proposed legislation, though expressed his overall support for the spirit of the legislation.

Kurt Cooknick said he sees Mr. Heller's first two points as more practice-related. He also mentioned that architects are covered for subsequent changes in the current Architects Practice Act (Act). He also noted that there is uncertainty about whether including indemnification in the bill would be problematic. Mr. Heller said they ought to be very careful to not make architects' lives more difficult with this legislation. Mr. Cooknick said there is a valid concern for that.

Mr. Merino stated that he fully agrees with Mr. Heller's concerns, but worries the Board may be straying into an area where it argues not about consumer protection, but, instead, over payments to the architect. He reiterated his concern, saying that, to stray outside of the Board's authority may appear inappropriate. Mr. Merino elaborated, explaining to the Board that it must ensure discussions remain within the scope of consumer protection.

Mr. Baker said that, as he understands the bill, the terms and descriptions discuss instruments of service. He illustrated concern in that, hypothetically speaking, a developer might take the documents that Mr. Heller drew then choose to hire a third party to administer the development of the project. Mr. Baker explained that it would be different from the circumstance that Mr. Heller has acknowledged where a firm is hired to take the project through the entitlement process, then through conceptual planning, until the point in time when it receives a conditional approval. He continued, explaining that those documents are not then taken and used to build, and an owner decides to have someone else provide the technical working drawings from that

point forward. Mr. Baker then stated that he does not see that as the same kind of issue, and asked if AIACC's underlying concern is rooted solely in the use of instruments of service.

Mr. Heller responded to Mr. Baker's point concerning consumer protection, saying that, unless all of these points are clarified, the person who buys the project is also a consumer and the people downstream are also consumers; if the points are not clear, the consumer can suffer.

In response to Messrs. Heller, Baker and Merino's comments, in an effort to help the Board understand the bill, Mr. Cooknick outlined the genesis of the issue. He explained that, the real motivation behind the legislation was that an architect had prepared a set of construction documents for a client, the client went bankrupt, the bank seized the property and took the works of improvement as theirs, and then the bank sold it all together. Mr. Cooknick explained that the architect then attempted to assert his rights and went to court where the judge sided with the bank. In the judge's opinion, the documents did not belong to the architect any longer because when the bank seized everything, it became the bank's property. Mr. Merino expressed a sentiment of support for the intent of the legislation, but stated he wants to clearly outline the Board's purview and frame it within the context of consumer protection when taking a position.

Ms. Voigt reminded the Board that its role on this issue is to decide whether or not to support or amend this legislation. The simple act of supporting the bill, she explained, does not mean the Board is getting into the financial arena.

Mr. Villegas asked the architect members of the Board to explain how the plans are currently treated once an architect is hired for a project. Mr. Gutierrez responded candidly that if one is shrewd, one does not release the ownership of documents; instead, one retains it.

Mr. Merino voiced further concern about his perception of a lack of clarity, stating that, under the Act, responsibility for those instruments of service does not stop simply because the agency takes ownership. Mr. Baker stated that ownership and liability are two different things and it depends for what purpose the agency owns the plans.

Mr. Chang stated that there appeared to be a practical problem with the proposed language. He explained that the Board's jurisdiction covers only architects, or individuals performing the services of an architect; therefore, the bill is not properly located within the Act and would more appropriately be placed in the Civil Code. Mr. Baker noted that there is one category where it does fall within the Board's jurisdiction - general oversight of the preparations of plans. However, Mr. Chang again raised enforcement concerns. Mr. Cooknick disagreed with Mr. Chang's opinion that the law would be more appropriately placed in the Civil Code, informing that it should stay in the Business and Professions Code (BPC) of the Act for the benefit of exposure to judicial review. Mr. Merino suggested that provisions in the Civil Code may become the subject of legal action, and asked Mr. Cooknick why he believed placing AB 630 in the Architects Practices Act is more appropriate. Though Mr. Chang did not concede his opinion, he suggested that, perhaps, the 17,000 series of BPC is suitable.

Mr. Heller said he believes there is enough of a foundation for the Board to express a sentiment of support.

Mr. McCauley mentioned that the Board must also consider smaller projects, noting that two parties may not work in harmony in an instance when the architect has been paid and there are items still left on the contract; the architect then terminates the contract and the consumer is left with an incomplete project. Mr. Heller commented that this is why AIACC's initiative on the matter is worthy of support - it forces architects and consumers into contractual relationships which must be acknowledged.

Hattie Johnson stated that this is a scenario that has been discussed in the past: The consumer saves for years to have her kitchen remodeled; the architect is brought in to design and complete the project, but then walks away because he has a bigger project down the street. Ms. Johnson relayed that the Enforcement Unit receives calls every day from the small consumer asking if she can hire another architect or if she can use the plans without being sued, not knowing what to do. Ms. Johnson inquired as to what affect this bill would have on the consumer in this instance if enacted. Mr. Cooknick suggested that it all depends on the contract.

Ms. Lyon again questioned the placement of this legislation in the Act, to which Mr. Chang echoed his opinion that it should ideally be in the Civil Code or, potentially, the 17,000 series of BPC. Ms. Lyon stated that it seems to be the best place to protect all parties from this kind of issue.

Mr. Heller said that there is a way to refine the bill to address what staff has mentioned, and to make it more palatable and consistent with the Board's objectives. He suggested that the Board monitor the legislation, discuss internally with AIACC, and revisit this item at the next meeting in June. Mr. Baker commented that it sounds like the Board supports the bill in concept, and suggested that AIACC broaden the scope of it with more specificity.

Mr. Merino suggested to the maker of the motion that the Board express support for the legislation and have staff draft a letter to its sponsor with the Board's input and concerns, and to copy AIACC to that document; the concerns being the 1) appropriateness of the section, and 2) refinement of the language.

- **Jon Baker moved to support AB 630 and note the Board's concerns in correspondence to the author of the legislation.**

Hraztan Zeitlian approved the amended motion.

The motion passed 9-1-0 (Fermin Villegas opposed).

F. REVIEW AND APPROVE 2013 STRATEGIC PLAN

Ms. Voigt introduced Terri Meduri and Tom Roy from SOLID to facilitate the finalization of the 2013 Strategic Plan. Mr. Roy indicated that the changes made to the prior plan are shown in the draft plan contained in the meeting packet. Shortly after Mr. Roy's opening remarks, Mr. Merino proposed in the interest of time, a motion be made to accept and adopt all of the changes to the Strategic Plan outright, should no member of the Board object.

- **Michael Merino moved to approve the changes as noted in the draft 2013 Strategic Plan.**

Jon Baker seconded the motion.

Mr. McCauley stated that staff has identified a number of changes to the Strategic Plan that may warrant attention, discussion and greater specificity by the Board. He explained that when the plan is eventually brought to the Regulatory and Enforcement Committee, for example, there should be agreement and clarity to arrive at appropriate outcomes and meet the Board's needs.

- **Michael Merino amended his motion to permit staff to make minor corrections while preserving the plan's strategic spirit.**

Jon Baker approved the amended motion.

The motion passed 9-0-0.

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

There was no closed session at this meeting.

H. *WESTERN CONFERENCE OF ARCHITECTURAL REGISTRATION BOARDS (WCARB)

Mr. McCauley suggested to Ms. Voigt that the Board address Agenda Item I before item H as a representative from DCA was present to speak on that item. Ms. Voigt stated that the Board is very flexible at this time and approved Mr. McCauley's request.

I. CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

Raul Villanueva of OPES provided a presentation outlining the current state of the CSE. Mr. Villanueva said the current state of the CSE is best described as an ongoing process in transition. He explained that OPES is working on subject matter expert (SME) conformity at exam development workshops in terms of garnering an understanding of the development process. He noted there still is a bit of hesitation from individuals previously involved with the oral format. He also noted that the challenges the CSE is encountering are typical for programs transitioning from an oral to written examination format and, therefore, are not unique to the Board. He said that there are three key areas to recognize during the exam content development process; ensure that the material is: 1) main stream, 2) entry-level, and 3) relevant for licensure.

Mr. Villanueva stated that another area of focus is the exam item bank, recognizing that this element has been of ongoing concern for the Board; he said that the process of refinement helps in terms of writing better items. Mr. Villanueva advised that delivering items that are pre-administered and have good statistics is already occurring. Offering his professional view of the Board's item bank, Mr. Villanueva noted it is approximately 60 percent complete. He added,

SMEs' training needs will be an ongoing challenge for at least the next two years. He noted that item bank development is impacted by SME skill development and the exam development cycle. He stated there is a one year delay between item development and the return of adequate statistical data for item performance analysis. He added that actions which have been taken to address the CSE development needs include: 1) incorporating more entry-level architects; 2) delivering exams with previously administered items with good performance statistics, and 3) continuous item bank development using scoreable and pre-test items.

Mr. Villanueva said the Board can currently deliver an exam with three-quarters of it being previously administered items having good statistics. As entry-level licensees review content, he explained, there is more concurrence within and across workshops to substantiate the research and development that groups are doing. Mr. Villanueva continued on to say that his fairly conservative approach to the work lends a completion date estimate of the CSE in three to four years, which is why he prefaced his assessment with an acknowledgement of the solid deliverables the Board is now receiving.

- **Michael Merino moved that the Board file the staff report and continue working with Raul Villanueva on the CSE.**

Marilyn Lyon seconded the motion.

The motion passed 9-0-0.

H. WESTERN CONFERENCE OF ARCHITECTURAL REGISTRATION BOARDS (WCARB)

Mr. McCauley announced that he would review resolutions that are expected to be acted upon at the 2013 NCARB Annual Meeting and Conference on June 19-20, 2013. Mr. Baker stated that the Board has time to consider and take a position on these resolutions because there is another Board meeting scheduled before the NCARB meeting. Mr. Baker suggested that, if the Board discovers anything of particular concern, perhaps the Board can send a letter to NCARB expressing its issues. Mr. Merino said, from a protocol prospective, he believes the Board is at a "receive and file" stage as it concerns these resolutions. Ms. Voigt stated that a motion for action would not be necessary unless the Board wants to give notice to WCARB of its opposition to a resolution.

Mr. McCauley reviewed Resolution 2013-A, which, he informed, replaces the term "comprehensive practice" with "practice of architecture." He explained the logic behind this change, being that the concept of comprehensive practice is perceived as obsolete, and characterized the change as a simple modification in an effort to be consistent with program goals. Mr. Merino added that the NCARB Broadly Experienced Architect Committee staff approached him and his Committee colleagues to ask that they ensure language and model law align with changes made in NCARB leadership.

Mr. McCauley explained Resolution 2013-B, which, he informed, clarifies certification guidelines and broadens education standards, in that a non-accredited program can be not only from institutions outside of the United States (US) or Canada, but from any institution anyplace.

Mr. McCauley discussed Resolution 2013-C, which also concerns the BEFA program and its changes to the definition of comprehensive practice. He said this would enable candidates to demonstrate they have practiced in certain areas under comprehensive practice.

Mr. McCauley summarized Resolution 2013-D, which, he informed, concerns the Public Director position and modifies the current Bylaws to formally restrict a Member Board Member or a Member Board Executive from serving as public director. He explained that incumbents to this position are sought who are outside of the NCARB organization but can bring valuable knowledge and insight to the council.

Mr. McCauley reviewed Resolution 2013-E, which concerns the continuing education standard and its renewal process. He explained that it discusses what to do if someone has let their license lapse and which hours they can count. Mr. Gutierrez commented that, if the Board ever does have continuing education this resolution would be applicable. He also expressed concern with the last sentence of paragraph A, which reads, "Excess Continuing Education Hours may not be credited to a future calendar year." Mr. Baker informed that it reads so because member boards found it challenging to keep track of the extra hours. Mr. Baker stated that he argued for a more sensible approach at the Board, at WCARB and at the annual meeting, but was unsuccessful. Mr. McCauley explained Resolution 2013-F, which concerns the use of electronic seals and signatures. He characterized the resolution as an example of NCARB accepting a more contemporary practice in how responsibility for documents is portrayed - a positive step.

Mr. McCauley summarized Resolution 2013-G, which concerns the inter-recognition agreement with Canada. He stated that NCARB conducted an analysis and compared the requirements for licensure in Canada versus the US. Ultimately, Mr. McCauley explained, this resolution requires the architect to provide proof of licensure and attest to having completed 2,000 hours of licensed practice. Mr. Merino commented that there has been significant progress on relations with Canada and recognized that NCARB has also begun to reactivate more positive relations with Mexico.

Mr. McCauley shifted focus to the biographies of candidates seeking WCARB and NCARB elected offices in 2013. He stated that he believes there are no contested elections. He invited comments from the Board about the upcoming elections and candidates. Mr. Merino asked Mr. Baker if he knew any of the candidates and if he has any strong feelings toward any of them. Mr. Baker answered in the affirmative, but noted that there is little to say at this stage since they are uncontested. He acknowledged that he has personal opinions about the effectiveness of individuals versus other individuals, but does not know of anyone that could cause irreparable harm to the organization or the Board. Mr. McCauley asked Mr. Baker if he thought any of these elections could become contested. Mr. Baker said the only likely position that is typically contested is that of Secretary. He expressed a sentiment of support and verbally endorsed Christine Harding's candidacy for the Office of Secretary at NCARB, saying that she will be a very good board member and perhaps would compensate for others who are not quite as effective.

Ms. Voigt said that the upcoming NCARB meeting will be held in California, and since the Board was recently given permission to attend another California meeting, there is reason to remain optimistic on the possibility of attending the NCARB meeting as a group.

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

Mr. Reinhardt presented Agenda Item J, stating that it came before the Board in the past and relates to the Intern Development Program (IDP) guidelines and academic internships. He said that after the Board previously reviewed and approved the proposed regulatory language to amend CCR sections 109 and 117, NCARB released a new set of IDP guidelines. He advised that staff has since analyzed and noted the differences between the April and November 2012 guidelines. Mr. Reinhardt asked the Board to approve the updated language to reference the November 2012 IDP Guidelines so that it may be filed with the Office of Administrative Law.

- **Jon Baker moved to approve the recommended modifications to CCR sections 109 (Filing of Application) and 117 (Experience Evaluation) and delegate authority to the EO 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.**

Michael Merino seconded the motion.

The motion passed 9-0-0.

K. REVIEW AND APPROVE RECOMMENDED MODIFICATIONS TO PROPOSED REGULATORY LANGUAGE AMENDING CCR SECTION 121, FORM OF EXAMINATIONS; RECIPROCITY

Mr. Reinhardt presented Agenda Item K and informed the Board that it is regarding BEFA. He explained that when the Board previously approved the proposed regulatory language to accept NCARB's BEFA certificate, inadvertently, there was language that excluded architects in the United Kingdom (UK). Mr. Reinhardt said that staff has recommended to remove the language in question to allow UK and other foreign licensed architects reciprocity once they have successfully completed the BEFA program. He asked that the Board approve the recommended modified language.

- **Jon Baker moved to accept the recommended modifications to CCR section 121 (Form of Examinations; Reciprocity) and delegate authority to the EO 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.**

Michael Merino seconded the motion.

The motion passed 9-0-0.

L. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Trish Rodriguez reported to the Board that at the LATC meeting on January 24-25, 2013, it received a public comment regarding reciprocity from a licensed landscape architect in Washington who does not meet the educational requirements for licensure in California. She noted that the public comment was discussed during the LATC's strategic planning session and the request for reciprocity will be addressed at a future LATC meeting.

Ms. Rodriguez explained that all sections of the new four-section Landscape Architect Registration Examination (LARE) will be administered concurrently, three times annually, beginning in April 2013. She reported that candidates encountered an error during the administration of section four of the LARE on December 4, 2012, and explained that the testing software experienced several glitches which affected functionality. According to the Council of Landscape Architectural Registration Boards (CLARB), Ms. Rodriguez informed, the problem occurred on the global stage and was not an isolated incident. She advised CLARB offered a free re-test to candidates affected by the problem.

Ms. Rodriguez also informed the Board that site reviews of the UC Berkeley Extension Certificate Program and the UC Los Angeles Extension Certificate Program will be conducted on April 8-10, 2013 and on April 22-24, 2013, respectively. She noted that programs are reviewed approximately every six years for approval.

Ms. Rodriguez stated that the Exceptions and Exemptions Task Force made a recommendation to the LATC to have DCA legal counsel provide a legal opinion for BPC section 5641, Chapter Exceptions, Exemptions, and informed that the legal opinion will be presented at the next LATC meeting on May 22, 2013.

Ms. Rodriguez said that the LATC was given a budget update at its January 24-25, 2013 meeting and noted that the LATC has 19 months of reserve in its fund. She reported that LATC is working with the DCA Budget Office to explore ways of reducing funds in reserve, and noted that one option being considered is to reduce license fees for one renewal cycle. Mr. Merino commented that he believes reducing fees for members of the architect and landscape architect professions would be beneficial.

Ms. Rodriguez said that intra-agency contracts between the LATC and the OPES were approved at the January 24-25, 2013 LATC meeting. She explained that the intra-agency contracts will provide an occupational analysis and ongoing examination development for the LATC's CSE.

Ms. Rodriguez reminded the Board that it previously approved regulatory language to amend CCR section 2614, Examination Transition Plan, on December 7, 2011, and explained that legal counsel recommended modifying the language to change the new LARE implementation date. Ms. Rodriguez informed that LATC issued a 15-day Notice of Availability of Modified Language on October 5, 2012 and no comments were received. She also said that the final rulemaking file was signed by the DCA Director and returned to the LATC on December 20, 2012, and that the proposed language for CCR section 2614 must be approved again by the Board since it was modified subsequent to its original approval on December 7, 2011.

- **Pasqual Gutierrez moved to approve the modified language to amend CCR, Title 16, Division 26, section 2614, Examination Transition Plan and delegate authority to the EO to adopt the regulation and make minor, technical changes to the language, if needed.**

Fermin Villegas seconded the motion.

The motion passed 9-0-0.

Ms. Rodriguez reminded the Board that, on December 15, 2010, it approved regulatory language to amend CCR section 2620.5, Requirements for an Approved Extension Certificate Program, and stated that the UC Extension Certificate Program Task Force recommended changes to CCR section 2620.5 at the November 14, 2012 LATC meeting. She said that LATC approved the recommended modifications to CCR section 2620.5 and also proposed that, effective September 2015, a Bachelor's degree be required as a prerequisite for entry into the programs.

Ms. Rodriguez explained that LATC issued a 40-day Notice of Availability of Modified Language on November 30, 2012 and letters were mailed to landscape architecture associate degree programs in California notifying them of the proposed modifications to CCR section 2620.5. She informed that LATC received one comment during the public comment period and received two comments after the public comment period. She said that LATC reviewed the public comments at the January 24-25, 2013 LATC meeting and made modifications to CCR section 2620.5 based on the comments. Ms. Rodriguez explained that LATC removed the proposed Bachelor's degree prerequisite requirement and removed the requirement for the programs to have 3.0 full-time equivalence faculty with a degree in landscape architecture. She stated that the proposed language for CCR section 2620.5 must again be approved by the Board since it was modified subsequent to its original approval by the Board on December 15, 2010.

- **Pasqual Gutierrez moved to approve the modified language to amend CCR, Title 16, Division 26, section 2620.5, Requirements for an Approved Extension Certificate Program and delegate authority to the EO to adopt the regulation and make minor, technical changes to the language, if needed.**

Marilyn Lyon seconded the motion.

The motion passed 9-0-0.

M. REVIEW OF SCHEDULE

Mr. McCauley announced that the next Board meeting will be held on June 13, 2013 in Sacramento; the September 12, 2013 meeting may be held at Woodbury University in Burbank; and the December 11-12, 2013 meeting may be held in the Bay Area.

N. ADJOURNMENT

The meeting adjourned at 2:12 p.m.

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