

MINUTES
REGULAR MEETING
CALIFORNIA ARCHITECTS BOARD

June 12, 2014

San Francisco, CA

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

Board President Sheran Voigt called the meeting to order at 9:50 a.m. and Board Secretary, Chris Christophersen, called roll.

Board Members Present

Sheran Voigt, President
Pasqual Gutierrez, Vice President
Chris Christophersen, Secretary
Jon Alan Baker
Tian Feng
Sylvia Kwan
Matthew McGuinness
Nilza Serrano
Hraztan Zeitlian

Guests Present

Logan Cartwright, Member, the American Institute of Building Design (AIBD)
Kurt Cooknick, Director of Regulation and Practice, The American Institute of Architects, California Council (AIACC)
Cornelia Haber, Member, AIBD
Jeffrey Heller, President, Heller Manus Architects
Katherine Spitz, Member, Landscape Architects Technical Committee (LATC)

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Marcus Reinhardt, Examination/Licensing Program Manager
Leosha Eves, Enforcement Officer
Mel Knox, Administration Analyst
Justin Sotelo, Examination/Licensing Analyst
Robert Carter, Architect Consultant
Rebecca Bon, Staff Counsel, Department of Consumer Affairs (DCA)

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

B. PRESIDENT'S REMARKS

Ms. Voigt thanked Jeffrey Heller, of Heller Manus Architects, for the meeting facilities and acknowledged this as the first occasion the Board has seen Mr. Heller since he was replaced on the Board. Doug McCauley presented Mr. Heller with a Resolution from the State Senate honoring his service to the people of California; Mr. Heller expressed gratitude.

Ms. Voigt also:

- Announced that Fermin Villegas is no longer a Board member, and that Denise Campos has been appointed in his place by the Senate Rules Committee, effective June 30th; and
- Noted that LATC member, Katherine Spitz is in attendance.

C. PUBLIC COMMENT SESSION

There were no comments from the public.

D. APPROVE THE FEBRUARY 26, 2014 BOARD MEETING MINUTES

Ms. Voigt asked for comments concerning the February 26, 2014, Board Meeting Minutes. Kurt Cooknick shared his view that a portion of the discussion surrounding Assembly Bill (AB) 2192 was not included in the minutes, particularly comments made by Sylvia Kwan and Hraztan Zeitlian regarding a state agency that already uses a peer review program. He also shared with the Board his view that it is inaccurate to say Bob Carter “outlined the concept” of AB 2192 at the February meeting. Pasqual Gutierrez suggested that the second bullet item on page 16 regarding the presentation on the Sacramento College of Architecture (SCA) be amended to reflect that Steve Altman gave a presentation outlining a proposal to establish the SCA “as” a National Architectural Accrediting Board accredited school.

- **Matthew McGuinness moved to approve the December 5-6, 2013, Board Meeting Minutes as amended on page 16.**

Jon Baker seconded the motion.

The motion passed 9-0.

E. EXECUTIVE OFFICER'S REPORT

Mr. McCauley advised the Board that the next meeting will be held in San Diego, possibly at NewSchool of Architecture and Design (NewSchool), and the December meeting and Strategic Planning session will be in Sacramento. He also informed the Board that he and Mr. Gutierrez recently attended a meeting with the Academy for Emerging Professionals (AEP) and AIACC where issues critical to those entering the profession were explored. He said a significant amount of time was dedicated to additional paths to licensure and degree with license.

Mr. McCauley reported that the State budget deadline is June 15, 2014 and explained that only a majority vote is required this year. He also reported that the Board's negative Budget Change Proposal (BCP) to address examination savings and reduce expenditure authority is due by the end of June.

Mr. McCauley said he was impressed by the way the National Council of Architectural Registration Boards (NCARB) is launching the new Architect Registration Examination (ARE) 5.0, citing effective overlay and transition tools. He announced that the Board completed its focus group meetings for the California Supplemental Examination (CSE) Occupational Analysis (OA) and established a goal to distribute the OA survey in July 2014.

Mr. McCauley informed the Board that its Enforcement Program is performing well, but acknowledged that the number of pending cases had increased compared to last year due to the continuing education (CE) audits and the need for staff resources to complete the Sunset Review Report.

Mr. McCauley reported that the next LATC meeting will be held on June 25, 2014, and noted that the two Extension Certificate Programs at the University of California (UC), Berkeley and UC Los Angeles are being compressed into three-year programs from the current four years. Ms. Kwan asked for clarification that landscape architect programs at these universities are not full-degree programs; Mr. McCauley answered affirmatively. Mr. McCauley reported that LATC is in the same stage of its OA process as is the Board, stating that the Committee is on the verge of conducting its linkage study and developing its test plan. He also mentioned LATC's ongoing efforts to promote reciprocity and portability by staying abreast of licensing standards in other states. Finally, Mr. McCauley informed that, like the Board, LATC is preparing its Sunset Review Report.

Mr. Gutierrez expressed concern over ARE test results reported in the May 2014 monthly report, particularly noting three categories with the lowest pass rates: Building Design & Construction Systems (51%), Building Systems (55%), and Construction Documents & Services (55%). He asked about the implications of these statistics to the profession, stating that consumers rely on architects who are competent practitioners in these core areas. Mr. McCauley asked if there is a correlation between the strength of Intern Development Program (IDP) components and those parallel areas, to which Mr. Baker replied that he is not familiar with the intent of the NCARB IDP Committee on the issue. Mr. Gutierrez explained his view that NCARB is revamping IDP in two phases, and suggested that this issue is something the Board should monitor.

Mr. McCauley gave a report on the state of the Board's budget. He focused the Board's attention to the 2013/14 Expenditure Projection document. Mr. McCauley advised the Board that personnel expenditures are aggregate and the unencumbered balance of approximately \$761,000 is attributed to exam savings and ongoing expenditure compression; he said this has enabled the Board to pursue a negative BCP in the name of fiscal responsibility. Mr. McGuinness asked if there is a need for additional staff, to which Mr. McCauley responded affirmatively, explaining though that securing additional staff positions at the Board is practically impossible without sufficient justification. He said the Board is in the process of filling vacant staff positions, but, beyond that, Mr. McCauley opined the odds for success in adding more staff positions is nil. Mr. Baker asked about items that are known to require ongoing expenses but show zero allotments, particularly noting architect consultant contracts. Mr. McCauley explained that architect consultant contracts are an expense item that moved from the Operating Expenses & Equipment category to Enforcement, enabling the Board to better track the line item. Mr. Baker asked why expenditures for exam subject matter experts (SMEs) are higher than the budget allotment. Mr. McCauley explained that the current OA and exam development activities are major contributing factors, and stated that the Board is able to redirect funds to cover higher costs. Mr. Baker asked if the Board should expect to budget twice as much

in the next fiscal year, to which Mr. McCauley said to expect the number to drop back to budget allotment levels. Vickie Mayer explained that the expenditures may exceed the budget allotment for the particular line items so long as the Board is operating within its total budget. She said it would be helpful for Board staff to meet with the department's Budget Office for the purpose of redirecting budget line items to be more representative of the Board's actual expenditures (to avoid the appearance of over/under spending). Mr. Zeitlian asked if the 20% surplus, as reflected in the document, is the reason behind why the Board is pursuing a negative-BCP, and if the BCP is related to the Sunset Review process. Mr. McCauley said the surplus is indeed the reason for pursuing a BCP and stated it to be wise for a board to demonstrate responsible fiscal behavior during Sunset Review. Ms. Mayer said that at the end of the BCP process, the control agency may adjust the amount requested by the Board. Mr. Zeitlian enquired about the source of the 20% surplus, to which Mr. McCauley replied that changes to exam administration produced significant savings. Mr. McCauley directed the Board's attention to the Analysis of Fund Condition document and briefly discussed the Board's fund balance. He informed the Board of the standard that control agencies look for, which is a balance of three to six months, and reported that the Board's fund is in good condition. Mr. McGuinness asked about cost increases, to which Mr. McCauley explained there is a formula used by control agencies which assumes that boards are fully expending their budgets. Mr. McCauley said there is a limit to how much reserve the Board may hold, noting a 24 month limit before a fee reduction/waiver is required. The Board also discussed the relationships between the budget amount, reserve levels, and reserve percentages; Ms. Kwan asked if these relationships were considered before deciding to request a negative BCP. Mr. McCauley answered affirmatively.

Mr. McCauley updated the Board on Senate Bill (SB) 850 (Block), the measure regarding Community College baccalaureate programs. He said the bill has been "watered down" since the Board's vote of support at the February meeting. He also said an amendment made on May 1, 2014, now confines the provisions to new baccalaureate programs not offered at California public universities. Mr. McCauley explained that the Master Plan for Higher Education (Plan) defines the organizational structure of California institutes of higher education, and that public universities feel threatened by the notion of community college baccalaureate programs. He recommended the Board maintain its support for SB 850, opining that supporting the concept of giving community colleges the ability to award bachelor degrees is a step in the right direction. Ms. Kwan asked whether the Board or its allies have the ability to lobby on behalf of the message that a high percentage of applicants to study architecture at the four-year university level are rejected. She said the message of the need to fill a gap (not to create new academic programs) appears to have been overlooked. Mr. McCauley stated his view that the Plan's mission, purpose, and structure of the three education segments are insurmountable, and the influence of the UC and the California State University families is stronger than that of California community colleges.

Mr. McCauley updated the Board on AB 186 (Maienschein), the measure that addresses reciprocity for military families. He stated that its provisions would have forced the Board to waive the CSE, which is a critical component to protecting the public health, safety, and welfare. Consequently, he explained, the Board adopted an "Oppose Unless Amended" position. Mr. McCauley reported that the author accepted the Board's request for an exemption from AB 186 on May 20, 2014; however, LATC's exemption was inadvertently omitted. Mr. McCauley said he provided the author's staff with language to be adopted into the bill that excludes the LATC from its provisions. He expressed confidence with the author's commitment to amend the bill appropriately, and asked the Board to support the bill as amended.

- **Jon Baker moved to support AB 186 (Maienschein) contingent on LATC amendment incorporated in bill.**

Pasqual Gutierrez seconded the motion.

The motion passed 9-0.

Mr. McCauley next discussed AB 2192 (Melendez), the AIACC-sponsored legislation that addresses a peer review process for exempt projects in lieu of government plan review. He directed the Board's attention to the May 23, 2014 amendments that would: 1) modify the type of projects eligible for the program to more closely reflect the "exempt area of practice" in the Architects Practice Act, 2) limit the authority to establish such programs to three jurisdictions as pilot projects, and 3) add a sunset date of January 1, 2020. Mr. McCauley explained that the bill is intended to address single-family home projects. He reported that the Regulatory and Enforcement Committee (REC), at its April 24, 2014 meeting, determined that the subject of AB 2192 is outside the Board's purview and recommended that the Board take no position on the bill. Ms. Voigt recalled the opinion of the REC that it is not within the Board's jurisdiction to tell architects how to interact with planning commissions and cities.

Mr. Baker said although the bill only covers exempt areas of practice, the Board would become involved if someone filed a complaint against an architect in the event of a problem. He asked if the bill addresses reviewing architect credentials. Mr. Cooknick informed the Board that, in his view, REC members did not particularly like AB 2192 and were in agreement that the subject was not under the Board's purview. Addressing Mr. Baker's question, Mr. Cooknick introduced the concept of "common sense" business relationships between the architect of record and the peer reviewing architect. He said architects are licensed professionals who make business decisions in the best interests of their clients and of themselves. To further illustrate the point, Mr. Cooknick explained that he would look to hire an architect who he respected, understands how to put together a building, and knows what a good set of construction documents looks like.

Mr. Baker asked about liability issues associated with the bill, to which Mr. Cooknick stated AIACC's position that the peer reviewing architect would have "no *less* liability" than the jurisdiction. Mr. Baker recalled that jurisdictions carry zero liability and asked Mr. Cooknick if the peer reviewing architect would also have no more liability; Mr. Cooknick replied it would then become a business decision between the two architects. Mr. Baker said he foresees AB 2192 creating serious problems as to accountability and liability. Mr. Cooknick stated that there is currently no requirement in statute for architects to carry liability insurance, and stated that creating such a requirement is not of interest to AIACC. Mr. Baker clarified his comments and explained that the issue is not about mandating architects to carry insurance, but, instead, to identify who carries liability for reviewing plans and approving them for construction.

Mr. Cooknick spoke about the Division of State Architect (DSA) under the Department of General Services and its peer review process involving engineering firms. He said the peer reviewing engineering firm has "no less liability" because they are not the firm of record; they simply review the project and maintain a standard of care. Messrs. Baker and McGuinness expressed disagreement with Mr. Cooknick's interpretation, explaining that when a public agency hires an outside reviewing firm, that contract between the agency and the reviewer is probably under the same guidelines of liability associated with the public agency. Mr. Baker

told Mr. Cooknick that he has never heard of a peer reviewer being sued. He said the public agency must approve the work of the reviewer. Mr. Carter agreed with Mr. Baker's perspective that the agency issues approval. He said the peer reviewing architect is contracted to the agency, and may have potential liability because he is a licensed professional.

Nilza Serrano stated that, from a consumer's opinion, AB 2192 appears to give California consumers the "short end of the stick." She said the Board must protect families that live in residences against the potential for unethical behavior among architects. Mr. Cooknick shared his view that architects are *professionals*, and said he chooses not to believe that an architect will jeopardize his or her license by overlooking something that is wrong in the name of friendship. Ms. Serrano replied that bankers, attorneys, and doctors are all supposed to be nice people too, but they all are not. She said there is an element of people in society with power who have the capacity to be dishonest, and the Board cannot assume that 100 percent of the population of architects will respect the law in every instance. Mr. Cooknick raised the case of Doris Elementary School, an episode that involved an architect of record, the DSA (contractor), and the inspector, as an example to illustrate that unscrupulous activity can happen anywhere. Ms. Serrano, as a consumer advocate, reiterated her point that AB 2192 is concerning.

Mr. McGuinness said he agreed with Ms. Serrano. He also said he understands the bill's attempt at making business processes more efficient, but echoed the Board's mission that identifies public protection as its highest priority. Mr. Cooknick asked if the Board would feel more comfortable if language that addressed a spoken/written liability requirement for the peer reviewing architect existed in the bill. As a potential remedy, Ms. Kwan reintroduced the concept of a list of approved firms which, she explained, may be used to ensure that one is not hiring a "friend" to review plans. She listed the potential benefits of such an approach, which included liability protection for the reviewing architect in a similar manner that an architect employed by a public agency enjoys. Mr. Cooknick reminded the Board that the subject of AB 2192 is a pilot project.

Mr. Baker stated that Ms. Kwan's idea is a good approach, and suggested to AIACC that it reconsider the aspect of liability and recourse so the bill may address key issues of concern to the Board. He encouraged Mr. Cooknick to insert language into the bill that fits within the practice of architecture and liability exposure. Mr. Gutierrez said he believes a list of the kind presented by Ms. Kwan would be a good service to the consumer, but would not want to bring into question the state of the profession as all architects *should* be qualified. He suggested that the Board look into DSA's criteria to have engineers qualified to check plans. Mr. Gutierrez also said that making the peer reviewer accountable could be a "game changer" due to the second layer of consumer protection. Mr. Cooknick said he sees no harm in requiring the peer reviewing architect to assume responsibility. He suggested that the Board's Communications Committee consider producing a *Consumer's Guide to Hiring a Peer Reviewing Architect*.

Logan Cartwright, a member of the public, expressed concern about the bill's current strikeout language (amendments). Mr. Cartwright said it is a poorly thought out bill, is viewed negatively by the building department, and says nothing about which jurisdictions will be identified to host such a pilot program. Mr. Zeitlian asked Mr. Cooknick if AB 2192 presents a mandate or an option to the architect, to which Mr. Cooknick replied it presents an option. Tian Feng said, in his view, it is not clear why the bill is needed, asked about future implications if the Board endorses the bill, and suggested that the spirit of the bill is not within the Board's scope.

Mr. Baker added that building departments by law may already delegate plan review process. He said AB 2192 is not a bill about delegation; it is a bill of avocation.

- **Jon Baker moved to oppose AB 2192 (Melendez).**

Nilza Serrano seconded the motion.

Mr. Cooknick asked the Board which amendments would be sufficient for the Board to endorse AB 2192, to which Mr. Baker replied that it is not the Board's responsibility to write the bill. Mr. Baker explained that the Board has given Mr. Cooknick its areas of concern and suggested he investigate and evaluate those concerns in order to make the bill complete. Mr. Cooknick stated that he only wants to ensure that the issues of most concern to the Board are identified and ultimately addressed. Mr. Baker again stated why he opposes AB 2192, explaining that he would not want to signal to the public that the Board sees no danger for the consumer in the absence of action. He said he identified things in the bill that are problematic and could potentially create a large problem. Ms. Serrano added that the Board's paramount concern is the protection of the consumer. Mr. Zeitlian said he opposes Mr. Baker's motion because he is personally in favor of the proposed legislation. He said, in his view, the bill adds another option that could benefit the consumer. Mr. Cartwright shared his view that the bill restricts the pipeline for consumers and is potentially damaging to the economy. Mr. Cooknick surmised that the bill is an option, it is a pilot program, it has benefit to the consumer, and asked the Board what its oppose message would be. Ms. Serrano disagreed that the bill is beneficial to the consumer. Ms. Voigt shared her desire to oppose AB 2192 *unless amended*.

Mr. Baker amended his motion to oppose AB 2192 (Melendez) unless amended.

Nilza Serrano approved the amended motion.

Mr. Baker's told Mr. Cooknick that, in his view, the Board's message of opposition would be that AB 2192 is incomplete. He continued that it may have potential benefits, but it is not well thought out and complete. Mr. Baker encouraged Mr. Cooknick to complete the bill and cover the issues of concern expressed by the Board. He said that AIACC may be trying to solve a problem, but in the absence of a solution to these issues the bill will create more problems than it would solve.

The motion passed 7-2 (Tian Feng and Hraztan Zeitlian opposed).

Mr. Feng clarified his opposition, explaining that with amendments the Board may commit itself to vote on the bill in the future. He said the Board should not be a part of the bill. Mr. Baker opined that the Board has given AIACC plenty of feedback and commentary, and said it is unnecessary for the Board to spend any more of its time developing a bullet list of items of concern. He invited AIACC to meet with Board staff for clarification.

Board members presented their first liaison reports of 2014, which covered assigned organizations' activities and objectives. Ms. Voigt reported on College of the Desert, East Los Angeles College, and Orange Coast College. Chris Christophersen reported on College of the Sequoias, Fresno City College, and West Valley College. Mr. Baker reported on Southwestern College, San Diego Mesa College, the Southern California Institute of Architecture, NewSchool, and the Associated General Contractors of California. Ms. Kwan reported on Diablo Valley

College (DVC); College of Marin, Chabot College; University of California, Berkeley (UCB); California College of the Arts; Academy of Art University; and the Urban Land Institute. Mr. Feng volunteered to be the liaison to UCB, DVC, and Chabot College for future reports. Mr. Zeitlian reported on Los Angeles Valley College, Glendale Community College, Citrus College, University of Southern California (USC), University of California, Los Angeles, and the Association of Collegiate Schools of Architecture, and requested that the Board write a letter of commendation to the USC for its “Not Licensed Yet (Not-LY)” program for students of architecture. Mr. Gutierrez reported on San Bernardino Valley College, Rio Hondo College, Mt. San Antonio College, Cuesta College, Bakersfield College, Woodbury University, California Polytechnic State University, San Luis Obispo, California Polytechnic State University, Pomona, and the American Institute of Architects, California Council. Mr. McCauley reported on the American Council of Engineering Companies, California; Board for Professional Engineers & Land Surveyors; California Building Officials; and Contractors State License Board.

F. EXECUTIVE COMMITTEE REPORT

Ms. Voigt provided the Board with an update on the activities which occurred at the Executive Committee meeting held via teleconference on May 20, 2014. She reported that the Committee:

1. Approved the Executive Committee Summary Report for the November 5, 2013 meeting.
2. Received updates relative to Strategic Plan objectives:
 - Seek an exemption from AB 186 (Maienschein) related to waiver of CSE.
 - Implement the Board’s Liaison Program and determine future focus for organizations and schools.
 - Pursue negative BCP to meet requirements in Business and Professions Code section (BCP) 128.5.
3. Made recommendations for the Board’s consideration relative to Strategic Plan objectives:
 - Promote the awareness of the value of the Board’s participation at the national level.
 - Collaborate with national licensing bodies to stay relevant.
 - Prepare and submit Sunset Review Report.
4. Approved the Professional Qualifications Committee’s recommendation regarding proposed changes to IDP reporting requirement.

Mr. McCauley informed the Board that the Committee identified the following recommendations to further the objective of promoting the awareness of the value of the Board’s participation at the national level:

1. Publicize the Board’s successful efforts with NCARB via the Board’s newsletter, *California Architects*
2. Continue to partner with AIACC to underscore the importance of NCARB
3. Maintain a list of accomplishments via the Board’s participation in NCARB
4. Stress with NCARB the importance of “mission critical” agendas
5. Incorporate elements of NCARB CEO Reports and other NCARB communiqués, as well as American Institute of Architects (AIA) reports into *California Architects*

Mr. McCauley asked the Board to approve the Executive Committee’s recommendations.

- **Jon Baker moved to approve the Executive Committee’s recommendation to 1) publicize the Board’s successful efforts with NCARB via the Board’s newsletter, *California Architects*; 2) continue to partner with AIACC to underscore the importance of NCARB; 3) maintain a list of accomplishments via the Board’s participation in NCARB, 4) stress with NCARB the importance of “mission critical” agendas; and 5) incorporate elements of NCARB CEO Reports and other NCARB communiqués, as well as AIA reports into *California Architects*.**

Matthew McGuinness seconded the motion.

The motion passed 9-0.

Mr. McCauley reported that the Committee reviewed the activities, and mission and vision statements of the Council of Landscape Architectural Registration Boards (CLARB) and National Council of Examiners on Engineering and Surveying (NCEES). He said the Committee suggested adding these two organizations to the Board’s Liaison Program because research and collaboration with these organizations would provide an opportunity to discover innovations and best practices that might further the Board’s work with NCARB. Ms. Kwan asked about structural engineers, to which Mr. McCauley opined that they are addressed through NCEES.

- **Chris Christophersen moved to continue and enhance collaboration with national and international licensing and service organizations by adding CLARB and NCEES to the Board’s Liaison Program.**

Hraztan Zeitlian seconded the motion.

Mr. Gutierrez asked about expanding the Board’s collaboration with international organizations like the Australian Institute of Architects, which operates a national program that monitors and administers CE for Australian architects. He suggested interacting with this organization (and others like it) as it would be an excellent resource of ideas for CE in California and at the national level. Ms. Mayer directed the Board’s attention to the third sentence of the fourth paragraph of the Agenda Item F.3 coversheet, which specifically mentions international service licensing and service organizations. Mr. Gutierrez said the language of the motion, therefore, is sufficient to enable the Board to liaise with foreign organizations in Australia, the United Kingdom, Tokyo, China, and elsewhere.

The motion passed 9-0.

Mr. McCauley reported that the 2014 Sunset Review Report will be submitted to the Legislature on November 1, 2014. He said that sometime in the spring of 2015 the first committee hearing will take place. He continued that approximately two weeks prior to the hearing, the Sunset Committee will provide a list of issues to the Board for clarification of items in the Report, which will be presented at the hearing. Mr. McCauley said there will be a second hearing and explained that these are the procedural steps that the Board will need to take through the Sunset process. He informed the Board that, in an effort to avoid reinventing the wheel, much of the material from the well-received 2010 Sunset Review Report was recycled into the draft of the 2014 Report. Mr. McCauley highlighted questions in the draft Report that are new as he reviewed the Report with the Board, section-by-section. The Board suggested a few minor edits.

- **Nilza Serrano moved to approve the draft 2014 Sunset Review Report, subject to final approval by the Board at its September meeting.**

Sylvia Kwan seconded the motion.

The motion passed 9-0.

G. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. McCauley informed the Board that the NCARB Annual Business Meeting will commence on June 18, 2014 in Philadelphia, Pennsylvania. He noted many critical activities that occur each year at the business meetings, which include 1) shaping the basic elements of licensure components, and 2) voting on resolutions that amend the Bylaws and shape policy on the national stage. Mr. McCauley said he looks forward to participating in discussion about the next generation of the ARE and additional paths to licensure at the meeting.

Mr. McCauley stated that NCARB resolutions are important policy vehicles that amend Bylaws. He first presented **Resolution 2014-01**, which involves an amendment to certification guidelines. Mr. McCauley explained that the resolution would provide greater flexibility to the degree requirement, and would help protect candidates in situations where their school has an accreditation problem. He stated that, in his view, there is no reason for the Board to modify its position taken on this resolution at the February meeting; Mr. McCauley recommended the Board maintain its position of support.

Mr. McCauley presented **Resolution 2014-02**, which also involves an amendment to certification guidelines. He explained that the resolution would make the standard more flexible and more reflective of contemporary practice. He said it softens the requirement that work be done by a licensed individual, and removes the requirement that they be in “responsible control” of the project, noting that all architectural experience has value toward credentialing. Mr. McCauley recommended the Board maintain its position of support.

Mr. McCauley presented **Resolution 2014-03**, which is an update on structure (mission) of the various NCARB committees. Mr. McCauley recommended the Board maintain its position of support.

Mr. McCauley presented **Resolution 2014-04**, which concerns the freeze on member dues. He stated that the resolution would provide members three years to modify their regulations if there is a dues increase. Mr. McCauley recommended the Board maintain its position of support.

Mr. McCauley presented **Resolution 2014-05**, which concerns candidates for Regional Directors. He explained that the resolution creates more flexibility; it 1) allows someone who has been off their state board for two years to still pursue a position on the NCARB Board, and 2) requires that a candidate hold an NCARB Certificate. Mr. McCauley recalled that at the February Board meeting, he opined that the Certificate is not mandatory; therefore, he asked the Board if it really wants to support that additional qualification requirement. However, he said, seeing that it provides more flexibility on the timeframes perhaps that balances things. When asked whether public members may serve on the NCARB Board, Mr. Baker replied that public members may indeed serve, as the Certificate requirement would only be applicable to architects. Mr. Baker explained the criteria to obtain the Certificate and stated that NCARB wants to

promote its value, which is a more difficult task if Board members do not possess it. He informed the Board that there is strong sentiment among NCARB Certificate holders that if you wish to promote something you should actually “buy the product.” Mr. Baker said he would like to support the resolution.

- **Chris Christophersen moved to support NCARB Resolutions 2014-01, 2014-02, 2014-03, 2014-04, and 2014-05.**

Jon Baker seconded the motion.

The motion passed 9-0.

Mr. McCauley announced that the office for Secretary is contested, with candidates Gregory L. Erny (Nevada) and John R. Sorrenti (New York) competing for the seat. Mr. Baker said both candidates are fine professionals with individual strengths and weaknesses, noting that Sorrenti is the candidate without an NCARB Certificate. Mr. Baker also said he would like to see stronger representation from the Western region of the United States serving in leadership capacities, but that he would be comfortable with either candidate serving as NCARB Secretary. The Board determined that it would watch the candidates.

H. PROFESSIONAL QUALIFICATIONS (PQ) COMMITTEE REPORT

Mr. Baker provided the Board with an update on the activities which occurred at the PQ meeting held in Sacramento on April 9, 2014. Mr. Baker reported that the Committee:

1. Approved the PQ Summary Report for the October 23, 2013 meeting;
2. Discussed, received updates, and made recommendations for the Board’s consideration relative to 2014 Strategic Plan objectives:
 - Monitor, analyze, and encourage initiatives for schools of architecture that promote curriculum in health, safety, and welfare, and additional path to licensure via Board liaisons, and collaboration with schools in a series of summits on practice-based education.
 - Promote alternate paths to licensure.
 - Pursue a regulatory amendment to implement NCARB’s Rolling Clock deadline pertaining to ARE divisions passed prior to January 1, 2006.
 - Conduct an OA, review of the ARE, and linkage study to determine appropriate content for ongoing CSE development.
 - Seek an exemption from AB 186 (Maienschein) related to the waiver of the CSE.
3. Made a recommendation regarding the 2014 National Architectural Accrediting Board (NAAB) Accreditation Standards, First Reading (Second Draft); and
4. Reviewed NCARB’s proposed IDP changes related to the reporting requirement and made a recommendation.

Mr. McCauley told the Board that the term “additional path to licensure” is more appropriate than the term “alternate path to licensure” and illustrated the distinction. He also told the Board that if the profession is trending toward licensing individuals more quickly, they then must have access to the exam earlier in the process. Mr. McCauley asked the Board if there is a desire to have staff take a look at the possibility of early access to the exam for candidates and bring back something in September so schools know that if NCARB supports their program it is feasible in California. Mr. Baker asked if that is a jurisdictional decision, to which Mr. McCauley replied

he believed NCARB had in its ARE standards something that specified it. He said the Board's regulations address the duration of time before one is eligible to take the exam. Mr. Gutierrez said the common consensus of the minimum opportunity to make the exam available is three years. Mr. Baker raised logistical concerns pertaining to the average eight-year window of education and experience relative to the Board's discussion on practice-based education. He said the Board will need to rethink its statutory requirements if the duration is shortened. Mr. Gutierrez asked about how to view the eligibility of individuals without a NAAB-accredited degree, illustrating that the Board needs to continue monitoring this strategic initiative. Mr. McCauley shared NCARB's communiqué that identified one of the key elements of these programs to be "support on the part of the state board," and told the Board to expect NewSchool of Architecture and Design or some other organization to ask for support of their program.

- **Jon Baker moved to encourage continued research into the strategic initiative for additional pathways to licensure.**

Tian Feng seconded the motion.

The motion passed 9-0.

Mr. McCauley reported that the PQ Committee identified an opportunity to share a positive message about the architectural profession and the different paths to licensure in California. He said the Committee identified a list of targets for such a message, and asked the Board to approve the Committee's recommendation to craft a message and disseminate to community colleges, career centers at public and private colleges and universities, high school career centers, and Veterans Administration (VA) counseling centers.

- **Matthew McGuinness moved to ask staff to send outreach letters explaining the licensure process and profession to community colleges, career centers at public and private colleges and universities, high school career centers, and VA counseling centers.**

Chris Christophersen seconded the motion.

Mr. Gutierrez stated he will reserve comments on how best to approach VA counseling centers for the Communications Committee report.

The motion passed 9-0.

Marcus Reinhardt informed the Board that the PQ Committee reviewed the *First Reading* (second draft) of the *2014 Conditions for Accreditation*, and asked the Board to approve suggested edits made by the Committee as reflected in Attachment 1 under Agenda Item H.4. Mr. McCauley added that staff will also prepare a cover letter with the intent to provide a framework to the comments.

- **Chris Christophersen moved to approve PQ Committee's recommended comments to *2014 Conditions for Accreditation – First Reading* and to be provided to NAAB with a cover letter by the requested deadline.**

Jon Baker seconded the motion.

The motion passed 9-0.

Justin Sotelo provided the Board with an update on its OA, ARE review, and linkage study.

Mr. Reinhardt updated the Board on NCARB's proposed change to the IDP reporting requirement ("Six-Month Rule"). He explained that the proposed change will allow interns to earn IDP credit (valued at 50 percent) for valid work experience that occurred up to five years previous to the current reporting requirement. He also noted that experience older than five years would be ineligible for credit. Mr. Reinhardt informed the Board that, at the May 20, 2014, Executive Committee meeting, the PQ Committee's recommendation to support the proposed change was approved, and staff was asked to forward the comments to NCARB. He asked the Board to ratify the action taken by the Executive Committee.

- **Hraztan Zeitlian moved to ratify the Executive Committee's vote of approval to support the proposed changes to the IDP reporting requirement.**

Nilza Serrano seconded the motion.

The motion passed 9-0.

I. REVIEW AND APPROVE 2014/2015 INTRA-AGENCY CONTRACT AGREEMENT WITH THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES FOR CSE DEVELOPMENT

The Board reviewed and discussed the Intra-Agency Contract (IAC) Agreement with the Office of Professional Examination Services (OPES) for examination development contained within the meeting packet. Mr. Reinhardt asked the Board to approve the IAC that begins at the new fiscal year (July 1, 2014).

- **Jon Baker moved to approve the IAC Agreement with OPES for examination development for the upcoming fiscal year 2014/15.**

Chris Christophersen seconded the motion.

The motion passed 9-0.

J. REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

Ms. Voigt provided the Board with an update on the activities which occurred at the REC meeting held in Sacramento on April 24, 2014. She explained that Mr. Villegas resigned as Committee Chair at the meeting and, consequently, as Vice Chair, she has assumed leadership responsibility. Ms. Voigt reported that at the meeting the Committee:

1. Approved the Summary Report of the April 25, 2013 meeting; and
2. Discussed 2014 Strategic Plan objectives and proposed legislation regarding:
 - Disciplinary Guidelines;
 - Adding a provision concerning "scope of work" to the written contract requirements;
 - \$5,000 reporting threshold requirements;
 - Other opportunities to prosecute unlicensed individuals; and
 - AB 2192 (Melendez) concerning peer review on exempt projects.

Leosha Eves informed the Board that during the Committee's discussions related to adding a provision regarding "Scope of Work" to the written contract requirement under BPC 5536.22, a recommendation to include the following language in written contracts materialized:

1. Description of the project and address; and
 2. Procedure to accommodate contract changes.
- **Sylvia Kwan moved to approve proposed language to BPC 5536.22 including working group and legal counsel's suggestions, which would add:**
 - a) **description of the project for which the client is seeking services,**
 - b) **project address, and**
 - c) **description of the procedure that the architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.**

Nilza Serrano seconded the motion.

Mr. Baker asked about projects that are not site-specific, to which Mr. Carter replied that addresses shall be reported "if applicable." Mr. Carter also illustrated the importance of having a project description. Furthermore, Mr. Baker asked about the issue of verifying ownership before establishing a contract to provide service, and if there is a requirement in the Architects Practice Act (Act) to notify property owners if services are being provided on their property. Mr. Carter said there is no mechanism in the Act that requires practitioners to notify property owners. Members also noted the distinction between "scope of work (a project description)," and "scope of service (description of services to be provided)."

The motion passed 9-0.

Ms. Eves informed the Board that during the Committee's discussions regarding the \$5,000 reporting threshold requirements under BPC 5588, a recommendation to maintain the threshold at \$5,000 materialized. She reported that the Committee opined that \$5,000 is an appropriate threshold for the Board based on the following:

- Raising the amount to \$50,000 (as Board for Professional Engineers, Land Surveyors, and Geologists' statute requires) would be a deterrent from consumer protection;
- In a large scale project, a \$50,000 claim may be considered small. However, in a small project, the \$5,000 claim may be very substantial;
- Larger firms settle in excess of \$50,000 as a normal course of business. Maintaining the limit at \$5,000 would not have a major impact on a larger firm, but would impact a consumer with a smaller project who would be screened out at a limit of \$50,000; and
- Anything over \$5,000 could not be filed in small claims court.

Ms. Eves asked the Board to consider favorably the REC's recommendation concerning the 2014 Strategic Plan objective to review the reporting threshold in the reporting requirement.

Ms. Kwan called the Board's attention to the fact that the \$5,000 reporting threshold has not been adjusted since inception in 1979. She asked about the possibility that this could be

perceived negatively by the public, to which Ms. Eves replied that the majority of individuals who provide complaints to the Board are first-time and only-time consumers doing residential projects; Ms. Eves stated that raising the limit would be unfair to those individuals. Mr. Carter reminded the Board that the threshold was reviewed in 2005 and was sustained at \$5,000. Ms. Serrano recommended lowering the threshold to \$50.

- **Nilza Serrano moved to maintain the reporting threshold requirements under BPC 5588 at \$5,000.**

Jon Baker seconded the motion.

The motion passed 9-0.

K. COMMUNICATIONS COMMITTEE REPORT

Mr. McGuinness provided the Board with an update on the activities which occurred at the Communications Committee meeting held in Sacramento on May 6, 2014. He reported that the Committee:

1. Approved the Communications Committee Summary Report for the October 1, 2013 meeting.
2. Received updates and discussed 2014 Strategic Plan objectives to:
 - Implement digital alternatives for outreach to schools and VA counseling centers.
 - Publish the Board's newsletter, *California Architects*, in accessible HTML format.
 - Use social media to inform the public about recent Board activities.
 - Increase public awareness about the Board and its functions through the development of expanded digital presence.
 - Research engagement with collateral organizations such as NAAB, NCARB, Association of Collegiate Schools of Architecture (ACSA), and AIA to promote public awareness.

Mel Knox informed the Board that during the Committee's discussions concerning implementing digital alternatives for outreach to schools and VA counseling centers, the Committee voted to recommend that the Board direct staff to produce: 1) contact lists for VA counseling centers, 2) content, and 3) screencasts for schools and VA counseling centers. Mr. Knox reported that the Committee also agreed with staff's recommendation for students (at accredited and non-accredited programs and community colleges) and California Veterans (individuals who work in design/construction, but may not be licensed) to be the target audience of "Licensure 101" screencasts. Moreover, he explained that as the Board already implements a school and student outreach plan, schools of architecture are already aware of the Board and licensing, they represent an informed audience and are ready to receive the communiqué that the Board will soon implement. Mr. Knox noted, however, that a more introductory approach will be required for the 31 VA counseling centers in California with a simple letter of introduction. He asked the Board to approve the Communication Committee's recommendations concerning the 2014 Strategic Plan objective to implement digital alternatives for outreach to schools and VA counseling centers.

Mr. Gutierrez recommended focusing letter of introduction content on career opportunities in architecture, rather than licensure. Ms. Serrano asked if veterans with experience in the field qualify to receive internship credit, to which Mr. Gutierrez replied that not all veterans possess skill

sets that are related to architecture. He said the most important thing for veterans is to discover where the entry point is into a profession and to then acquire required skills. Ms. Serrano said the Board needs to approach veterans soon in order to direct them toward accredited programs in architecture. Mr. Christophersen shared with the Board a six-week pre-separation program he is involved with for returning veterans, illustrating that there are avenues to reach veterans during the pre-separation phase of their transition into the civilian sector.

- **Nilza Serrano moved to direct staff to produce: 1) VA counseling center contact lists for the purpose of disseminating letters of introduction, 2) content, and 3) screencasts for schools and VA counseling centers.**

Hraztan Zeitlian seconded the motion.

The motion passed 9-0.

Mr. Knox reported that the first HTML issue of *California Architects* was published in March 2014. He also stated that the second issue was published the following month and that the third issue is expected to be published in July. Mr. Knox asked the Board to consider this objective complete; the Board considered it so. Ms. Kwan asked how many people receive the newsletter, to which Mr. Reinhardt replied that approximately 7,000 unique users are subscribed, while countless thousands more (in the general public) are informed of new Board content via *Twitter*.

Mr. Knox informed the Board that during the Committee's discussion to use social media to inform the public about recent Board activities, a recommendation developed to adopt a partnership approach with associated *Twitter* users to increase the Board's ability to provide information to the public through social media. He explained that the target group of *Twitter* users includes California schools of architecture and related professional associations. Mr. Knox also explained that a partnership approach toward using social media will enable the Board to use as leverage collateral organizations' digital presences, which is a more efficient tactic than allocating resources to independently and organically develop an expanded digital presence within the realm of social media. He told the Board that a second recommendation to produce Board *Twitter* cards also materialized from the Committee's discussions. Mr. Knox asked the Board to approve the Committee's recommendations for using social media to inform the public about recent Board activities.

- **Jon Baker moved to: 1) adopt a partnership approach with associated *Twitter* users to increase the Board's ability to provide information to the public through social media, and 2) produce Board *Twitter* cards for distribution.**

Tian Feng seconded the motion.

Mr. Feng asked about official action of Board protocol and quality controls for publishing content on *Twitter*, to which Ms. Voigt replied that anything published in social media must first be approved by the Executive Officer. Rebecca Bon informed Mr. Feng that staff would not tweet content that is not first approved.

The motion passed 9-0.

Mr. Knox told the Board that the 2014 Strategic Plan objective to increase public awareness about the Board and its functions through the development of expanded digital presence is an ongoing function that Board staff maintains. He informed that the Committee focused on “depth and quality” relating to its existing digital presences (i.e., the Board’s career website, *architect.ca.gov*) rather than seeking additional platforms with which to broaden the Board’s digital footprint. He reported that during its discussion on “depth and quality” of web content, the Committee voted to recommend that web content on its career site, *architects.ca.gov*, be updated and to first focus on candidate materials. Mr. Knox asked the Board to approve the Committee’s recommendation.

Mr. Baker inquired about navigation challenges on the Board’s website and asked if the recommendation from the Committee is designed to “update content and improve navigation.” Mr. Knox answered in the affirmative. Mr. Zeitlian stated that the website’s visual elements could be improved, and suggested that photographs of Board meetings could be used to display action.

- **Jon Baker moved to update web content on the Board’s career website, *architect.ca.gov*, and to first focus on candidate materials.**

Nilza Serrano seconded the motion.

Mr. McCauley stated that attendees at the AEP meeting were impressed with the fact that the Board has a career website. He said that the Board is the only architects’ board in the nation that has such a career website, but that its content and the ability to navigate could be refreshed. Ms. Kwan suggested that the Board look into securing ownership of similar URLs to *architect.ca.gov*.

The motion passed 9-0.

Mr. Knox advised the Board that staff reviewed the ongoing Communications Committee’s responsibilities concerning engagement with collateral organizations and determined that the Board already has an established presence with NAAB, NCARB, ACSA, and AIA. He reported that the Committee agreed with staff’s recommendation for the Board to maintain its current engagement with collateral organizations, while directing some of its focus to regional organizations associated with the high school level in an effort to share information about architecture earlier in the education process. Mr. Knox explained that, since high school is clearly an impressionable period of one’s development, often when career decisions are made, the Committee determined that engaging with regional non-profit organizations, whose missions are to enhance the academic performance and career readiness of students, will help supply consumers and firms with needed access to an abundance of architects. He said that this approach will help cultivate the next generation of architects who are equipped to meet the challenges of the future, and asked the Board to approve the Committee’s recommendation to research and engage high school students through partnership academies, non-profit, and charter schools to enhance academic performance and career readiness to promote licensure. Ms. Kwan reminded Mr. Knox that the Committee also included middle schools in its recommendation to the Board.

- **Jon Baker moved to research and engage middle and high school students through partnership academies, non-profit, and charter schools to enhance academic performance and career readiness to promote licensure.**

Chris Christophersen seconded the motion.

Mr. Gutierrez suggested using AIA's National Architecture Week as a platform to approach these young learners.

The motion passed 9-0.

L. UPDATE ON LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE MARCH 20, 2014 MEETING

An update on the LATC's March 20, 2014 meeting was covered under the Executive Officer's Report, Agenda Item E.

M. CLOSED SESSION – DISCIPLINARY DECISIONS [CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126(C) (3)]

The Board went into closed session to consider possible action on the Closed Session Minutes of the February 26, 2014 Board meeting and proposed enforcement decisions and stipulations if needed.

N. REVIEW OF SCHEDULE

Mr. McCauley informed the Board that efforts are being made to secure a venue at NewSchool in San Diego for the September Board meeting.

O. ADJOURNMENT

The meeting adjourned at 2:35 p.m.