

California Architects Board

Board Meeting

June 9, 2016

San Francisco, California





Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF BOARD MEETING

MODIFIED

June 9, 2016

10:30 a.m. to 3:00 p.m.

(or until completion of business)

University of San Francisco

School of Education, Room 201

2350 Turk Street, San Francisco, CA 94118

(916) 574-7220 or (916) 575-7221 (Board)

The California Architects Board will hold a Board meeting, as noted above. The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see below or you may contact Mel Knox at (916) 575-7221.

The Board plans to webcast this meeting on its website at cab.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Agenda

- A. Call to Order/Roll Call/Establishment of Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Public Comment on Items Not on Agenda
(The Board may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)
- D. Review and Possible Action on March 3, 2016 Board Meeting Minutes
- E. Executive Officer's Report
 - 1. Update on May 2016 Monthly Report on Board's Administrative/Management; and Examination, Licensing and Enforcement Programs
 - 2. Budget Update

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

(Continued)

- F. Presentation on University of San Francisco's Architecture and Community Design Program and Department of Art + Architecture by Seth Wachtel, Department Chair, Associate Professor

- G. Update and Possible Action on Legislation Regarding:
 - 1. Assembly Bill (AB) 507 (Olsen) [BreEZe]
 - 2. Senate Bill (SB) 1479 (Business Professions, & Economic Development) [Exam Eligibility – Integrated Degree Program]
 - 3. SB 1195 (Hill) [Board Actions: Competitive Impact]

- H. National Council of Architectural Registration Boards (NCARB)
 - 1. Presentation by Michael J. Armstrong, Chief Executive Officer and Katherine E. Hillegas, CAE, Director, Council Relations on:
 - a. Architect Registration Examination (ARE) 5.0
 - b. Architectural Experience Program (AXP)
 - c. First Cohort of Integrated Path Schools
 - d. Annual Business Meeting Resolutions and Presentations
 - e. Model Law
 - f. New Benefits to the NCARB Certificate
 - 2. Review of 2016 NCARB Annual Business Meeting Agenda
 - 3. Review and Possible Action on Recommended Positions on 2016 Resolutions and Candidates for Office

- I. Review and Possible Action on 2016/17 Intra-Departmental Contract with Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development

- J. Regulatory and Enforcement Committee (REC) Report
 - 1. Update on REC April 28, 2016 Meeting
 - 2. Review and Possible Action on Architect Consultant Contract for Fiscal Years 2016/17 Through 2018/19
 - 3. Discuss and Possible Action on Recommendation on SB 1132 (Galgiani) [Intern Title] and The American Institute of Architects, California Council's (AIACC) Architect-in-Training Title Change Proposal

- K. Landscape Architects Technical Committee (LATC) Report
 - 1. Update on LATC May 24, 2016 Meeting
 - 2. Review and Possible Action on Proposed Language to Amend Business and Professions Code Sections 5680.1 (Expired License – Renewal) and 5680.2 (License Renewal – Three Years After Expiration) and Proposed Regulations to Amend California Code of Regulations (CCR) Title 16, Sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration)
 - 3. Review and Possible Action on Proposed Regulations to Amend CCR Title 16, Section 2649(f) (Fees) as it Relates to Extension of Renewal Fee Reduction

(Continued)

L. Closed Session

1. Review and Possible Action on March 3, 2016 Closed Session Minutes
2. Pursuant to Government Code Section 11126(e)(1), the Board will Confer with Legal Counsel to Discuss and Take Possible Action on Litigation Regarding *Marie Lundin vs. California Architects Board, et al.*, Department of Fair Employment and Housing, Case No. 585824-164724
3. Pursuant to Government Code Section 11126(c)(3), the Board will Deliberate on Disciplinary Matters
4. Pursuant to Government Code Section 11126(a)(1), the Board will Conduct Annual Evaluation of its Executive Officer

M. Reconvene Open Session

N. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 11125.7(a)].

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Mel Knox at (916) 575-7221, emailing mel.knox@dca.ca.gov, or sending a written request to the Board. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5510.15)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Roll is called by the Board Secretary or, in his/her absence, by the Board Vice President or, in his/her absence, by a Board member designated by the Board President.

Business and Professions Code section 5524 defines a quorum for the Board:

Six of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of five members of the Board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board, except that when all ten members of the Board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the Board.

BOARD MEMBER ROSTER

Jon Alan Baker

Denise Campos

Tian Feng

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Matthew McGuinness

Robert C. Pearman, Jr.

Nilza Serrano

Barry Williams

PRESIDENT'S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS

Board President Jon Baker or, in his absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

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

(The Board may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)

Agenda Item D

REVIEW AND POSSIBLE ACTION ON MARCH 3, 2016 BOARD MEETING MINUTES

The Board is asked to review and take action on the minutes of the March 3, 2016 Board meeting.

Attachment:

March 3, 2016 Board Meeting Minutes

MINUTES

REGULAR MEETING

CALIFORNIA ARCHITECTS BOARD

March 3, 2016

Burbank, CA

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

Board President, Jon Alan Baker called the meeting to order at 10:01 a.m. and Board Secretary, Sylvia Kwan, called roll.

Board Members Present

Jon Alan Baker, President
Matthew McGuinness, Vice President
Sylvia Kwan, Secretary
Tian Feng
Pasqual Gutierrez
Ebony Lewis
Robert C. Pearman, Jr.
Nilza Serrano
Barry Williams

Board Members Absent

Denise Campos

Guests Present

Kurt Cooknick, Director of Regulation and Practice, The American Institute of Architects, California Council (AIACC)
Michael Hricak, Professor, University of Southern California (USC)
Kurt Hunker, Graduate Architecture Program Chair, NewSchool of Architecture & Design (NewSchool)
Mitra Kanaani, Professor of Architecture, NewSchool
Charles Lagreco, Professor, USC
Marvin Malecha, President and Chief Academic Officer, NewSchool
Marc Neveu, Ph.D., Chair, Architecture Department, Woodbury University (Woodbury)
Catherine Roussel, Career and Outreach Coordinator, Woodbury

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Marccus Reinhardt, Program Manager Examination/Licensing
Trish Rodriguez, Program Manager, Landscape Architects Technical Committee (LATC)
Justin Sotelo, Program Manager Administration/Enforcement
Mel Knox, Administration 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 AND BOARD MEMBER COMMENTS

Mr. Baker welcomed new Board member Robert C. Pearman, Jr. Doug McCauley administered the Oath of Office to Mr. Pearman.

Mr. Baker 1) announced that Board member Denise Campos has an excused absence from the day's meeting; 2) recognized the presence of representatives from the National Council of Architectural Registration Boards (NCARB)-accepted Integrated Path Initiative (IPI) institutions; and 3) advised that all motions and seconds shall be repeated for the record, and votes on all motions would be taken by roll-call.

C. PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There were no comments from the public.

D. REVIEW AND APPROVE DECEMBER 10, 2015 BOARD MEETING MINUTES

Mr. Baker asked for comments concerning the December 10, 2015, Board Meeting Minutes.

- **Nilza Serrano moved to approve the December 10, 2015, Board Meeting Minutes.**

Ebony Lewis seconded the motion.

Members Feng, Gutierrez, Kwan, Lewis, McGuinness, Serrano, Williams, and President Baker voted in favor of the motion. Member Pearman abstained. The motion passed 8-0-1.

E. EXECUTIVE OFFICER'S REPORT

Mr. McCauley reminded the Board that the June meeting will be held in the Bay Area. He also updated the Board on the status of BreEZe and informed that staff is expected to begin work on implementing BreEZe during Release 3 in late 2016. Mr. McCauley also reminded the Board that it received a presentation on the Architect Registration Examination (ARE) review, linkage study, and subsequent Test Plan at the December 2015 meeting. He stated that the Board is now positioned to commence California Supplemental Examination (CSE) development, which is scheduled to take place in late 2016. Mr. McCauley reported that the Intern Development Program (IDP) has been streamlined from a three-year program into a two-year program, and will be renamed the Architectural Experience Program. He also highlighted notable enforcement statistics, including those concerning *age of pending cases* and *average days to close*, which, he reported, are performing well-below the five-year average. Mr. McCauley reported that additional enforcement data is included in the monthly report per Strategic Plan objective to develop new ways to portray data.

Mr. Baker observed a comparison of California candidate performance data versus national candidate performance data, which shows that California candidates generally score lower on the

ARE. Mr. McCauley indicated that California's multiple pathways to licensure are a factor that helps to explain that dynamic. Pasqual Gutierrez expressed a desire to explore the differences between candidates who pass the ARE after one or two attempts versus those who pass after several attempts. Nilza Serrano observed higher failure rates among California test takers in the Building Systems and Construction Documents divisions of the ARE. Ms. Serrano asked if the Board could do anything to assist students in better-preparing for the ARE. Ms. Serrano expressed the concern that potential licensees could be lost due to frustration with their degree of preparation for the ARE, and opined that students should be educated enough not to have to rely on study materials when they have already spent several years studying architecture. Mr. McCauley stated that part of the solution lies in NCARB's IPI. He stated that the integrated nature of IPI will go a long way toward addressing Ms. Serrano's concern. Tian Feng opined that the profession may need to provide a stronger helping hand, and suggested that AIACC have stronger outreach to students by developing continuing education (CE)-type seminars. Mr. McCauley advised the Board, as an examination provider, cannot engage in direct examination preparation services, as it could undermine the credibility of the examination. However, he informed that there are opportunities for the profession to engage in that kind of activity, citing AIA San Francisco's ARE Pact program.

Michael Hricak opined that ARE preparation is more cultural and behavioral than it is technical and educational. He spoke about USC's Not-Licensed-Yet program, which, he explained, creates a greater degree of structure for students pursuing licensure. Mr. Hricak opined that the IPI programs are a good step toward addressing ARE concerns because IPI programs allow candidates to test for the ARE during a time when they are better at taking tests than they will ever be. Ms. Serrano asked staff to collect data on how many ARE candidates in California attended institutions out-of-state. Mr. Baker opined that NCARB already has that data. Mr. Feng expressed a desire to provide AIA resources to students, to which Mr. McCauley stated that those resources can be explained through the Board's Liaison Program. Mr. Gutierrez stated that it would be good to know in which categories of the ARE schools perform weakest so that they know which knowledge points are most challenging for students. Mr. Baker noted that schools are incentivized to structure their programs in alignment with National Architectural Accrediting Board (NAAB) criteria. He stated that schools must abide by the NAAB criteria, therefore, efforts to better-prepare students for the ARE might need to begin with NAAB.

Board members provided liaison reports on organizations and schools that were not reported on at the December 2015 meeting. Ebony Lewis reported on her contact with the USC, Citrus College, East Los Angeles College, and Los Angeles Valley College. Mr. Feng reported on his contact with the University of California, Berkeley, and with Diablo Valley College. Mr. Gutierrez expressed appreciation to the Board for issuing a letter addressed to the Association of Collegiate Schools of Architecture; California Polytechnic State University, Pomona; and Woodbury in response to their issues, and advising that the Board is considering their concerns. He requested that staff add school-specific ARE performance data (versus national performance data) to the liaison talking points. Mr. Gutierrez also expressed a desire to share AIA's Emerging Professional Companion document with liaison contacts. Ms. Kwan reported on her contact with the Academy of Art University, California College of the Arts, College of Marin, and Cosumnes River College. She suggested that the Liaison Program requires liaisons to contact organizations and schools too frequently, and that, instead of initiating contact on a quarterly basis, perhaps contact on a semi-annual or annual basis is more appropriate. Mr. McCauley explained that because the Board recently shifted its Liaison Program reporting cycle to the spring and fall months of a calendar year, the perception that

liaisons are contacting their assigned organizations and schools too frequently is understood. He further explained that, initially, liaison reports were delivered on an annual basis to correspond with the December Strategic Planning session. Mr. McCauley indicated that reports can be given less frequently if the Board desires. He said the matter may be reconsidered at the next Strategic Planning session. Ms. Roussel stated that she appreciates the updates provided by Board liaisons and noted that, so long as there are important changes and new information concerning the profession, she would like to hear from the Board. Mr. Feng supported the idea of delivering liaison reports twice annually.

Barry Williams reported on his contact with College of the Sequoias. Mr. Hricak expressed his view that the Board's level of contact with organizations and schools is appropriate. He also expressed the need to address the issue of diversity among architecture students at the university level by beginning with efforts while those students are in elementary school.

Ms. Serrano observed that her conversations with schools as a public member of the Board may differ from conversations that schools have with architect members of the Board. She indicated that her conversation is more focused on issues of diversity at schools of architecture, which, she stated, stimulates the conversation in a positive way. Ms. Serrano also stated her belief that it is the Board's responsibility to help create conditions for more students of color to enroll in schools of architecture and to ultimately become licensed practitioners.

Marvin Malecha stated that he has no problem speaking to Board liaisons at any time, and suggested that contact at least twice annually is appropriate to discuss fundamental issues and the business of the Board.

F. UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING ASSEMBLY BILL 507 (OLSEN) [BREEZE], BUSINESS AND PROFESSIONS CODE SECTIONS 5536.22 (WRITTEN CONTRACT) AND 5550.2 (EXAM ELIGIBILITY – INTEGRATED DEGREE PROGRAM), AND SENATE BILL 1132 (GALGIANI) [INTERN TITLE]

Mr. McCauley updated the Board on Assembly Bill (AB) 507 (Olsen), the proposed legislation that will require annual submissions of a report to the Legislature and the Department of Finance regarding the BreEZe system. He reported that there are discussions between the DCA and the bill's author about restructuring it in a way that would provide the Legislature with metrics and other information it desires. Mr. McCauley reported that AB 507 remains in the Senate Committee on Business, Professions, and Economic Development (BP&ED).

Mr. McCauley also updated the Board on the submittal of two proposals to the Senate BP&ED for possible inclusion in the omnibus clean-up bill. He explained that the first proposal is an amendment to Business and Professions Code section (BPC) 5536.22 to clarify that the following elements are required in architects' written contracts with clients for professional services: 1) a description of the project, 2) the project address, and 3) a description of the procedure to accommodate contract changes. He informed that Senate BP&ED staff determined that this proposal is substantive, not clarifying, therefore, ineligible for the omnibus bill; it will need to be introduced in a separate bill during the next legislative cycle.

Mr. McCauley explained that the second proposal clarifies language regarding integrated degree programs that was added to the Architects Practice Act (Act) via the Sunset Review bill last year; the language specifically updates BPC 5550.2, which permits the Board to grant early eligibility

to take the ARE for students enrolled in an NCARB-accepted integrated degree program. He informed that the Senate BP&ED accepted this amendment with a minor revision requested by Legislative Counsel, that a bill number is pending, and that Board staff is working with Senate BP&ED staff to finalize the language.

Mr. McCauley reminded the Board of its Strategic Plan objective to monitor NCARB's position on the issue of creating a special title for candidates for licensure. He explained that a March 4, 2015 letter received from AIACC stated the organization's goal to "provide a means with which to formally recognize those committed to becoming California licensed architects," which, he noted, is contrary to action at the national level. Mr. McCauley further explained that NCARB determined that special titles for candidates are not appropriate. He also informed the Board NCARB's position is that, in order to protect the public health, safety, and welfare, only one title is needed: "Architect." Mr. McCauley reminded the Board that, at its most recent meeting (December 2015), it voted to accept the Regulatory and Enforcement Committee's (REC) recommendation to "table the intern titling issue until AIACC presents a comprehensive proposal that has been reviewed and analyzed by Board staff." He indicated that AIACC's proposal was received by the Board on February 24, 2016, but it has not been reviewed by the REC and analyzed by staff. Mr. McCauley stated that AIACC-sponsored legislation, Senate Bill (SB) 1132 (Galgiani), was introduced on February 19, 2016, and advised the Board to take a position on this bill given its prior action. Mr. Baker inquired whether the Board should take a position on SB 1132. He asked if AIACC is willing to postpone moving the bill until the REC has time to evaluate the proposal as directed in the December Board action. Kurt Cooknick explained the late delivery of AIACC's proposal to the Board. Mr. Cooknick opined that the Board should move forward on the intern title issue despite NCARB's position on the matter. He stated that AIACC's proposal is reasonable and addresses all concerns that have been expressed by the Board. He agreed to delay SB 1132 until the REC has had time to consider it and so that it may be coordinated through the author's office as well.

Mr. Baker inquired about the timeframe the candidate is permitted to use the intern title, to which Mr. Cooknick indicated that such a component was discarded due to the perception that a timeline is confusing. Mr. Baker asked if candidates would be able to use the title once they have eligibility to test for the ARE, to which Mr. Cooknick replied in the affirmative. Mr. Cooknick clarified that AIACC is asking for the Board to provide the ability for candidates to legally use "Architect" in their title within the firm. He also stated that if a firm authorizes the use of the title "architect-in-training (AIT)," a candidate can use it until he/she is no longer affiliated with the firm; at that point the candidate is responsible for its use. Mr. Cooknick opined that individuals would not want to call themselves AIT for their entire career, which would provide motivation to complete the licensure process. Mr. Baker asked whether it is the firm's decision or the candidate's decision to use the AIT title. Mr. Cooknick replied it would be the firm's decision because the firm is putting AIT on instruments of service. Mr. Baker asked what would happen if the candidate leaves the firm and goes to another firm that has chosen not to authorize the use of AIT. Mr. Cooknick replied the candidate would then not be able to use the title. Mr. Baker asked who is responsible if there is a violation of the use of AIT, to which Mr. Cooknick replied that the individual would be held accountable in the same way that individual licensees are held accountable. Mr. Baker requested that AIACC clarify and elaborate on the enforcement mechanisms related to the use of AIT before it is presented to the REC. Mr. Cooknick explained that, if a firm chooses to use AIT as a designation for an individual who meets the qualifications, the firm could produce instruments of service with the individual's name and AIT on those instruments of service. Mr. Baker expressed his concern that once the

Board begins to regulate a title outside of that which it is currently mandated to regulate, enforcement mechanisms must be in place to manage the use of that title. Bob Carter recommended that AIACC further develop its proposal to include scenarios that illustrate how the use of AIT will be implemented and enforced. Mr. Baker pointed to the proposed language to modify the Act that says there are potential fines to be assessed. He opined it would be helpful for the Board to know to whom to issue a citation, especially because there is a lack of clarity about who will ultimately be responsible for the use of AIT: the firm or the candidate.

Matthew McGuinness reported that the REC has not yet had an opportunity to fully analyze AIACC's proposal, and noted that data suggests that only 12 percent of people surveyed would consider calling themselves an AIT. He asked for a more comprehensive proposal so that the REC may discuss the issue on a deeper level. Mr. McGuinness also expressed concern about AIACC's submittal of legislation without first considering the Board's input. Ms. Serrano asked why architects would not be responsible for AITs in the same way the legal profession requires attorneys to be responsible for the work of paralegals. Mr. Baker explained that the management of the AIT title and the architect who exercises responsible control of everything produced by unlicensed staff is different. Ms. Serrano expressed her view that the use of AIT would make her more comfortable as a consumer of architectural services.

Mr. Cooknick opined that one's use of AIT is a reflection of the strength of one's desire to be licensed. Mr. Feng recalled the discussion during the June 2015 Board meeting with Mr. Cooknick and Deborah Gerard, and noted that SB 1132 does not address concerns that were expressed by the Board. He stated that, in his view, no progress on the Board's enforcement concerns has been made. Mr. Cooknick explained that SB 1132, in its current form, is "as introduced" and is not the final product. He stated he feels that AIACC's proposed legislation and regulation activities are parallel efforts, and are not intended to undermine the Board in any way. Mr. Cooknick also stated that, in his opinion, he has not heard compelling reasons to be opposed to the legislation. He noted that 22 other jurisdictions are using some sort of paraprofessional title and have figured out the enforcement part. Mr. Cooknick cautioned the Board to not confuse NCARB's decision about no longer recognizing "intern" with the view that California is not able to use any other title. Mr. Baker clarified NCARB's position that it is not in the business of promoting a title for unlicensed people. Ebony Lewis noted that, in the medical profession, residents are called many names (e.g., interns, residents-in-training, physicians-in-training), and suggested considering other professions' structure and practice to better inform the Board's decision about paraprofessional titles in the architectural profession.

Mr. Williams stated that the REC is asking for a comprehensive proposal from AIACC that addresses the enforcement issue. He said REC needs to assess the proposal and identify elements that the REC would agree and disagree with. Mr. Pearman stated that although SB 1132 in its current form does not describe everything, the Board should know answers to key questions. Mr. Gutierrez recommended that AIACC consider the consequences of its proposal on firms, and opined there will be very little acceptance of AIT by firms in their marketing or business development material. Ms. Kwan requested from Mr. Cooknick specific examples of jurisdictions that use a paraprofessional title like AIT, to which Mr. Cooknick offered to include a list of jurisdictions in AIACC's proposal before it is reviewed by the REC.

- **Matthew McGuinness moved to table the issue of creating a special title for candidates for licensure until the REC has received and considered a comprehensive proposal from AIACC.**

Ebony Lewis seconded the motion.

Mr. Cooknick stated that unlicensed practice, with or without a paraprofessional title, is still unlicensed practice. He opined that individuals who have the AIT title are less likely to behave badly and more likely to pay fines because they would not want to jeopardize their opportunity to become licensed. Mr. Baker stated that the Board must consider the facts and identify enforcement mechanisms. Mr. Gutierrez again encouraged Mr. Cooknick to consider potential unintended consequences of AIACC's proposal on firms.

Members Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, Williams, and President Baker voted in favor of the motion. The motion passed 9-0.

G. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. McCauley informed the Board that the 2016 NCARB Regional Summit will take place on March 11-12, 2016. He informed that, typically, NCARB Resolutions are introduced at this meeting for review and are voted upon at NCARB's Annual Business Meeting in June.

Mr. McCauley stated that, as a member of NCARB's Procedures and Documents Committee, he has seen the initial draft resolutions. He advised there will likely be resolutions on: 1) the Broadly Experienced Foreign Architect Program (BEFA), 2) military licensure, 3) emeritus status, 4) CE credit for IDP supervisors, 5) name change of IDP to a name that does not reference the word "intern" in model law, and 6) a mutual recognition agreement with New Zealand will be considered this year.

Mr. McCauley announced that the only contested position during the 2016 election cycle is for NCARB's Member Board Executive (MBE) Director position. He informed that individuals in the MBE position may serve three one-year terms and that, in his view, the incumbent, Kingsley Johnson Glasgow, has been very effective in this role. Mr. McCauley recommended endorsing Mr. Glasgow for the MBE Director position.

- **Sylvia Kwan moved to support the identified slate of NCARB candidates and allow the Board's NCARB delegation to take additional action at the NCARB Regional Summit as appropriate.**

Barry Williams seconded the motion.

Members Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, Williams, and President Baker voted in favor of the motion. The motion passed 9-0.

Mr. McCauley informed the Board that it should also take a position on Western Conference of Architectural Registration Boards (WCARB) candidates for office. The Board discussed each candidate for WCARB office.

- **Sylvia Kwan moved to support the identified slate of WCARB candidates and allow the Board's NCARB delegation to take additional action at the NCARB Regional Summit as appropriate.**

Nilza Serrano seconded the motion.

Members Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, Williams, and President Baker voted in favor of the motion. The motion passed 9-0.

Mr. McCauley reminded the Board that it is required to have a contract with NCARB in order for NCARB to provide administration of the ARE to California candidates. He advised that the contract is “zero-cost” to the State of California as fees are paid for by candidates. Mr. McCauley stated that the current contract with NCARB expires on June 30 2016, and asked the Board to approve the contract with NCARB for ARE administration.

- **Nilza Serrano moved to approve the contract with NCARB for ARE administration for fiscal years 2016-2019.**

Pasqual Gutierrez seconded the motion.

Members Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, Williams, and President Baker voted in favor of the motion. The motion passed 9-0.

Mr. McCauley informed the Board that the Professional Qualifications Committee (PQC) identified concerns regarding the burden on foreign architects relative to the completion of IDP. He indicated that NCARB proposed Resolution (2015-02) replaces the current BEFA Program in favor of a simplified alternative. Mr. McCauley explained that the new alternative, which becomes effective July 1, 2016, replaces the current BEFA requirements, eliminating the dossier review and the need to document seven years of credentialed practice in a foreign country. Instead, he explained, foreign architects will be required to document completion of the IDP experience requirements and successfully complete the ARE to obtain an NCARB Certificate. Marcus Reinhardt indicated that, per the Board’s request at its September 10, 2015 meeting, staff contacted NCARB for clarification about the application of the IDP requirement for foreign architects. He explained that, based on the clarification obtained from NCARB regarding BEFA changes, the Board then directed staff to contact NCARB (February 22, 2016 letter), requesting replacement or elimination of the IDP requirement for foreign architects and postponement of the July 1, 2016 implementation date. Mr. Baker informed that the concern is that foreign architects would be required to complete IDP and that, in his view, the biggest improvement in the process is that foreign architects now must complete the ARE, which was not a requirement before. Mr. McCauley asked the Board whether it believes that the positive benefits of the new proposal to streamline and remove the burden of the dossier review process outweighs the impact of documenting IDP. Mr. Baker opined that it does, and stated that he did not believe it is necessary for this issue to return to the PQC.

- **Tian Feng moved to support NCARB Resolution 2015-02 regarding the BEFA Program.**

Matthew McGuinness seconded the motion.

Members Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, Williams, and President Baker voted in favor of the motion. The motion passed 9-0.

Mr. Gutierrez, a member of NCARB’s Licensure Task Force (LTF), updated the Board on LTF activities. He informed that LTF is now the Integrated Path Evaluation Committee (IPEC), which is tasked with overseeing the ongoing work of NCARB’s IPI. Mr. Gutierrez advised that

the second round of Request for Proposals (RFP) to invite schools to participate in developing IPI programs was released on January 22, 2016, and the proposals are due on April 7, 2016. He also advised that the RFP had been revised to no longer request demographic data, as that data is already collected by NAAB, and no longer requests data on the program cost to students. Mr. Gutierrez announced that the next IPEC meeting is scheduled for April 15-16, 2016, at which time the IPEC will review the RFPs. He reminded the Board that 14 schools were accepted into the inaugural launch of IPI: Portland State University; USC; Woodbury; NewSchool; University of Kansas; Clemson University; University of North Carolina, Charlotte; North Carolina State University; University of Cincinnati; Florida Technological University; University of Detroit, Mercy; Savannah College of Arts and Design; Drexel University; and Boston Architectural College. Mr. Gutierrez informed that a presentation is being developed by NCARB for delivery to the Association of College Schools of Architecture. Ms. Kwan asked how many schools have expressed interest in submitting RFPs for the second round. Mr. Gutierrez stated that most schools that have contacted the IPEC have expressed a “wait and see” position before deciding to commit.

The three California schools with an IPI program accepted by NCARB (NewSchool, USC, and Woodbury) were invited to the Board meeting to provide a presentation on their respective programs. Each school provided the Board with a presentation regarding its respective approach to integrate education, experience, and examination.

Ms. Roussel reported on Woodbury’s approach to program eligibility, program interest, application process, and program steps to completion. Ms. Kwan asked if the agreement between the firm and student will continue throughout the IPI program, to which Ms. Roussel replied that she did not yet know. Ms. Serrano asked that Woodbury not to use a student’s financial standing with the university as an eligibility factor for an IPI slot.

Charles Lagreco reported on USC’s IPI program and urged the Board to consider allowing all California school of architecture students to take the ARE earlier than it currently allows. Mr. Lagreco stressed that IPI programs should be inclusive, not selective. He also spoke about his interest in the aspect of integration of exam and experience, making the pursuit of licensure more relevant to the student. Mr. Lagreco stated that he expects about 10 to 12 students to participate in the IPI program each year.

Kurt Hunker reported on NewSchool’s IPI program. Mr. Hunker spoke about NewSchool’s unique position to implement its IPI program by scheduling coursework and internship components simultaneously. He indicated that the undergraduate IPI program is a six-year program, while the graduate IPI program is a four-year program. Mr. Hunker stated that he expects about 12 graduate students to participate in the IPI program each year.

H. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

Trish Rodriguez provided the Board with an update on the activities at the February 10, 2016 LATC meeting. Ms. Rodriguez reported that the Council of Landscape Architectural Registration Boards is beginning its task analysis and has contacted each board to request the list of licensees for participation in their task analysis. She also reported that the Committee discussed re-licensure procedures and directed staff to research appropriate changes that allow an individual with an expired license, for more than three years but fewer than five, to pay incurred fees and retake the CSE without having to retake the Landscape Architect Registration

Examination. Ms. Rodriguez stated that the amendment would require not only changes to regulation, but also to statute. She advised that staff will work with legal counsel to present the issue to the Board at a future meeting. Ms. Rodriguez also reported that the Committee discussed related degrees, and recommended the item to be further discussed at the next Strategic Planning meeting in November 2016. Finally, she reported that the Committee considered the issue of California Code of Regulations section (CCR) 2620, as it relates to education and training credits. Ms. Rodriguez explained the 2010 Education Subcommittee's intention for candidates with education experience described in sections 2620(a)(1) and (a)(5) to need only two years as a licensed landscape contractor to meet the six-year experience requirement. She asked the Board to consider the Committee's recommendation to approve the proposed regulatory language to amend CCR 2620 to include this pathway into regulation.

- **Nilza Serrano moved to approve the proposed regulation to amend CCR 2620, and delegate authority to the Executive Officer to adopt the regulation provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.**

Sylvia Kwan seconded the motion.

Members Feng, Gutierrez, Kwan, Lewis, McGuinness, Pearman, Serrano, Williams, and President Baker voted in favor of the motion. The motion passed 9-0.

I. CLOSED SESSION

The Board went into closed session to:

- 1) Confer with legal counsel on litigation regarding *Marie Lundin vs. California Architects Board, et al.*, Department of Fair Employment and Housing, Case No. 585824-164724;
- 2) Consider action on the Closed Session Minutes of the December 10, 2015 Board meeting;
- 3) Consider action on two Stipulated Settlements; and
- 4) Consider action on two Proposed Decisions.

J. RECONVENE OPEN SESSION

The Board reconvened open session.

K. ADJOURNMENT

The meeting adjourned at 2:27 p.m.

EXECUTIVE OFFICER'S REPORT

1. Update on May 2016 Monthly Report on Board's Administrative/Management; and Examination, Licensing and Enforcement Programs
2. Budget Update



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MEMORANDUM

DATE: June 1, 2016
TO: Board Members 
FROM: Doug McCauley, Executive Officer
SUBJECT: Monthly Report

The following information is provided as an overview of Board activities and projects as of May 31, 2016.

ADMINISTRATIVE/MANAGEMENT

Board The Board met on March 3, 2016 at Woodbury University in Burbank. The meetings scheduled for the remainder of the year are as follows: June 9 (San Francisco); September 29 (Southern California); and December 15–16 (Sacramento). The December meeting will include a Strategic Planning session. See the Calendar of Events at the end of this report for upcoming meetings.

BreEZe The Department of Consumer Affairs (DCA) has been working with Accenture, LLP to design, configure, and implement an integrated, enterprise-wide enforcement case management and licensing system called BreEZe. This system supports DCA's highest priority initiatives of job creation and consumer protection by replacing aging legacy business systems with an industry-proven software solution that utilizes current technologies to facilitate increased efficiencies for DCA board and bureau licensing and enforcement programs. More specifically, BreEZe supports applicant tracking, licensing, license renewal, enforcement, monitoring, cashiering, and data management capabilities. Additionally, the system is web-based which allows the public to file complaints and search licensee information and complaint status via the Internet. It also allows applicants and licensees to submit applications, license renewals, and make payments online. BreEZe is being deployed department-wide via three separate releases. Release 1 was implemented on October 9, 2013; release 2 was implemented on January 19, 2016; and release 3 is planned to begin development in mid-2016. The Board is currently part of Release 3. The State Auditor recommended that DCA conduct a cost-benefit analysis for Release 3 boards and bureaus.

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

Absent any contrary finding in that analysis, DCA plans to bring the remaining boards and bureaus into BreEZe, but likely will do so in smaller groups. Additionally, DCA will work with the Release 3 boards and bureaus and the California Technology Agency in preparing a project plan for the remaining boards and bureaus. DCA will also perform a formal cost benefit analysis. Part of this formal evaluation will include a gap analysis of all existing BreEZe functionality as delivered at the completion of Release 2, in comparison to the Release 3 boards and bureaus' business needs and current systems' functionality. It indicated that the cost benefit analysis/feasibility study will determine the strategy to be utilized; and, whether a vendor, state staff, or a combination thereof will be implementing Release 3.

Budget In February, Board staff met with DCA Budget Office staff to conduct the annual budget planning meeting, and to discuss the realignment of budget line items and expenditure projections, per the Board's request. The Budget Office agreed with staff's proposed realignments and updated the projections. These updates will be incorporated into the Budget Report provided at the June 9, 2016 Board meeting.

Communications Committee Communications Committee members will be surveyed for a date to hold the next meeting to continue work on assigned 2015–16 Strategic Plan objectives.

Executive Committee Executive Committee members will be surveyed for a date to hold the next meeting to continue work on assigned 2015–16 Strategic Plan objectives.

Legislation Senate Bill (SB) 1132 (Galgiani) [Intern Title] is an American Institute of Architects, California Council (AIACC) proposal to create and define a special title for candidates for licensure. Specifically, it would create the "architect-in-training" title for a person who has received Board confirmation of eligibility for the Architect Registration Examination (ARE) and is employed under the direct supervision of an architect. SB 1132 is on the Senate floor as of May 31, 2016.

SB 1195 (Hill) [Board Actions: Competitive Impact] would grant the DCA Director authority to review any board decision or other action to determine whether it unreasonably restrains trade. This bill is the Legislature's response the North Carolina Dental Board v. Federal Trade Commission case. This case is regarding antitrust immunity for boards, and a key component in the holding is whether there is sufficient "active state supervision" of board actions. This bill addresses that issue by expanding the Director's authority and specifying the elements for the reviews. The Director's review would assess whether the action or decision reflects a clearly articulated and affirmatively expressed state law, and is the result of the board's exercise of ministerial or discretionary judgment. In addition, Director would assess whether the anticompetitive effects of the action or decision are clearly outweighed by the benefit to the public. SB 1195 is on the Senate floor.

SB 1479 (BP&ED) [Exam Eligibility] contains the Board-sponsored amendment which clarifies language regarding integrated degree programs that was added to the Architects Practice Act (Act) via the Sunset Review bill last year. The bill updates BPC 5550.2, which permits the Board to grant early eligibility to take the ARE for students enrolled in a National Council of Architectural Registration Boards (NCARB)-accepted integrated degree program. SB 1479 is now in the Assembly Committee on Business and Professions.

Assembly Bill (AB) 507 (Olsen) [BreEZe] would add Business and Professions Code section (BPC) 210.5 to require DCA to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. Since the introduction of the bill, DCA has reported extensively on BreEZe during the Sunset Review and budget hearings. The author opted to not move the bill forward, as comprehensive reporting on BreEZe will be more appropriate when it is fully implemented.

BPC 5536.22 (Written Contract) is a proposal submitted by the Board to BP&ED for possible inclusion in an omnibus bill. The amendment to BPC 5536.22 seeks to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project; 2) the project address; and 3) a description of the procedure to accommodate contract changes. BP&ED staff determined that this proposal is substantive and, as such, will need to be included in another bill. At its April 28, 2016 meeting, the Regulatory and Enforcement Committee (REC) accepted staff's recommendation to also include: 1) a statement identifying the ownership and/or reuse of documents prepared by the architect; and 2) a notification to the client that the architect is licensed by the Board, in the amendment to BPC 5536.22. Staff is currently developing proposed language for BPC 5536.22 to include these two additional elements, which will be presented to the REC for consideration at its next meeting in the fall.

Liaison Program Liaisons last provided reports at the March 3, 2016 Board meeting on assigned organizations and schools that were not reported on at the December 10, 2015 Board meeting. The next liaison reports are scheduled for the September 29, 2016 Board meeting.

Newsletter The latest issue of the Board's newsletter, *California Architects*, was published, posted on the website, and distributed to email subscribers in April. A special edition of *California Architects* is scheduled for publication in June.

Personnel Wayne West was hired to fill the Board's vacant Enforcement Technician position; his first day was May 2, 2016. Andy Henderson accepted a Pension Program Analyst position at CalSTRS and his last day at the Board was April 21, 2016. Recruitment efforts are underway to fill his Public Information Technician position in the Administration Unit. Cecilia Sharp will transfer from the half-time Enforcement Technician position to a full-time position within the unit effective June 6, 2016. Recruitment efforts are also underway to fill the half-time position.

Training The following employees have been scheduled to participate in upcoming training:

6/7/16	Excel 2010 Level 1 (Lily Dong and Wayne)
6/16/16	Investigative Subpoena Preparation (Kristin)
6/21/16	Concur Online Booking (Gabe and Lily Dong)
6/21/16	Word 2010 Level 1 (Wayne)
7/13/16	Give 'em the Pickle - Customer Service (Gabe)
7/19/16	New Employee Orientation (Wayne)
7/20/16	Effective Business Writing (Gabe)
8/30/16	Excel 2010 Level 2 (Gabe, Greg, and Lily Dong)

Twitter The Board currently has 911 followers, up from 649 followers this time one year ago.

Website In May, the Board’s website was updated to include the agenda for the June 9, 2016 Board meeting in San Francisco.

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The results for ARE divisions taken by California candidates between April 1, 2016 and April 30, 2016 are available immediately below.

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		# Divisions	Passed	# Divisions	Failed
Building Design & Construction Systems	83	45	54%	38	46%
Building Systems	94	63	67%	31	33%
Construction Documents & Services	163	76	47%	87	53%
Programming, Planning, & Practice	163	91	56%	72	44%
Schematic Design	59	41	69%	18	31%
Site Planning & Design	115	69	60%	46	40%
Structural Systems	56	33	59%	23	41%

The results for ARE divisions taken by California candidates compared to all NCARB candidates for 2015 are shown below:

2015

DIVISION	CALIFORNIA CANDIDATES		ALL NCARB CANDIDATES			PERCENT DIFF.	
	Total	Passed	% Passed	Total	Passed	% Passed	Total
Programming, Planning & Practice	1,127	650	58%	7,099	4,524	64%	-6%
Site Planning & Design	998	628	63%	6,493	4,345	67%	-4%
Building Design & Construction Systems	1,506	805	53%	9,588	5,594	58%	-5%
Structural Systems	1,325	768	58%	8,822	5,284	60%	-2%
Building Systems	1,083	760	70%	6,424	4,949	77%	-7%
Construction Documents & Services	1,363	789	58%	7,816	5,163	66%	-8%
Schematic Design	883	585	66%	6,173	4,087	66%	0%

ARE 5.0 Approved by the NCARB Board of Directors (BOD) in June 2013, ARE 5.0 will be launching in late 2016. ARE 5.0 will consist of six standalone divisions that more closely align with current architectural practice and technology. With the launch of ARE 5.0, NCARB will be retiring graphic vignettes in favor of two new question types: hot spots and drag-and-place. Each division will also include cases studies; the exam will continue to use multiple choice, check-all-that-apply, and quantitative fill-in-the-blank question types. NCARB has stated that these new item types allow for testing at higher levels of cognition through analytical, synthetic, and evaluative exercises—which will be more like what an architect does as part of regular practice.

In May 2014, NCARB began its informational campaign to release information about ARE 5.0 and the transition from ARE 4.0 in order to allow candidates who may be transitioned more time to prepare and create an action plan. Additionally, NCARB is making some adjustments it believes will benefit candidates, such as the: 1) dual delivery of ARE 4.0 and ARE 5.0 for at least 18 months, 2) option for candidates to “self-transition” to ARE 5.0, and 3) availability of interactive tools and resources to help a candidate determine the best strategy for their transition.

On February 18, 2016, NCARB released additional ARE 5.0 details and question type demos. The details include the number of question each new division will contain, as well as ARE 5.0 test durations. The demos are a series of short videos about the new question types, case studies, hot spots, and drag-and-place, and are available for viewing on YouTube.

In mid-2016, NCARB is planning to release ARE 5.0 study materials and final examination details. Board staff is monitoring NCARB newsfeeds for the latest information regarding ARE 5.0.

California Supplemental Examination (CSE): CSE development is an ongoing process. The current Intra-Agency Contract Agreement (IAC) with the Office of Professional Examination Services (OPES) for examination development expires on June 30, 2016. Staff worked with OPES to develop a new IAC for FY 2016/17, which will be brought before the Board for its

consideration at the June 9, 2016 meeting. Development of the CSE based upon the 2014 CSE Test Plan will commence in late 2016.

CSE Results: In May, the computer-delivered CSE was administered to 95 candidates, of which 70 (74%) passed and 25 (26%) failed. The CSE has been administered to 883 candidates in FY 2015/2016, of which 599 (68%) passed and 284 (32%) failed. During FY 2014/2015, the computer-delivered CSE was administered to 788 candidates, of which 472 (60%) passed, and 316 (40%) failed.

NCARB Broadly Experienced Architect (BEA) Program During the 2015 Annual Business Meeting, NCARB Member Boards rejected a resolution that would have replaced the BEA Program in favor of an alternative for receiving an NCARB Certificate that would have excluded architects without a post-secondary education. The Board was strongly opposed to the resolution. NCARB indicated after the vote that it would apply feedback received from membership toward a revised alternative and return with a proposal that will attempt to capture the blend of rigor, inclusion, and ease of use that is acceptable to a majority of its members.

On March 7, 2016, NCARB released its 2016 slate of resolutions for membership consideration at the 2016 Annual Business Meeting. Among the resolutions received was Resolution 2016-B, which would update the BEA process as a result of the discussions at the June 2015 Annual meeting. Under the resolution, applicants attempting to receive Certification through this process would have to possess three years of continuous licensure in an U.S. jurisdiction with no disciplinary action. Those with a 4-year bachelor degree in an architecture-related program would have to document two times the Intern Development Program (IDP) requirement. Other licensees with 64 or more credit hours of post-secondary education would have to obtain an Education Evaluation Services for Architects (EESA) evaluation and document experience to satisfy subject areas identified as deficient by the EESA through a portfolio review. Licensees with fewer than 64 semester credit hours would have to satisfy all education deficiencies through an education portfolio. Board staff has analyzed the NCARB resolutions and will provide a recommendation to the Board at its June 9, 2016 meeting.

NCARB Broadly Experienced Foreign Architect (BEFA) Program During the 2015 Annual Business Meeting, NCARB Member Boards approved a resolution that becomes effective July 1, 2016 and replaces the Broadly Experienced Foreign Architect Program in favor of a simplified alternative for receiving an NCARB Certificate. The Board supported the resolution.

The resolution was discussed by the Professional Qualifications Committee (PQC) at its July 14, 2015, meeting. During the meeting, some members raised concerns regarding the impact upon foreign architects seeking stateside employment and the method to be used in applying the Intern Development Program (IDP) requirements. The PQC approved a recommendation requesting the Board pursue an amendment to the resolution and a delay in its implementation.

The Board discussed the resolution at its September 10, 2015, meeting and requested staff contact NCARB for clarification regarding the application of IDP requirements for foreign architects. The clarification received was presented to the Board at its December 10, 2015, meeting, which then directed staff to draft a letter to NCARB requesting elimination of the IDP

requirement for foreign architects and postponement of implementation. The letter was mailed to NCARB on February 22, 2016. An update was provided to the Board at its March 3, 2016.

NCARB Integrated Path to Architectural Licensure (IPAL) NCARB has been pursuing a path to licensure that integrates a professional education in architecture with practical experience and the licensing examination since commissioning its Licensure Task Force (LTF) in September 2013. The LTF was charged with exploring potential avenues to licensure by analyzing the essential components (education, experience, and examination) and determining where efficiencies can be realized in order to streamline the licensure process. On May 30, 2014, NCARB formally announced its endorsement of the concept of integrated programs.

At the March 12, 2015, Board meeting, Woodbury University and NewSchool of Architecture and Design provided the Board with detailed presentations that explained their respective approach to integrate education, experience, and examination. Then on August 31, 2015, NCARB announced the names of the first 13 accredited architectural programs accepted to participate in the IPAL. Three of the accepted programs are from California (NewSchool of Architecture and Design, University of Southern California, and Woodbury University).

NCARB also established a new Integrated Path Evaluation Committee (IPEC) to oversee the ongoing work of this initiative. It is anticipated that the IPEC will continue to coach accepted programs, promote engagement with state boards regarding the necessary statutory or regulatory changes to incorporate integrated path candidates, and oversee the acceptance of future program applicants. According to NCARB, each program will implement the integrated path in alignment with the schedule developed by the respective school administration and faculty; specific starting dates may vary from one school to another. Integrated path students in each program will be part of existing accredited programs.

At its December 10, 2015, meeting, the Board discussed granting early ARE eligibility to students enrolled in a NAAB degree program regardless of whether it is an NCARB-accepted IPAL program. The Board expressed its intent to monitor the inaugural IPAL programs prior to making any decision regarding extending early ARE eligibility to other accredited programs.

On January 1, 2016, BPC 5550.2 became operative and authorizes the Board to grant candidates enrolled in an IPAL program early eligibility to take the ARE. The Board sponsored an amendment (contained within SB 1479) to clarify the language of BPC 5550.2. SB 1479 is now in the Assembly Committee on Business and Professions.

During the Board's March 3, 2016 meeting, the three California programs accepted by NCARB provided an update on their respective approaches for integration. Additionally, Board Member Pasqual Gutierrez informed the other members that a second round of Requests for Proposal to invite schools to participate in IPAL was released on January 22, 2016 with proposals due April 7, 2016.

NCARB Intern Development Program (IDP) On July 1, 2015, NCARB reduced the hours required to complete IDP from 5,600 to 3,740. This was the first in a two-step process to streamline IDP and align it with the contemporary practice of architecture.

The second phase of the streamline process will commence on June 29, 2016 and will update IDP by realigning the current 17 experience areas into six broad practice-based areas. During the second phase, NCARB will also overhaul the experience settings and eliminate Setting S.

On January 27, 2016, NCARB announced that, as part of a national effort to retire the term “intern,” IDP will be renamed the Architectural Experience Program (AXP), effective June 29, 2016. The decision was enacted by NCARB's BOD and is the result of over a year of research and outreach by various NCARB committees, as well as feedback from other state licensing boards, industry leaders, and emerging professionals.

Outreach On May 11, 2016, Timothy Rodda, Examination/Licensing Analyst, provided a presentation with Division of the State Architect Senior Architect Ida Clair and NORR Associates, Inc. Designer Amanda Green at the Sacramento Learning Center. The presentation explained the roles and responsibilities of a licensee, as well as the process to become licensed.

Professional Qualifications Committee (PQC) The next PQC meeting is planned for July 12, 2016 via teleconference. The Committee will continue its work on 2015–16 Strategic Plan objectives.

Regulation Amendments *California Code of Regulations (CCR) Section 120 (Re-Examination)* - Effective October 1, 2014, NCARB’s mandatory wait time for retaking ARE divisions decreased from 6 months to 60 days. This policy change allows candidates who have failed a division to retake the division as soon as 60 days after the previous attempt, and up to 3 times in a running year for any particular division. During analysis of the aforementioned NCARB policy change and existing regulations, staff noted that there were no provisions allowing for an extension to a candidate’s Rolling Clock date that NCARB may grant under specific circumstances. Additionally, CCR 120 requires that candidates reapply to NCARB or its authorized representative upon failing a division or failing to appear for a scheduled division, which is not the current practice as outlined in the most recent edition of the *ARE Guidelines*. Staff developed proposed regulatory language to amend CCR 120 to reflect the proposed retest modifications, update regulations to accept Rolling Clock extensions, and reference the current edition of the *ARE Guidelines* for rescheduling procedures. The Board approved the proposed regulatory language to amend CCR 120 at its September 10, 2014 meeting and delegated authority to the EO to adopt the regulation, provided that no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board’s regulatory proposal for CCR 120:

- | | |
|--------------------|---|
| September 10, 2014 | Proposed regulatory language approved by the Board |
| February 27, 2015 | Notice of Proposed Changes in the Regulations submitted to Office of Administrative Law (OAL) |
| March 13, 2015 | Notice of Proposed Changes in the Regulations published by OAL |
| April 27, 2015 | Public hearing, no comments received |
| May 6, 2015 | Notice of Modified Text mailed to interested parties |
| May 21, 2015 | End of 15-day comment period; no comments received |

June 10, 2015	Modified text approved by the Board
July 27, 2015	Notice of Second Modified Text mailed to interested parties
August 11, 2015	End of second 15-day comment period; no comments received
September 10, 2015	Second Modified text approved by the Board
September 28, 2015	Final rulemaking file submitted to DCA Legal Office and Division of Legislative and Policy Review
February 1, 2016	Final rulemaking file submitted to Business, Consumer Services and Housing Agency (Agency) for approval
March 1, 2016	Final rulemaking file approved by Agency
March 7, 2016	Final rulemaking file submitted to OAL for approval
April 19, 2016	Final rulemaking file withdrawn due to OAL's concerns with perceived ambiguity of the proposed language

CCR 109 (Filing of Applications) and 111 (Review of Applications) - On September 27, 2014, Governor Edmund G. Brown Jr. signed SB 1226 (Correa) [Chapter 657, Statutes of 2014] into law, which added BPC 115.4. BPC 115.4 requires the Board, on and after July 1, 2016, to expedite or, when applicable, assist the initial licensure process for a candidate who supplies satisfactory evidence to the Board they have served as an active duty member of the Armed Forces of the United States and were honorably discharged. Forthcoming changes based on BPC 115.4 necessitate a revision to the Application for Eligibility Evaluation. Changes to the application will also include: updating the name of the application in regulation, transitioning from a print-based version to one that is web-based, and standardizing language and layout to meet current web accessibility standards. Staff developed proposed regulatory language to reflect the new version of the application. The Board approved the proposed regulatory language to amend CCR 109 and 111 at its March 12, 2015 meeting and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR 109 and 111:

March 12, 2015	Proposed regulatory language approved by the Board
June 4, 2015	Notice of Proposed Changes in the Regulations submitted to OAL
June 19, 2015	Notice of Proposed Changes in the Regulations published by OAL
August 3, 2015	Public hearing, no comments received
August 13, 2015	Final rulemaking file submitted to DCA Legal Office and Division of Legislative and Policy Review
December 8, 2015	Final rulemaking file submitted to Agency for approval
January 4, 2016	Final rulemaking file approved by Agency
January 12, 2016	Final rulemaking file submitted to OAL for approval
February 23, 2016	Final rulemaking file approved by OAL
April 1, 2016	Effective date of regulatory change

CCR 118.5 (Examination Transfer Credit) and 119.8 (Examination Transition Plan - ARE 4.0 to ARE 5.0) – In early 2013, the NCARB BOD voted unanimously to approve the development of ARE 5.0, the next version of the examination. In May 2014, NCARB released information about the transition from ARE 4.0 to ARE 5.0. Additionally, NCARB is making some adjustments,

such as the dual delivery of ARE 4.0 and ARE 5.0 for at least 18 months, and the option for candidates to “self-transition” to ARE 5.0. Staff developed proposed regulatory language to amend CCR 118.5 to allow transfer credit for those passed ARE divisions, and add CCR 119.8 to allow candidates to transition to and obtain credit for ARE 5.0. The Board approved the proposed regulatory language to amend CCR 118.5 and add CCR 119.8 at its September 10, 2015 meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board’s regulatory proposal for CCR 118.5 and 119.8:

September 10, 2015	Proposed regulatory language approved by the Board
September 22, 2015	Notice of Proposed Changes in the Regulations submitted to OAL
October 2, 2015	Notice of Proposed Changes in the Regulations published by OAL
November 16, 2015	Public hearing, no comments received
December 9, 2015	Final rulemaking file submitted to DCA Legal Office and Division of Legislative and Policy Review
May 6, 2016	Final rulemaking file submitted to Agency for approval

CCR 109 (Filing of Applications) - NCARB released a new edition of the *IDP Guidelines* which implements the first phase of the IDP overhaul. Specifically, this requires interns to only document the core hour requirement to complete IDP. This reduces the total length of the required experience from 5,600 hours to 3,740. Staff developed proposed regulatory language to reflect the new edition of the guidelines. The Board approved the proposed regulatory language to amend CCR 109 at its September 10, 2015 meeting and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board’s regulatory proposal for CCR 109:

September 10, 2015	Proposed regulatory language approved by the Board
September 29, 2015	Notice of Proposed Changes in the Regulations submitted to OAL
October 9, 2015	Notice of Proposed Changes in the Regulations published by OAL
November 23, 2015	Public hearing, no comments received
December 23, 2015	Final rulemaking file submitted to DCA Legal Office and Division of Legislative and Policy Review
April 20, 2016	Final rulemaking file submitted to Agency for approval
May 19, 2016	Final rulemaking file approved by Agency
May 24, 2016	Final rulemaking file submitted to OAL for approval

ENFORCEMENT PROGRAM

Architect Consultants Education/Information Program: Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees.

In May, there were 26 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for nine of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

One of the architect consultant contracts expires on June 30, 2016. A Request for Proposal for architect consultant services for the next three fiscal years (FY) [2016/17 through 2018/19] was released on March 9, 2016, and advertised on the Internet under the State Contracts Register. The final date for submission of proposals was April 6, 2016. One proposal was received. The proposal was evaluated (First Phase Evaluation) on April 13, 2016, and the proposer received an overall technical score of 30 or more and proceeded to the Second Phase Evaluation, an oral interview. On April 21, 2016, the Evaluation Committee interviewed the candidate and awarded technical points based on selection criteria contained in the RFP. Robert L. Carter was selected as the awardee of the contract. The Notice of Intent to Award announcing the consultant selected was posted, as required by law, in the Board’s office on April 21, 2016, and the tentative agreement start date will be July 1, 2016, or upon approval.

Disciplinary Action Paul Curtis Bunton (San Jose) Effective April 7, 2016, Bunton’s architect license number C-18659, was revoked; however, the revocation was stayed and Bunton’s license was placed on probation for three years with specific terms and conditions, including reimbursing the Board \$6,512.50 for its investigative and enforcement costs. The action came after a Proposed Decision was adopted by the Board.

An Accusation was filed against Bunton for alleged violations of BPC 5588 (Report of Settlement or Arbitration Award), 490 (Conviction of Crime) and 498 (License Secured by Fraud, Deceit or Knowing Misrepresentation). The Accusation alleged that Bunton failed to report to the Board in writing within 30 days of the date of a civil settlement. On March 26, 2012, he pled guilty to aiding and abetting the commission of a misdemeanor under Penal Code section 659. On his 2013 License Renewal Application, he answered “no” to the question, “In the preceding renewal period, have you been disciplined by a public agency or have you been convicted of a crime in any state, the USA and its territories, federal jurisdiction, military court, or other country, which involved a plea of verdict of guilt or a conviction following a plea of nolo contendere?” Bunton submitted a false statement under penalty of perjury on the application to renew his architect license.

	<u>Current Month</u>	<u>Prior Month</u>	<u>FYTD</u>	<u>5-FY Avg</u>
<u>Enforcement Statistics</u>	May 2016	April 2016	2015/16	2010/11-2014/15
Complaints				
Received/Opened (Reopened):	20 (1)	18 (1)	366 (3)	279 (2)
Closed:	25	24	389	286
Average Days to Close:	125 days	147 days	115 days	161 days
Pending:*	85	89	117	109
Average Age of Pending:*	161 days	156 days	129 days	200 days
Citations				
Issued:	2	12	70	30

Pending:*	14	26	17	10
Pending AG:* †	6	6	6	2
Final:	13	0	64	27
Disciplinary Action				
Pending AG:*	6	6	8	3
Pending DA:*	1	1	1	3
Final:	1	1	4	3
Continuing Education (§5600.05)**				
Received/Opened:	1	1	90	57
Closed:	2	10	110	46
Pending:*	2	3	16	30
Settlement Reports (§5588)**				
Received/Opened:	3	2	32	33
Closed:	3	2	37	36
Pending:*	6	6	11	15

* FYTD data is presented as a monthly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

Most Common Violations The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, or initiated by the Board upon the failure of a coursework audit.

During FY 2015/16 (as of May 31, 2016), 64 citations with administrative fines became final with 97 violations of the provisions of the Act and/or Board regulations. Below are the most common violations that have resulted in enforcement action during the current FY:

- BPC 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect [23.7%]
- BPC 5536.1(c) – Unauthorized Practice [4.1%]
- BPC 5536.22(a) – Written Contract [3.1%]
- BPC 5584 – Negligence or Willful Misconduct [5.2%]
- BPC 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [52.6%]
- CCR 160(b)(2) – Rules of Professional Conduct (Willful Misconduct) [7.2%]
- Other Violations [4.1%]

Regulation Amendments *CCR 154 (Disciplinary Guidelines)* - The Board's 2013 and 2014 Strategic Plans included an objective to review and update the Board's *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board's *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of AIACC to address a proposed modification to the "Obey All Laws" condition of probation. The representative concurred with the revision and indicated that there was no issue with the proposal. Staff then consulted with the REC Chair who agreed to provide the *Disciplinary Guidelines* with recommended revisions to the Board for consideration at its December 2014 meeting due to the target date established for the Strategic Plan objective. At its December 2014

meeting, the Board approved the proposed revisions to the *Disciplinary Guidelines* and authorized staff to proceed with a regulatory proposal to amend CCR 154 in order to incorporate the revised *Disciplinary Guidelines* by reference. Staff prepared the required regulatory documents for the Board's review and approval at its June 10, 2015 meeting. The Board approved the proposed regulatory language to amend CCR 154 at its June 10, 2015 meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

Following the August 6, 2015 Landscape Architects Technical Committee (LATC) meeting, legal counsel advised LATC staff that additional research may be necessary regarding Optional Conditions 9 (CSE) and 10 (Written Examination). LATC staff subsequently discussed the issues regarding Optional Conditions 9 and 10 with legal counsel on September 30, 2015. Board staff reviewed legal counsel's comments as they relate to the Board's *Disciplinary Guidelines*, and determined the Board's *Guidelines* would also need to be amended. On October 21, 2015 Board and LATC staff sent proposed edits to these conditions to legal counsel for review. Legal counsel notified Board and LATC staff on November 12, 2015 that the proposed edits were acceptable, but substantive, and would require approval by the Board. On November 25, 2015, legal counsel further advised staff to include the current version of the Board's Quarterly Report of Compliance form (1/11) as "Attachment A" in the Board's *Disciplinary Guidelines*, as this method was previously approved by OAL for the 2000 edition of the *Guidelines*. At its December 10, 2015 meeting, the Board reviewed and approved the additional recommended revisions to the Board's *Disciplinary Guidelines* and the proposed regulation to amend CCR 154, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for DCA legal counsel's review and approval on March 15, 2016. On April 8, 2016, legal counsel advised staff that further substantive changes were necessary prior to submission to OAL. Staff is currently developing recommended revisions to the *Guidelines* in response to legal counsel's concerns, and will present those revisions to the REC for review and consideration at its next meeting in the fall.

Regulatory and Enforcement Committee (REC) The REC met on April 28, 2016 in Sacramento and via teleconference. At the meeting, the REC addressed its assigned Strategic Plan objectives.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Committee The LATC met on May 24, 2016 in Sacramento, The next meeting is scheduled for August 31, 2016.

Personnel Tremaine Palmer was hired to fill the LATC's vacant Special Projects Analyst position; his first day was May 2, 2016.

Website In May, staff posted the agenda for the May 24, 2016 LATC meeting in Sacramento and published the updated “Licensee Search” lists to the website.

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) BPC 139 requires that an Occupational Analysis (OA) be conducted every five to seven years. An OA was completed by OPES for the LATC in 2014. The Test Plan developed from the 2014 OA will be used during content development of the CSE. The CSE development is based on an ongoing analysis of current CSE performance and evaluation of examination development needs. The prior IAC with OPES for examination development expired on June 30, 2015. Staff worked with OPES on the development of a new IAC for FY 2015/16, which was approved by the Committee at its November 17, 2015 meeting. Upon execution of the IAC with OPES, the LATC began recruiting SMEs to participate in examination development workshops to focus on item writing and examination construction. Examination development workshops have been held monthly since January 2016 and will conclude on June 11, 2016.

Landscape Architect Registration Examination (LARE) The most recent LARE administration was held April 4–16, 2016. The next LARE administration will be held on August 1–13, 2016 and the candidate application deadline is June 17, 2016. Test results are released five-six weeks following the last day of administration.

Regulation Amendments *CCR 2615 (Form of Examinations)* – At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have ten years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015 the Committee approved proposed amendments to CCR 2615 (C)(1), and recommended that the Board authorize LATC to proceed with a regulatory change. At its December 10, 2015 meeting, the Board approved the regulatory changes and delegated authority to the EO to adopt the corresponding regulations to amend CCR section 2615 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

Following is a chronology, to date, of the processing of LATC’s regulatory proposal for CCR 2615:

November 17, 2015 Proposed regulatory language approved by the LATC
December 10, 2015 Proposed regulatory language approved by the Board*

* Staff is developing a regulatory proposal with justification to submit to OAL.

CCR 2620(a)(13), Expand Eligibility Requirements to Allow Credit for Teaching Under a Licensed Landscape Architect – At the LATC meeting on February 10, 2015, the Committee agreed that up to one year of experience/training credits should be granted for teaching under the supervision of a licensed landscape architect. At the May 13, 2015 LATC meeting, the Committee approved the proposed language to amend CCR section 2620(a)(13) to provide one year of teaching credit under the supervision of a landscape architect in a degree program as specified in CCR 2620(a)(1), (2), and (4). At the August 6, 2015 LATC meeting, the Committee recommended that the Board authorize LATC to proceed with a regulatory change. At its

September 10, 2015 meeting, the Board approved the regulatory changes and delegated authority to the EO to adopt the regulation to amend CCR 2620(a)(13) provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR 2620:

August 6, 2015	Proposed regulatory changes approved by the LATC
September 10, 2015	Final approval by the Board
October 9, 2015	Notice of Proposed Changes in the Regulations published by OAL
November 30, 2015	Public hearing, no comments received
March 24, 2016	Final rulemaking file submitted to DCA Legal Office and Division of Legislative and Policy Review

CCR 2620.5 (Requirements for an Approved Extension Certificate Program) – LATC established the original requirements for an approved extension certificate program based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). These requirements are outlined in CCR 2620.5. In 2009, LAAB implemented changes to their university accreditation standards. Prompted by the changes made by LAAB, LATC drafted updated requirements for an approved extension certificate program and recommended that the Board authorize LATC to proceed with a regulatory change. At the December 15-16, 2010 Board meeting, the Board approved the regulatory change and delegated authority to the EO to adopt the regulations to amend CCR 2620.5 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed. The regulatory proposal to amend CCR 2620.5 was published by the OAL on June 22, 2012.

In 2012, the LATC appointed the University of California Extension Certificate Program Task Force, which was charged with developing procedures for the review of the extension certificate programs, and conducting reviews of the programs utilizing the new procedures. The Task Force held meetings on June 27, 2012, October 8, 2012, and November 2, 2012. As a result of these meetings, the Task Force recommended additional modifications to CCR 2620.5 to further update the regulatory language with LAAB guidelines and LATC goals. At the November 14, 2012 LATC meeting, LATC approved the Task Force's recommended modifications to CCR 2620.5, with additional edits. At the January 24–25, 2013 LATC meeting, LATC reviewed public comments regarding the proposed changes to CCR 2620.5 and agreed to remove some proposed modifications to the language to accommodate comments received from the public. The Board approved adoption of the modified language for CCR 2620.5 at its March 7, 2013 meeting. The disapproval was based on OAL's determination that the regulatory package did not meet the necessity standard of Government Code section 11349.1, subdivision (a)(1). Government Code section 11349, subdivision (a) defines "necessity" as demonstrating the need for the regulatory change through evidence not limited to facts, studies, and expert opinion.

Based on OAL's disapproval, staff worked with DCA legal counsel and the Task Force Chair to refine the proposed language and identify appropriate justification that would meet OAL's

requirements. In December 2014, staff was advised by LAAB that the accreditation standards are scheduled to be reviewed and updated beginning with draft proposals in the spring of 2015.

On June 5, 2015, LAAB confirmed that they were in the process of updating their Standards and Procedures for the Accreditation of Landscape Architecture Programs. The process included a public call for input and commentary that took place last fall (2014). LAAB met in the summer of 2015 to draft revisions to the Standards. After additional public input and comments in the fall 2015, LAAB approved the updated standards and procedures at its 2016 winter meeting held on February 5-6, 2016. Implementation of the new Standards will begin with programs to be reviewed by LAAB during the 2016 fall term.

On October 8, 2015, LATC received a copy of LAAB's proposed revisions which included several suggested changes to curriculum requirements. LATC staff began incorporating the proposed changes and drafting new proposed language that included many of LATC's previously submitted modifications to CCR 2620.5. LAAB implemented its new Accreditation Standards and Procedures in March 2016, which identified a few additional changes to curriculum requirements that staff is incorporating into the proposed amendments to CCR 2620.5. LATC's working group will meet as soon as possible to review the new Standards and Procedures and provide sufficient justification to meet OAL standards which will be presented for consideration to the LATC.

Following is a chronology, to date, of the processing of the regulatory proposal for CCR 2620.5:

November 22, 2010	Proposed regulatory language approved by LATC
December 15, 2010	Proposed regulatory language approved by Board
June 22, 2012	Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties)
August 6, 2012	Public hearing; no public comments received
November 30, 2012	40-Day Notice of Availability of Modified Language posted on website
January 9, 2013	Written comment (one) received during 40-day period
January 24, 2013	Modified language to accommodate public comment approved by LATC
February 15, 2013	Final rulemaking file submitted to DCA's Legal Office and Division of Legislative and Policy Review
March 7, 2013	Final approval of modified language by Board
May 31, 2013	Final rulemaking file submitted to OAL for approval
July 17, 2013	Decision of Disapproval of Regulatory Action issued by OAL
August 20, 2013	LATC voted not to pursue a resubmission of rulemaking file to OAL
February 21, 2014	Staff worked with University of California Extension Certificate Program Review Task Force Chair to draft justifications for proposed changes*
February 10, 2015	LATC approved the appointment of a new working group to assist staff
October 8, 2015	LATC received LAAB's suggested revisions to curriculum requirements
March 2016	LAAB implemented its new Accreditation Standards and Procedures

**Staff is analyzing proposed modifications to develop a new regulatory proposal with justification to submit to OAL.*

Strategic Plan Objectives LATC's Strategic Plan for 2015–2016 contains numerous objectives. Below is a summary of objectives currently in-work:

Create and Disseminate Consumer's Guide - to educate the public on the differences between landscape architects, landscape contractors, and landscape designers. At the November 17, 2015 LATC meeting, the Committee reviewed a draft *Consumer's Guide to Hiring a Landscape Architect* and agreed to create a subcommittee to complete revisions to the guide. The LATC reviewed the guide at its meeting on February 10, 2016, and directed staff to continue revisions by adding information on the Model Water Efficient Landscape Ordinance and a table outlining the experience and educational requirements for landscape architects and other unlicensed landscape professions. The LATC agreed to table the discussion until the next meeting to allow time for staff to make the additional revisions.

Expand Credit for Education Experience - to include degrees in related areas of study, i.e., urban planning, environmental science or horticulture, etc., to ensure that equitable requirements for education are maintained. At the November 17, 2015 LATC meeting, the Committee directed staff to agendaize this objective at its next meeting. At its meeting on February 10, 2016, the Committee agreed to table the objective until its upcoming strategic planning session in November 2016.

Review Expired License Requirements (CCR 2624 and 2624.1) - to assess whether any revisions are needed to the regulations, procedures, and instructions for expired license requirements. At the November 17, 2015 LATC meeting, the Committee reviewed relicensure requirements of various state landscape architect licensing boards and three DCA licensing boards and directed staff to research relicensure procedures for additional state boards and agendaize this objective at its next meeting. At its meeting on February 10, 2016, the Committee directed staff to draft proposed language to amend the LATC's relicensure procedures to require an individual whose license has been expired for less than five years to pay any accrued fees, and to require the holder of a license that has expired for more than five years to reapply for licensure and reapply for licensure and retake the CSE.

LATC ENFORCEMENT PROGRAM

Disciplinary Guidelines As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of collaborating with the Board in order to review and update LATC's *Disciplinary Guidelines*. At its December 2014 meeting, the Board approved the proposed updates to their *Disciplinary Guidelines* and authorized staff to proceed with the required regulatory change in order to incorporate the revised *Disciplinary Guidelines* by reference. Board staff is currently working on the regulatory proposal. At its February 10, 2015 meeting, LATC approved proposed revisions to its *Disciplinary Guidelines* based on the recent Board approval for their *Guidelines*. Staff provided the revised *Disciplinary Guidelines* to the new Deputy Attorney General Liaison for review. He suggested several amendments, which staff added to the *Guidelines*. The amended *Disciplinary Guidelines* and proposed regulatory package was approved by LATC at its August 6, 2015 meeting and by the Board at their September 10, 2015 meeting.

On October 21, 2015 staff sent DCA legal counsel suggested edits to the Optional Conditions section in the *Disciplinary Guidelines* for review. DCA legal counsel notified staff on November 12, 2015 that the edited portions were sufficient and substantive, and would require approval by the Board. On November 25, 2015, DCA Legal Counsel further advised staff to

include the current version of the Board’s Quarterly Report of Compliance form (1/11) as “Attachment A” in the *Disciplinary Guidelines*. At its December 10, 2015 meeting, the Board approved the revised *Disciplinary Guidelines* and the proposed regulation to amend CCR 2680, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for DCA legal counsel’s review and approval on March 15, 2016. On April 8, 2016, legal counsel advised staff that further substantive changes were necessary prior to submission to OAL.* Board staff is currently developing recommended revisions to the *Guidelines* in response to legal counsel’s concerns, and will present those revisions to the REC for review and consideration at its next meeting in the fall. Once approved, LATC staff will update its *Guidelines* to include approved changes.

Following is a chronology, to date, of the processing of the regulatory proposal for CCR 2680:

August 5, 2015 Proposed regulatory changes approved by LATC
 September 10, 2015 Proposed regulatory changes approved by Board
 December 10, 2015 Proposed regulatory changes approved by Board (including DCA legal Counsel recommended edits)

**Staff is working with DCA Legal Counsel and developing recommended revisions for the Guidelines, to be presented to the Board in the fall.*

<u>Enforcement Statistics</u>	<u>Current Month</u> May 2016	<u>Prior Month</u> April 2016	<u>FYTD</u> 2015/16	<u>5-FY Avg</u> 2010/11 – 2014/15
Complaints				
Received/Opened (Reopened):	3 (0)	3 (0)	20 (0)	28 (0)
Closed:	3	2	28	42
Average Days to Close:	144	118	144	369
Pending:*	11	11	11	
Average Age (Pending):*	146	157	146	367
Citations				
Issued:	1	0	7	3
Pending:*	2	2	2	2
Pending AG:* †	1	1	1	1
Final:	0	0	3	2
Disciplinary Action				
Pending AG:*	2	2	2	1
Pending DA:*	0	0	0	0
Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	2	0	3	1
Closed:	0	0	1	1
Pending:*	4	2	4	1

* FYTD data is presented as a monthly average of pending cases.

** Also included within “Complaints” information.

† Also included within “Pending Citations.”

CALENDAR OF EVENTS

June

9

15-18

Board Meeting
NCARB Annual Business Meeting

San Francisco
Seattle, WA

July

4

Independence Day

Office Closed

August

31

LATC Meeting

TBD

September

5

29

Labor Day
Board Meeting

Office Closed
TBD

November

11

24-25

Veterans Day
Thanksgiving Holiday

Office Closed
Office Closed

December

15-16

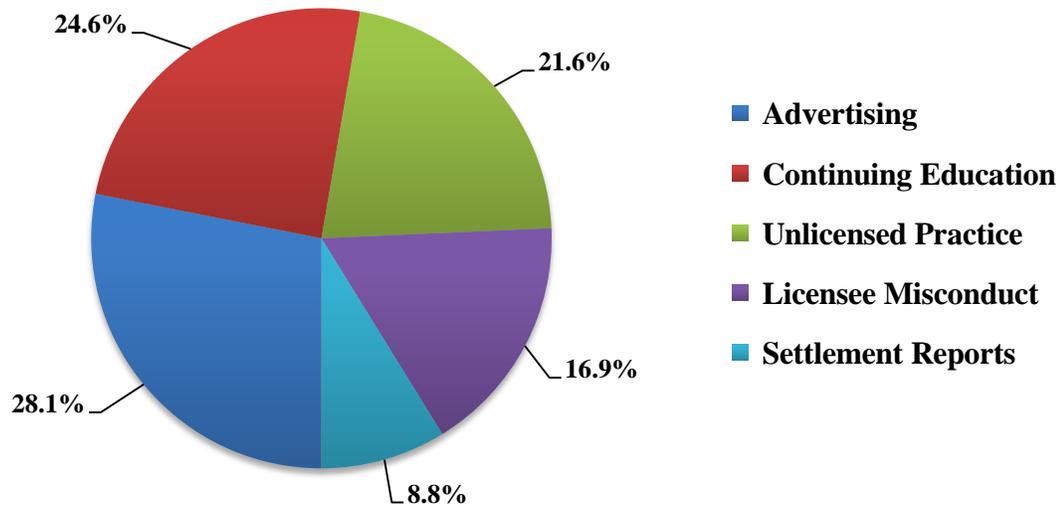
26

Board Meeting
Christmas Observed

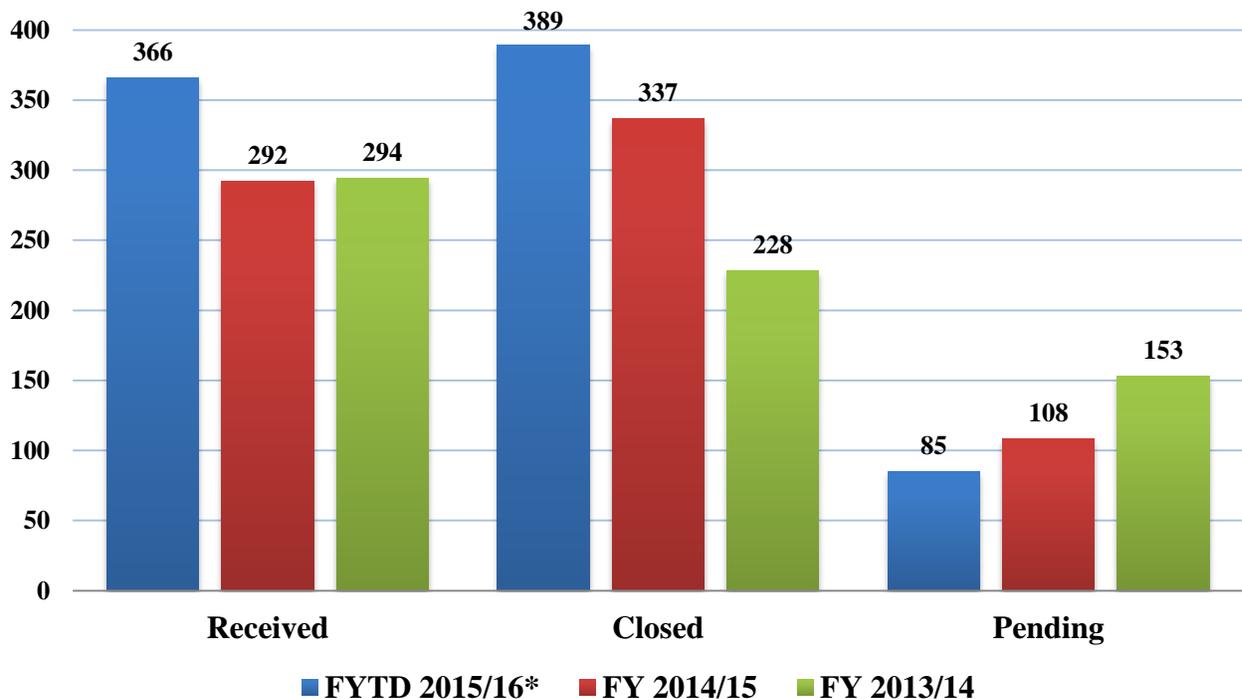
Sacramento
Office Closed

ENFORCEMENT PROGRAM REPORT

Types of Complaints Received FYTD 2015/16*

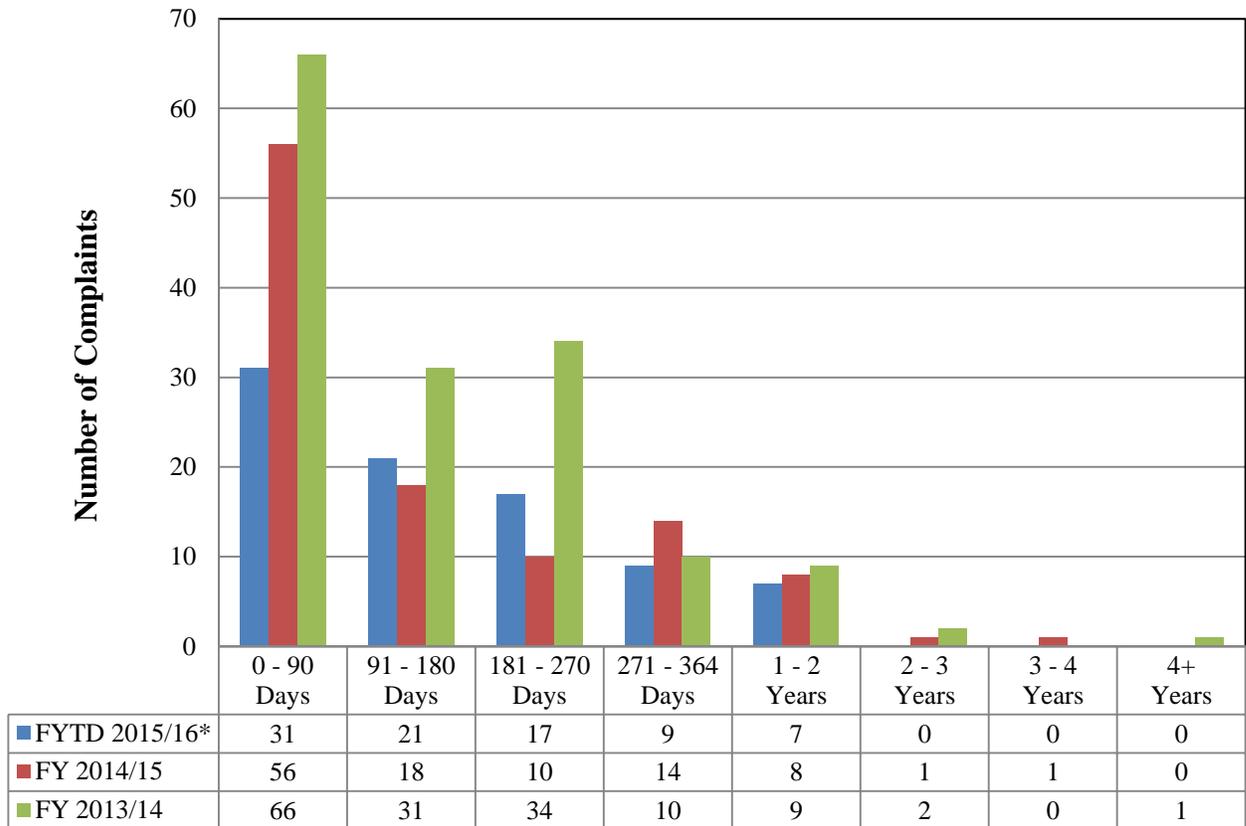


Complaints Received, Closed, and Pending by FY



* FYTD reflects data as of May 31, 2016.

Comparison of Age of Pending Complaints by FY



* FYTD reflects data as of May 31, 2016.

Closure of Complaints by FY

Type of Closure	FYTD 2015/16*	FY 2014/15	FY 2013/14
Cease/Desist Compliance	43	9	61
Citation Issued	70	62	21
Complaint Withdrawn	5	2	2
Insufficient Evidence	20	13	8
Letter of Advisement	157	185	66
No Jurisdiction	14	11	11
No Violation	60	40	45
Referred for Disciplinary Action	4	6	4
Other (i.e., Duplicate, Mediated, Opened in Error, etc.)	16	9	10

* FYTD reflects data as of May 31, 2016.

Disciplinary and Enforcement Actions by FY

Action	FYTD 2015/16*	FY 2014/15	FY 2013/14
Disciplinary Cases Initiated	4	5	2
Pending Disciplinary Cases	6	6	2
Final Disciplinary Orders	4	1	1
Final Citations	64	47	20
Administrative Fines Assessed	\$76,250	\$78,000	\$47,000

* FYTD reflects data as of May 31, 2016.

Most Common Violations by FY

During FY 2015/16 (as of May 31, 2016), 64 citations with administrative fines became final with 97 violations of the provisions of the Architects Practice Act and/or Board regulations. The most common violations that resulted in enforcement action during the current and previous two fiscal years are listed below.

Business and Professions Code Section (BPC) or California Code of Regulations Section (CCR)	FYTD 2015/16*	FY 2014/15	FY 2013/14
BPC 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	23.7%	41.8%	50.0%
BPC 5536.1(c) – Unauthorized Practice	4.1%	5.1%	11.4%
BPC 5536.22 (a) – Written Contract	3.1%	5.1%	18.2%
BPC 5584 – Negligence or Willful Misconduct	5.2%	2.5%	6.8%
BPC 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements**	52.6%	31.6%	N/A
CCR 160(b)(2) – Rules of Professional Conduct	7.2%	5.1%	6.8%

* FYTD reflects data as of May 31, 2016.

** Assembly Bill 1746 (Chapter 240, Statutes of 2010) became effective January 1, 2011 and amended the continuing education provisions of BPC 5600.05 by requiring an audit of license renewals beginning with the 2013 renewal cycle and adding a citation and disciplinary action provision for licensees who provide false or misleading information.

Agenda Item E.2

BUDGET UPDATE

At this meeting, the Board will be updated on the Board's budget. Attached is a copy of 1) the Budget Report; 2) an Analysis of Fund Condition; and 3) Budget, Expenditures, and Revenue. The Budget Report shows the prior year expenditures for fiscal year (FY) 2014/15 and expenditures (with encumbrances) and projections for current FY 2015/16. The Report also shows percentage of budget spent and expected unencumbered balance at the end of the FY. The Analysis of Fund Condition contains the Board's fund condition based on projected revenue and anticipated budget expenditure authority for FYs 2014/15 through 2018/19.

Attachments:

1. Budget Report
2. Analysis of Fund Condition
3. Budget, Expenditures, and Revenue (2009/10 – 2015/16)

**CALIFORNIA ARCHITECTS BOARD
BUDGET REPORT
FY 2015-16 EXPENDITURE PROJECTION
FISCAL MONTH 10**

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16				
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES (MONTH 13)	EXPENDITURES 4/30/2015	STONE 2015-16	EXPENDITURES 4/30/2016	SPENT	TO YEAR END	BALANCE
PERSONNEL SERVICES							
Salary & Wages (Staff)	1,056,257	865,875	1,192,000	969,491	81%	1,163,156	28,844
Statutory Exempt (EO)	100,898	82,494	94,000	87,694	93%	105,452	(11,452)
Temp Help Reg (Seasonals)	0	0	0	0	0%	0	0
BL 12-03 Blanket	0	0	0	0	0%	0	0
Temp Help (Exam Proctors)	0	0	0	0	0%	0	0
Board Member Per Diem	5,800	5,000	10,000	4,200	42%	5,200	4,800
Committee Members (DEC)	0	0	0	0	0%	0	0
Overtime	0	0	0	116	0%	116	(116)
Staff Benefits	572,778	469,221	687,000	543,640	79%	669,776	17,224
TOTALS, PERSONNEL SVC	1,735,733	1,422,590	1,983,000	1,605,141	81%	1,943,700	39,300
OPERATING EXPENSE AND EQUIPMENT							
General Expense	32,512	25,905	32,000	27,136	85%	32,000	0
Fingerprint Reports	0	0	0	0	0%	0	0
Minor Equipment	6,746	6,746	0	17,356	0%	18,912	(18,912)
Printing	13,634	11,439	20,000	5,340	27%	6,365	13,635
Communication	10,012	7,496	9,000	7,366	82%	9,000	0
Postage	28,152	15,212	40,000	27,540	69%	40,000	0
Insurance	0	0	0	0	0%	0	0
Travel In State	55,155	39,253	60,000	38,417	64%	53,980	6,020
Travel, Out-of-State	0	636	0	0	0%	0	0
Training	2,490	2,490	5,000	690	14%	1,000	4,000
Facilities Operations	206,704	205,654	207,000	205,973	100%	207,000	0
Utilities	0	0	0	0	0%	0	0
C & P Services - Interdepartmental	0	0	0	0	0%	0	0
C & P Services - External*	177,385	190,787	7,000	1,148	16%	1,148	5,852
DEPARTMENTAL SERVICES:							
Departmental Pro Rata	241,212	242,824	301,000	225,750	75%	301,000	0
Administration/Executive	284,055	284,055	304,000	228,000	75%	304,000	0
Interagency Services	0	0	0	0	0%	0	0
IA w/ OER**	0	0	0	0	0%	0	0
DOI-ProRata Internal	7,166	8,306	8,000	6,000	75%	8,000	0
Communications Division	9,316	9,316	20,000	15,000	75%	20,000	0
PPRD Pro Rata	9,001	9,285	0	0	0%	0	0
INTERAGENCY SERVICES:							
Consolidated Data Center	432	305	4,000	801	20%	1,135	2,865
DP Maintenance & Supply	15,358	18,268	20,000	7,905	40%	8,400	11,600
Central Administrative Services-ProRata	179,316	134,487	189,000	142,013	75%	189,000	0
EXAM EXPENSES:							
Exam Supplies	0	0	0	0	0%	0	0
Exam Freight	0	0	0	0	0%	0	0
Exam Site Rental	0	0	0	0	0%	0	0
Exam Contracts**	126,018	126,018	126,000	69,648	0%	69,648	56,352
C/P Svcs-External Expert Administrative	45,356	44,856	47,000	46,069	0%	46,583	417
C/P Svcs-External Expert Examiners	65,140	51,940	61,000	48,963	80%	61,000	0
C/P Svcs-External Subject Matter	46,175	37,134	40,000	31,393	0%	39,036	964
ENFORCEMENT:							
Attorney General	46,938	38,785	50,000	59,138	118%	70,956	(20,956)
Office Administrative Hearings	3,250	2,182	19,000	22,613	119%	27,136	(8,136)
Architect Consultant Contracts*	0	0	193,000	192,600	0%	192,600	400
Court Reporters	150	0	1,000	682	0%	682	318
Evidence/Witness Fees	0	0	6,000	11,100	185%	13,425	(7,425)
DOI - Investigations	92,826	95,374	32,000	24,000	75%	32,000	0
Major Equipment	0	0	10,000	5,579	0%	5,579	4,421
Special Items of Expense	0	0	0	0	0%	0	0
Other (Vehicle Operations)	0	0	0	0	0%	0	0
TOTALS, OE&E	1,704,499	1,608,753	1,811,000	1,468,220	81%	1,759,584	51,416
<i>Special Item of Expense - Bd of Control Claim</i>	<i>720</i>	<i>720</i>					
TOTAL EXPENSE	3,440,952	3,032,063	3,794,000	3,073,361	162%	3,703,284	90,716
Sched. Reimb. - External/Private	(705)	(470)	0	(235)		0	0
Sched. Reimb. - Fingerprints	0	0	0	0		0	0
Sched. Reimb. - Other	0	0	(5,000)	0		(5,000)	0
Sched Interdepartmental - Distributed	(26,000)	0	(26,000)	0		(26,000)	0
Unsched. Reimb. - Other	(54,089)	(25,700)	0	(50,198)		0	0
NET APPROPRIATION	3,360,158	3,005,893	3,763,000	3,022,929	80%	3,672,284	90,716
SURPLUS/(DEFICIT):							2.4%
NOTES/ASSUMPTIONS:							
*Contracts with Robert Carter and Barry Williams are shown under C&P Services - External for FY 14/15 (\$192,000) and under Enforcement/Architect Consultant Contracts for FY 15/16 (\$192,000).							
**Intra-Departmental Contracts with OPES (FY 14/15 - \$126,018 & FY 15/16 - \$69,648) are shown under Exam Contracts.							

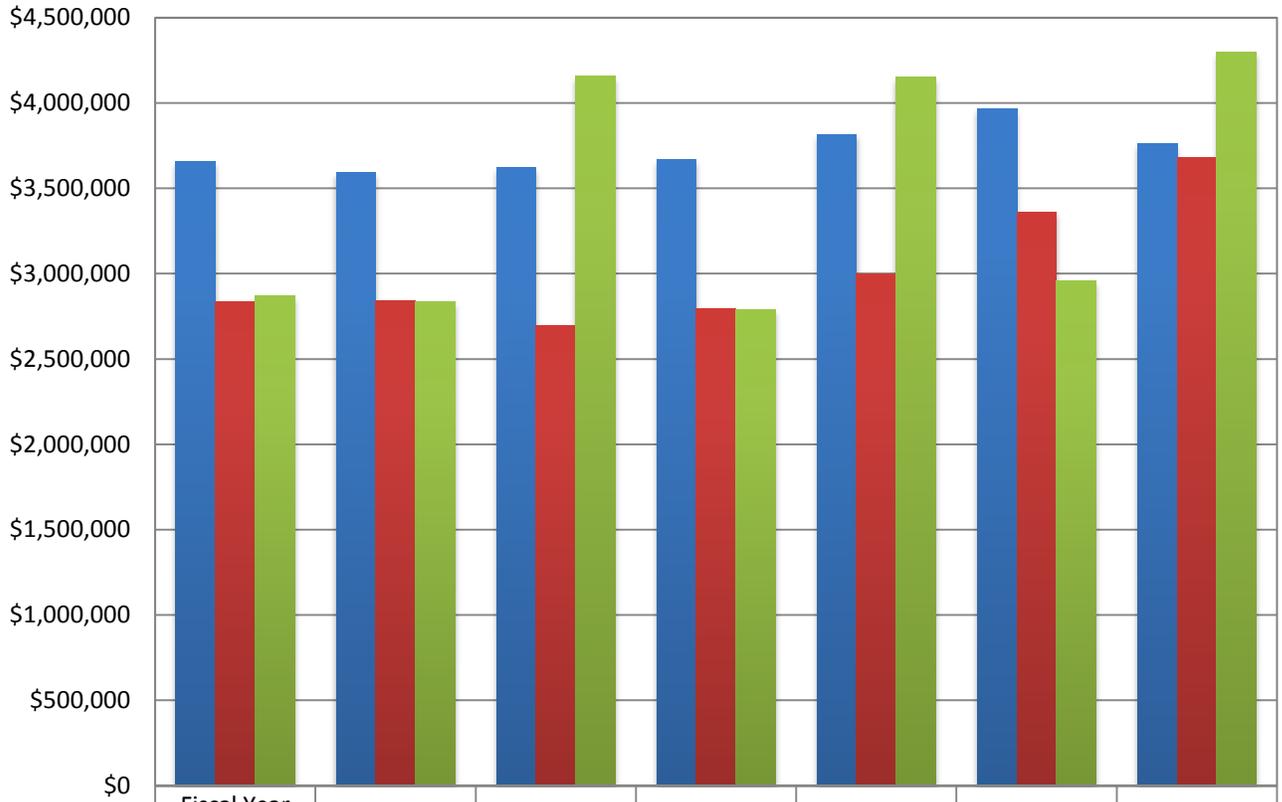
**California Architects Board
Analysis of Fund Condition**

Prepared 6/1/2016

**2016-17 Governor's Budget
w/projections through end of FY 2015-16**

	ACTUAL 2014-15	Budget Act CY 2015-16	BY 2016-17	BY + 1 2017-18	BY + 2 2018-19
BEGINNING BALANCE	\$ 5,252	\$ 4,869	\$ 5,487	\$ 4,569	\$ 5,001
Prior Year Adjustment	\$ 24	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 5,276	\$ 4,869	\$ 5,487	\$ 4,569	\$ 5,001
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 6	\$ 4	\$ 1	\$ 4	\$ 1
125700 Other regulatory licenses and permits	\$ 351	\$ 453	\$ 306	\$ 453	\$ 306
125800 Renewal fees	\$ 2,548	\$ 3,722	\$ 2,505	\$ 3,722	\$ 2,505
125900 Delinquent fees	\$ 38	\$ 89	\$ 38	\$ 89	\$ 38
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 11	\$ 27	\$ 11	\$ 15	\$ 12
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 2,956	\$ 4,297	\$ 2,863	\$ 4,285	\$ 2,864
Transfers from Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 2,956	\$ 4,297	\$ 2,863	\$ 4,285	\$ 2,864
Totals, Resources	\$ 8,232	\$ 9,166	\$ 8,350	\$ 8,854	\$ 7,865
EXPENDITURES					
Disbursements:					
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for California (State Operations)	\$ 3	\$ 7	\$ 4	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 3,360	\$ 3,672	\$ 3,777	\$ 3,853	\$ 3,930
Total Disbursements	\$ 3,363	\$ 3,679	\$ 3,781	\$ 3,853	\$ 3,930
FUND BALANCE					
Reserve for economic uncertainties	\$ 4,869	\$ 5,487	\$ 4,569	\$ 5,001	\$ 3,935
Months in Reserve	15.9	17.4	14.2	15.3	11.8

BUDGET, EXPENDITURES, AND REVENUE (2009/10 - 2015/16)



	Fiscal Year 2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
■ Governor's Budget	3,656,000	3,591,000	3,624,000	3,671,000	3,817,000	3,968,000	3,763,000
■ Actual Expenditures	2,834,000	2,839,000	2,694,000	2,797,000	2,999,000	3,363,000	3,679,000*
■ Revenue	2,870,000	2,836,000	4,156,000	2,791,000	4,153,000	2,956,000	4,297,000*

* Projections

Agenda Item F

PRESENTATION ON UNIVERSITY OF SAN FRANCISCO'S ARCHITECTURE AND COMMUNITY DESIGN PROGRAM AND DEPARTMENT OF ART + ARCHITECTURE BY SETH WACHTEL, DEPARTMENT CHAIR, ASSOCIATE PROFESSOR

Seth Wachtel, Department Chair and Associate Professor, will provide the Board with a presentation regarding the University of San Francisco's Architecture and Community Design Program and Department of Art + Architecture.

UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING:

- 1. ASSEMBLY BILL (AB) 507 (OLSEN) [BREEZE]**
- 2. SENATE BILL (SB) 1479 (BUSINESS PROFESSIONS, & ECONOMIC DEVELOPMENT) [EXAM ELIGIBILITY – INTEGRATED DEGREE PROGRAM]**
- 3. SB 1195 (HILL) [BOARD ACTIONS: COMPETITIVE IMPACT]**

The following bills are of interest to the Board, and are being provided for informational purposes.

AB 507 (Olsen) [BreEZe]

AB 507 (Olsen) would add Business and Professions Code (BPC) section 210.5 to require the Department of Consumer Affairs (DCA) to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. Since the introduction of the bill, DCA has reported extensively on BreEZe during the Sunset Review and budget hearings. The author opted to not move the bill forward, as comprehensive reporting on BreEZe will be more appropriate when it is fully implemented.

SB 1479 [Business Professions, & Economic Development (BP&ED)] [Exam Eligibility – Integrated Degree Program]

SB 1479 (BP&ED) contains the Board-sponsored amendment which clarifies language regarding integrated degree programs that was added to the Architects Practice Act via the Sunset Review bill last year. The bill updates BPC 5550.2, which permits the Board to grant early eligibility to take the Architect Registration Examination for students enrolled in a National Council of Architectural Registration Boards -accepted integrated degree program. SB 1479 is now in the Assembly Committee on Business and Professions.

SB 1195 (Hill) [Board Actions: Competitive Impact]

SB 1195 (Hill) would grant the DCA Director authority to review any board decision or other action to determine whether it unreasonably restrains trade. This bill is the Legislature's response the North Carolina Dental Board v. Federal Trade Commission case. This case is regarding antitrust immunity for boards, and a key component in the holding is whether there is sufficient "active state supervision" of board actions. This bill addresses that issue by expanding the Director's authority and specifying the elements for the reviews. The Director's review would assess whether the action or decision reflects a clearly articulated and affirmatively expressed state law, and is the result of the board's exercise of ministerial or discretionary judgment. In addition, Director would assess whether the anticompetitive effects of the action or decision are clearly outweighed by the benefit to the public. SB 1195 is on the Senate floor.

Attachments:

1. AB 507 (Olsen) [BreEZe]
2. SB 1479 (BP&ED) [Exam Eligibility – Integrated Degree Program]
3. SB 1195 (Hill) [Board Actions: Competitive Impact]

AMENDED IN SENATE JULY 9, 2015
AMENDED IN ASSEMBLY JUNE 1, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 507

Introduced by Assembly Member Olsen
(Principal coauthor: Assembly Member Gray)
(Coauthors: Assembly Members ~~Chang and Dodd~~ *Chang, Dodd,*
***Obernolte, and Waldron*)**
(Coauthor: Senator Bates)

February 23, 2015

An act to add Section 210.5 to the Business and Professions Code, relating to the Department of Consumer Affairs, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 507, as amended, Olsen. Department of Consumer Affairs: BreEZe system: annual report.

Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature. Existing law requires the amount of contract funds for the system to be consistent with costs approved by the office of the State Chief Information Officer, based on information provided by the department in a specified manner.

This bill would, ~~on and after October 1, 2015,~~ *or before March 1, 2016, or thereafter when available*, require the department to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department’s plans for implementing the BreEZe system at specified regulatory entities included in the department’s 3rd phase of the BreEZe implementation project, *when available*, including, but not limited to, a timeline for the implementation. *The bill would also require the department to post on its Internet Web site the name of each regulatory entity that is utilizing the BreEZe system once the regulatory entity begins using the BreEZe system.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 210.5 is added to the Business and
- 2 Professions Code, immediately following Section 210, to read:
- 3 210.5. (a) ~~On and after October 1, 2015,~~ *or before March 1,*
- 4 *2016, or thereafter when available*, the department shall submit
- 5 an annual report to the Legislature and the Department of Finance
- 6 that includes ~~all of~~ the following:
- 7 (1) The department’s plan for implementing the BreEZe system
- 8 at the regulatory entities in the department’s third phase of the
- 9 implementation project, including, but not limited to, a timeline
- 10 for implementation.
- 11 (2) The total estimated costs of implementation of the BreEZe
- 12 system at the regulatory entities in the department’s third phase
- 13 of the implementation project and the results of any *related*
- 14 cost-benefit analysis the department ~~conducted for the third phase~~
- 15 ~~of the implementation project.~~ *conducts.*
- 16 (3) A description of ~~whether and to what extent the BreEZe~~
- 17 ~~system will achieve any operational efficiencies resulting from~~
- 18 *achieved as a result of BreEZe* implementation by the ~~boards and~~
- 19 regulatory entities within the department’s ~~jurisdiction.~~ *jurisdiction,*
- 20 *if available.*
- 21 (b) The report described in subdivision (a) shall be submitted
- 22 in compliance with Section 9795 of the Government Code.

1 (c) *The department shall post on its Internet Web site the name*
2 *of each regulatory entity that is utilizing the BreEZe system once*
3 *the regulatory entity begins using the BreEZe system.*

4 (e)

5 (d) For purposes of this section, “the regulatory entities in the
6 department’s third phase of the implementation project” includes
7 all of the following:

8 (1) Acupuncture Board.

9 (2) Board for Professional Engineers, Land Surveyors, and
10 Geologists.

11 (3) Bureau of Automotive Repair.

12 (4) Bureau of Electronic and Appliance Repair, Home
13 Furnishings, and Thermal Insulation.

14 (5) Bureau for Private Postsecondary Education.

15 (6) California Architects Board.

16 (7) California Board of Accountancy.

17 (8) California State Board of Pharmacy.

18 (9) Cemetery and Funeral Bureau.

19 (10) Contractors’ State License Board.

20 (11) Court Reporters Board of California.

21 (12) Landscape Architects Technical Committee.

22 (13) Professional Fiduciaries Bureau.

23 (14) Speech-Language Pathology and Audiology and Hearing
24 Aid Dispensers Board.

25 (15) State Athletic Commission.

26 (16) State Board of Chiropractic Examiners.

27 (17) State Board of Guide Dogs for the Blind.

28 (18) Structural Pest Control Board.

29 (19) Telephone Medical Advice Services Bureau.

30 SEC. 2. This act is an urgency statute necessary for the
31 immediate preservation of the public peace, health, or safety within
32 the meaning of Article IV of the Constitution and shall go into
33 immediate effect. The facts constituting the necessity are:

34 Because of the circumstances surrounding the implementation
35 of the BreEZe system, and in order to ensure that healing arts and
36 other professionals are licensed in a timely and efficient manner,
37 it is necessary that this act take effect immediately.

O

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 10, 2016

An act to amend Sections 5092, 5094.3, 5550.2, 7074, 7844, and 7887 of the Business and Professions Code, and to amend Section 13995.1 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1479, as introduced, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy, which is within the Department of Consumer Affairs. Existing law requires an applicant for licensure as a certified public accountant to provide documentation to the board of the completion of a certain number of units of ethics study, as specified. Existing law requires a portion of those units to come from courses containing specified terms in the course title, including, but not limited to, corporate governance.

This bill would instead require those units to come from courses in specified subjects relating to ethics.

(2) The Architects Practice Act provides for the licensure and regulation of architects and landscape architects by the California Architects Board, which is within the Department of Consumer Affairs, and requires a person to pass an examination as a condition of licensure as an architect. Existing law authorizes the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in an Additional Path to Architecture Licensing program that integrates

the experience and examination components offered by a National Architectural Accrediting Board-accredited degree program.

This bill would instead authorize the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in a degree program accepted by the National Council of Architectural Registration Boards that integrates the licensure degree experience and examination components required under that act.

(3) The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board, which is within the Department of Consumer Affairs. That law requires, except as specified, an application for an original license, an additional classification, or for a change of qualifier to become void when certain conditions are met, including if the applicant or examinee for the applicant has failed to appear for the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to appear or if the applicant or the examinee for the applicant has failed to achieve a passing grade in the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to pass the examination.

This bill would delete those above-mentioned conditions as reasons for an application for an original license, an additional classification, or for a change of qualifier to become void.

(4) The Geologist and Geophysicist Act provides for the registration and regulation of professional geologists and professional geophysicists by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs. That act requires an applicant for registration to take an examination and requires the examination to be held at the times and places within the state that the board determines.

This bill would authorize the board to make arrangements with a public or private organization to conduct the examination. The bill would authorize the board to contract with such an organization for materials or services related to the examination and would authorize the board to allow an organization specified by the board to receive, directly from applicants, payments of the examination fees charged by that organization for materials and services.

(5) The California Tourism Marketing Act requires the Governor to appoint a Tourism Selection Committee, as specified, and provides that the Director of the Governor's Office of Business and Economic

Development has the power to veto actions of the commission. That act states various findings and declarations by the Legislature regarding the tourism industry in California, including that the mechanism created by that act to fund generic promotions be pursuant to the supervision and oversight of the secretary.

This bill would instead find and declare that the mechanism to fund generic promotions be pursuant to the supervision and oversight of the Director of the Governor’s Office of Business and Economic Development.

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

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

1 SECTION 1. Section 5092 of the Business and Professions
2 Code is amended to read:

3 5092. (a) To qualify for the certified public accountant license,
4 an applicant who is applying under this section shall meet the
5 education, examination, and experience requirements specified in
6 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
7 this article. The board may adopt regulations as necessary to
8 implement this section.

9 (b) An applicant for the certified public accountant license shall
10 present satisfactory evidence that the applicant has completed a
11 baccalaureate or higher degree conferred by a college or university,
12 meeting, at a minimum, the standards described in Section 5094,
13 the total educational program to include a minimum of 24 semester
14 units in accounting subjects and 24 semester units in business
15 related subjects. This evidence shall be provided prior to admission
16 to the examination for the certified public accountant license,
17 except that an applicant who applied, qualified, and sat for at least
18 two subjects of the examination for the certified public accountant
19 license before May 15, 2002, may provide this evidence at the
20 time of application for licensure.

21 (c) An applicant for the certified public accountant license shall
22 pass an examination prescribed by the board pursuant to this article.

23 (d) The applicant shall show, to the satisfaction of the board,
24 that the applicant has had two years of qualifying experience. This
25 experience may include providing any type of service or advice
26 involving the use of accounting, attest, compilation, management

1 advisory, financial advisory, tax, or consulting skills. To be
2 qualifying under this section, experience shall have been performed
3 in accordance with applicable professional standards. Experience
4 in public accounting shall be completed under the supervision or
5 in the employ of a person licensed or otherwise having comparable
6 authority under the laws of any state or country to engage in the
7 practice of public accountancy. Experience in private or
8 governmental accounting or auditing shall be completed under the
9 supervision of an individual licensed by a state to engage in the
10 practice of public accountancy.

11 (e) This section shall become inoperative on January 1, 2014,
12 but shall become or remain operative if the educational
13 requirements in ethics study and accounting study established by
14 subdivision (b) of Section 5093, Section 5094.3, and Section
15 5094.6 are reduced or eliminated.

16 (f) *The amendment to subdivision (d) of Section 5094.3 made*
17 *by the measure adding this subdivision shall not be deemed to*
18 *reduce or eliminate the educational requirements of Section 5094.3*
19 *for purposes of subdivision (e) of this Section.*

20 SEC. 2. Section 5094.3 of the Business and Professions Code
21 is amended to read:

22 5094.3. (a) An applicant for licensure as a certified public
23 accountant shall, to the satisfaction of the board, provide
24 documentation of the completion of 10 semester units or 15 quarter
25 units of ethics study, as set forth in paragraph (2) of subdivision
26 (b) of Section 5093, in the manner prescribed in this section.

27 (b) (1) Between January 1, 2014, and December 31, 2016,
28 inclusive, an applicant shall complete 10 semester units or 15
29 quarter units in courses described in subdivisions (d), (e), and (f).

30 (2) Beginning January 1, 2017, an applicant shall complete 10
31 semester units or 15 quarter units in courses described in
32 subdivisions (c), (d), (e), and (f).

33 (c) A minimum of three semester units or four quarter units in
34 courses at an upper division level or higher devoted to accounting
35 ethics or accountants' professional responsibilities, unless the
36 course was completed at a community college, in which case it
37 need not be completed at the upper division level or higher.

38 (d) Between January 1, 2014, and December 31, 2016, inclusive,
39 a maximum of 10 semester units or 15 quarter units, and on and
40 after January 1, 2017, a maximum of 7 semester units or 11 quarter

1 units, in courses containing the following terms in the course title:
2 *the following subjects relating to ethics:*

- 3 (1) Business, government, and society.
- 4 (2) Business law.
- 5 (3) Corporate governance.
- 6 (4) Corporate social responsibility.
- 7 (5) Ethics.
- 8 (6) Fraud.
- 9 (7) Human resources management.
- 10 (8) Business leadership.
- 11 (9) Legal environment of business.
- 12 (10) Management of organizations.
- 13 (11) Morals.
- 14 (12) Organizational behavior.
- 15 (13) Professional responsibilities.
- 16 (14) Auditing.

17 (e) (1) A maximum of three semester units or four quarter units
18 in courses taken in the following disciplines:

- 19 (A) Philosophy.
- 20 (B) Religion.
- 21 (C) Theology.

22 (2) To qualify under this subdivision, the course title shall
23 contain one or more of the terms “introduction,” “introductory,”
24 “general,” “fundamentals of,” “principles,” “foundation of,” or
25 “survey of,” or have the name of the discipline as the sole name
26 of the course title.

27 (f) A maximum of one semester unit of ethics study for
28 completion of a course specific to financial statement audits.

29 (g) An applicant who has successfully passed the examination
30 requirement specified under Section 5082 on or before December
31 31, 2013, is exempt from this section unless the applicant fails to
32 obtain the qualifying experience as specified in Section 5092 or
33 5093 on or before December 31, 2015.

34 SEC. 3. Section 5550.2 of the Business and Professions Code
35 is amended to read:

36 5550.2. Notwithstanding subdivision (b) of Section 5552, the
37 board may grant eligibility, based on an eligibility point determined
38 by the Additional Path to Architectural Licensing Program, for a
39 candidate *eligibility* to take the *licensure* examination for a license
40 to practice architecture if he or she is to a candidate enrolled in

1 ~~an Additional Path to Architectural Licensing program a degree~~
 2 ~~program accepted by the National Council of Architectural~~
 3 ~~Registration Boards that integrates the licensure degree experience~~
 4 ~~and examination components offered by a National Architectural~~
 5 ~~Accrediting Board-accredited degree program. required under this~~
 6 ~~chapter. The eligibility point shall be determined by that degree~~
 7 ~~program.~~

8 SEC. 4. Section 7074 of the Business and Professions Code is
 9 amended to read:

10 7074. (a) Except as otherwise provided by this section, an
 11 application for an original license, for an additional ~~classification~~
 12 ~~classification~~, or for a change of qualifier shall become void when:

13 ~~(1) The applicant or examinee for the applicant has failed to~~
 14 ~~appear for the scheduled qualifying examination and fails to request~~
 15 ~~and pay the fee for rescheduling within 90 days of notification of~~
 16 ~~failure to appear, or, after being rescheduled, has failed to appear~~
 17 ~~for a second examination.~~

18 ~~(2) The applicant or the examinee for the applicant has failed~~
 19 ~~to achieve a passing grade in the scheduled qualifying examination,~~
 20 ~~and fails to request and pay the fee for rescheduling within 90 days~~
 21 ~~of notification of failure to pass the examination.~~

22 ~~(3)~~
 23 (1) The applicant or the examinee for the applicant has failed
 24 to achieve a passing grade in the qualifying examination within
 25 18 months after the application has been deemed acceptable by
 26 the board.

27 ~~(4)~~
 28 (2) The applicant for an original license, after having been
 29 notified to do so, fails to pay the initial license fee within 90 days
 30 from the date of the notice.

31 ~~(5)~~
 32 (3) The applicant, after having been notified to do so, fails to
 33 file within 90 days from the date of the notice any bond or cash
 34 deposit or other documents that may be required for issuance or
 35 granting pursuant to this chapter.

36 ~~(6)~~
 37 (4) After filing, the applicant withdraws the application.

38 ~~(7)~~

1 (5) The applicant fails to return the application rejected by the
2 board for insufficiency or incompleteness within 90 days from the
3 date of original notice or rejection.

4 ~~(8)~~

5 (6) The application is denied after disciplinary proceedings
6 conducted in accordance with the provisions of this code.

7 (b) The void date on an application may be extended up to 90
8 days or one examination may be rescheduled without a fee upon
9 documented evidence by the applicant that the failure to complete
10 the application process or to appear for an examination was due
11 to a medical emergency or other circumstance beyond the control
12 of the applicant.

13 (c) An application voided pursuant to ~~the provisions of~~ this
14 section shall remain in the possession of the registrar for the period
15 as he or she deems necessary and shall not be returned to the
16 applicant. Any reapplication for a license shall be accompanied
17 by the fee fixed by this chapter.

18 SEC. 5. Section 7844 of the Business and Professions Code is
19 amended to read:

20 7844. (a) Examination for ~~registration~~ licensure shall be held
21 at the times and places within the state as the board shall determine.
22 The scope of examinations and the methods of procedure may be
23 prescribed by rule of the board.

24 (b) *The board may make arrangements with a public or private*
25 *organization to conduct the examination. The board may contract*
26 *with a public or private organization for materials or services*
27 *related to the examination.*

28 (c) *The board may authorize an organization specified by the*
29 *board to receive directly from applicants payment of the*
30 *examination fees charged by that organization as payment for*
31 *examination materials and services.*

32 SEC. 6. Section 7887 of the Business and Professions Code is
33 amended to read:

34 7887. The amount of the fees prescribed by this chapter shall
35 be fixed by the board in accordance with the following schedule:

36 (a) The fee for filing each application for licensure as a geologist
37 or a geophysicist or certification as a specialty geologist or a
38 specialty geophysicist and for administration of the examination
39 shall be fixed at not more than two hundred fifty dollars (\$250).

1 (b) The license fee for a geologist or for a geophysicist and the
2 fee for the certification in a specialty shall be fixed at an amount
3 equal to the renewal fee in effect on the last regular renewal date
4 before the date on which the certificate is issued, except that, with
5 respect to certificates that will expire less than one year after
6 issuance, the fee shall be fixed at an amount equal to 50 percent
7 of the renewal fee in effect on the last regular renewal date before
8 the date on which the certificate is issued. The board may, by
9 appropriate regulation, provide for the waiver or refund of the
10 initial certificate fee where the certificate is issued less than 45
11 days before the date on which it will expire.

12 (c) The duplicate certificate fee shall be fixed at not more than
13 six dollars (\$6).

14 (d) The renewal fee for a geologist or for a geophysicist shall
15 be fixed at not more than four hundred dollars (\$400).

16 (e) The renewal fee for a specialty geologist or for a specialty
17 geophysicist shall be fixed at not more than one hundred dollars
18 (\$100).

19 (f) Notwithstanding Section 163.5, the delinquency fee for a
20 certificate is an amount equal to 50 percent of the renewal fee in
21 effect on the last regular renewal date.

22 (g) Each applicant for licensure as a geologist shall pay an
23 examination fee fixed at an amount equal to the actual cost to the
24 board to administer the examination described in subdivision (d)
25 of Section ~~7841~~. 7841, *unless an applicant pays the examination*
26 *fee directly to an organization pursuant to Section 7844.*

27 (h) Each applicant for licensure as a geophysicist or certification
28 as an engineering geologist or certification as a hydrogeologist
29 shall pay an examination fee fixed by the board at an amount equal
30 to the actual cost to the board for the development and maintenance
31 of the written examination, and shall not exceed one hundred
32 dollars (\$100).

33 (i) The fee for a retired license shall be fixed at not more than
34 50 percent of the fee for filing an application for licensure as a
35 geologist or a geophysicist in effect on the date of application for
36 a retired license.

37 SEC. 7. Section 13995.1 of the Government Code is amended
38 to read:

39 13995.1. The Legislature hereby finds and declares all of the
40 following:

1 (a) Tourism is among California's biggest industries,
2 contributing over fifty-two billion dollars (\$52,000,000,000) to
3 the state economy and employing nearly 700,000 Californians in
4 1995.

5 (b) In order to retain and expand the tourism industry in
6 California, it is necessary to market travel to and within California.

7 (c) State funding, while an important component of marketing,
8 has been unable to generate sufficient funds to meet the threshold
9 levels of funding necessary to reverse recent losses of California's
10 tourism market share.

11 (d) In regard to the need for a cooperative partnership between
12 business and industry:

13 (1) It is in the state's public interest and vital to the welfare of
14 the state's economy to expand the market for, and develop,
15 California tourism through a cooperative partnership funded in
16 part by the state that will allow generic promotion and
17 communication programs.

18 (2) The mechanism established by this chapter is intended to
19 play a unique role in advancing the opportunity to expand tourism
20 in California, and it is intended to increase the opportunity for
21 tourism to the benefit of the tourism industry and the consumers
22 of the State of California.

23 (3) Programs implemented pursuant to this chapter are intended
24 to complement the marketing activities of individual competitors
25 within the tourism industry.

26 (4) While it is recognized that smaller businesses participating
27 in the tourism market often lack the resources or market power to
28 conduct these activities on their own, the programs are intended
29 to be of benefit to businesses of all sizes.

30 (5) These programs are not intended to, and they do not, impede
31 the right or ability of individual businesses to conduct activities
32 designed to increase the tourism market generally or their own
33 respective shares of the California tourism market, and nothing in
34 the mechanism established by this chapter shall prevent an
35 individual business or participant in the industry from seeking to
36 expand its market through alternative or complementary means,
37 or both.

38 (6) (A) An individual business's own advertising initiatives are
39 typically designed to increase its share of the California tourism

1 market rather than to increase or expand the overall size of that
2 market.

3 (B) In contrast, generic promotion of California as a tourism
4 destination is intended and designed to maintain or increase the
5 overall demand for California tourism and to maintain or increase
6 the size of that market, often by utilizing promotional methods
7 and techniques that individual businesses typically are unable, or
8 have no incentive, to employ.

9 (7) This chapter creates a mechanism to fund generic promotions
10 that, pursuant to the required supervision and oversight of the
11 *secretary director* as specified in this chapter, further specific state
12 governmental goals, as established by the Legislature, and result
13 in a promotion program that produces nonideological and
14 commercial communication that bears the characteristics of, and
15 is entitled to all the privileges and protections of, government
16 speech.

17 (8) The programs implemented pursuant to this chapter shall
18 be carried out in an effective and coordinated manner that is
19 designed to strengthen the tourism industry and the state's economy
20 as a whole.

21 (9) Independent evaluation of the effectiveness of the programs
22 will assist the Legislature in ensuring that the objectives of the
23 programs as set out in this section are met.

24 (e) An industry-approved assessment provides a private-sector
25 financing mechanism that, in partnership with state funding, will
26 provide the amount of marketing necessary to increase tourism
27 marketing expenditures by California.

28 (f) The goal of the assessments is to assess the least amount per
29 business, in the least intrusive manner, spread across the greatest
30 practical number of tourism industry segments.

31 (g) The California Travel and Tourism Commission shall target
32 an amount determined to be sufficient to market effectively travel
33 and tourism to and within the state.

34 (h) In the course of developing its written marketing plan
35 pursuant to Section 13995.45, the California Travel and Tourism
36 Commission shall, to the maximum extent feasible, do both of the
37 following:

38 (1) Seek advice and recommendations from all segments of
39 California's travel and tourism industry and from all geographic
40 regions of the state.

1 (2) Harmonize, as appropriate, its marketing plan with the travel
2 and tourism marketing activities and objectives of the various
3 industry segments and geographic regions.

4 (i) The California Travel and Tourism Commission’s marketing
5 budget shall be spent principally to bring travelers and tourists into
6 the state. No more than 15 percent of the commission’s assessed
7 funds in any year shall be spent to promote travel within California,
8 unless approved by at least two-thirds of the commissioners.

O

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1195

Introduced by Senator Hill

February 18, 2016

An act to amend Sections 109, 116, 153, 307, 313.1, 2708, 4800, 4804.5, ~~4825.1~~, 4830, ~~and 4846.5~~ 4846.5, 4904, and 4905 of, and to add Sections ~~4826.3, 4826.5, 4826.7,~~ 109.5, 4826.5, 4848.1, and 4853.7 to, the Business and Professions Code, and to amend Sections ~~825, 11346.5, 11349, and 11349.1~~ 825 and 11346.5 of the Government Code, relating to professional regulation, and making an appropriation therefor: *regulations.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1195, as amended, Hill. Professions and vocations: board ~~actions:~~ ~~competitive impact.~~ *actions.*

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, and authorizes those boards to adopt regulations to enforce the laws pertaining to the profession and vocation for which they have jurisdiction. Existing law makes decisions of any board within the department pertaining to setting standards, conducting examinations, passing candidates, and revoking licenses final, except as specified, and provides that those decisions are not subject to review by the Director of Consumer Affairs. Existing law authorizes the director to audit and review certain inquiries and complaints regarding licensees, including the dismissal of a disciplinary case. Existing law requires the director to annually report to the chairpersons of certain committees of the Legislature information regarding findings from any audit, review, or

monitoring and evaluation. Existing law authorizes the director to contract for services of experts and consultants where necessary. Existing law requires regulations, except those pertaining to examinations and qualifications for licensure and fee changes proposed or promulgated by a board within the department, to comply with certain requirements before the regulation or fee change can take effect, including that the director is required to be notified of the rule or regulation and given 30 days to disapprove the regulation. Existing law prohibits a rule or regulation that is disapproved by the director from having any force or effect, unless the director's disapproval is overridden by a unanimous vote of the members of the board, as specified.

This bill would instead authorize the director, upon his or her own initiative, and require the director, upon the request of ~~a consumer or licensee~~, *the board making the decision or the Legislature*, to review ~~a~~ *any nonministerial market-sensitive* decision or other action, except as specified, of a board within the department to determine whether it ~~unreasonably restrains trade furthers state law~~ and to approve, disapprove, *request further information*, or modify the board decision or action, as specified. The bill would require the director to *issue and* post on the department's Internet Web site his or her final written decision and the reasons for the decision within 90 days from receipt of the ~~request of a consumer or licensee~~ *request for review or the director's decision to review the board decision*. *The bill would prohibit the executive officer of any board, committee, or commission within the department from being an active licensee of any profession that board, committee, or commission regulates.* The bill would, commencing on March 1, 2017, require the director to annually report to the chairs of specified committees of the Legislature information regarding the director's disapprovals, modifications, or findings from any audit, review, or monitoring and evaluation. The bill would authorize the director to seek, designate, employ, or contract for the services of independent antitrust experts for purposes of reviewing board actions for unreasonable restraints on trade. The bill would also require the director to review and approve any regulation promulgated by a board within the department, as specified. ~~The bill would authorize the director to modify any regulation as a condition of approval, and to disapprove a regulation because it would have an impermissible anticompetitive effect.~~ *The bill would authorize the director, for a specified period of time, to approve, disapprove, or require modification of a proposed rule or regulation on the ground that it does not further state law.* The

bill would prohibit any rule or regulation from having any force or effect if the director does not approve the ~~regulation because it has an impermissible anticompetitive effect.~~ *rule or regulation and prohibits any rule or regulation that is not approved by the director from being submitted to the Office of Administrative Law.*

(2) Existing law, until January 1, 2018, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to appoint an executive officer who is a nurse currently licensed by the board.

This bill would instead prohibit the executive officer from being a licensee of the board.

(3) The Veterinary Medicine Practice Act provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs, and authorizes the board to appoint an executive officer, as specified. Existing law repeals the provisions establishing the board and authorizing the board to appoint an executive officer as of January 1, 2017. That act exempts certain persons from the requirements of the act, including a veterinarian employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties. That act requires all premises where veterinary medicine, dentistry, and surgery is being practiced to register with the board. That act requires all fees collected on behalf of the board to be deposited into the Veterinary Medical Board Contingent Fund, which continuously appropriates fees deposited into the fund. That act makes a violation of any provision of the act punishable as a misdemeanor.

This bill would extend the operation of the board and the authorization of the board to appoint an executive officer to January 1, 2021. The bill would authorize a veterinarian ~~and or~~ registered veterinary technician who is under the direct supervision of a *licensed* veterinarian ~~with a current and active license~~ to compound a drug for ~~anesthesia, the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal in a premises currently and actively registered with the board, as specified.~~ *animal use pursuant to federal law and regulations promulgated by the board and would require those regulations to, at*

a minimum, address the storage of drugs, the level and type of supervision required for compounding drugs by a registered veterinary technician, and the equipment necessary for safe compounding of drugs. The bill would instead require veterinarians engaged in the practice of veterinary medicine employed by the University of California or by the Western University of Health Sciences—~~while and~~ engaged in the performance of specified duties to be licensed as a veterinarian in the state or ~~hold be issued a university license issued by the board. license,~~ *as specified.* The bill would ~~require an applicant~~ *authorize an individual to apply for and be issued a university license to meet if he or she meets certain requirements, including that the applicant passes a specified exam, paying an application and license fee.* The bill would require a university license, among other things, to automatically cease to be valid upon termination or cessation of employment by the University of California or the Western University of Health Sciences. The bill would also prohibit a premise registration that is not renewed within 5 years after its expiration from being renewed, restored, reissued, or reinstated; however, the bill would authorize a new premise registration to be issued to an applicant if no fact, circumstance, or condition exists that would justify the revocation or suspension of the registration if the registration was issued and if specified fees are paid. ~~By requiring additional persons to be licensed and pay certain fees that would go into a continuously appropriated fund, this bill would make an appropriation.~~ *This bill would provide that the Veterinary Medical Board Contingent Fund is available for expenditure only upon an appropriation by the Legislature.* By requiring additional persons to be licensed under the act that were previously exempt, this bill would expand the definition of an existing crime and would, therefore, result in a state-mandated local program.

(4) ~~Existing law, The Government Claims Act,~~ except as provided, requires a public entity to pay any judgment or any compromise or settlement of a claim or action against an employee or former employee of the public entity if the employee or former employee requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action. *That act prohibits*

the payment of punitive or exemplary damages by a public entity, except as specified.

This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board for an act or omission occurring within the scope of his or her employment as a member of a regulatory board. *The bill would specify that treble damages awarded pursuant to a specified federal law for violation of another federal law are not punitive or exemplary damages within the Government Claims Act.*

(5) The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. ~~That act requires the review by the office to follow certain standards, including, among others, necessity, as defined. That act requires an agency proposing to adopt, amend, or repeal a regulation to prepare a notice to the public that includes specified information, including reference to the authority under which the regulation is proposed.~~

~~This bill would add competitive impact, as defined, as an additional standard for the office to follow when reviewing regulatory actions of a state board on which a controlling number of decisionmakers are active market participants in the market that the board regulates, and requires the office to, among other things, consider whether the anticompetitive effects of the proposed regulation are clearly outweighed by the public policy merits. The bill would authorize the office to designate, employ, or contract for the services of independent antitrust or applicable economic experts when reviewing proposed regulations for competitive impact. The bill would require state boards on which a controlling number of decisionmakers are active market participants in the market that the board regulates, when preparing the public notice, to additionally include a statement that the agency has evaluated the impact of the regulation on competition and that the effect of the regulation is within a clearly articulated and affirmatively expressed state law or policy. also require a board within the Department of Consumer Affairs to submit a statement to the office that the Director of Consumer Affairs has reviewed the proposed regulation and determined that the proposed regulation furthers state law.~~

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 109 of the Business and Professions Code
2 is amended to read:

3 109. (a) ~~The director~~ *decisions of any of the boards comprising*
4 *the department with respect to passing candidates and revoking*
5 *or otherwise imposing discipline on licenses shall not be subject*
6 *to review by the director and are final within the limits provided*
7 *by this code that are applicable to the particular board.*

8 (b) *The director may initiate an investigation of any allegations*
9 *of misconduct in the preparation, administration, or scoring of an*
10 *examination which is administered by a board, or in the review of*
11 *qualifications which are a part of the licensing process of any*
12 *board. A request for investigation shall be made by the director to*
13 *the Division of Investigation through the chief of the division or*
14 *to any law enforcement agency in the jurisdiction where the alleged*
15 *misconduct occurred.*

16 ~~(b)-(1)-~~

17 (1) *The director may intervene in any matter of any board where*
18 *an investigation by the Division of Investigation discloses probable*
19 *cause to believe that the conduct or activity of a board, or its*
20 *members or ~~employees~~ employees, constitutes a violation of*
21 *criminal law.*

22 (2) *The term “intervene,” as used in paragraph (1) of this section*
23 *may include, but is not limited to, an application for a restraining*
24 *order or injunctive relief as specified in Section 123.5, or a referral*
25 *or request for criminal prosecution. For purposes of this section,*
26 *the director shall be deemed to have standing under Section 123.5*
27 *and shall seek representation of the Attorney General, or other*
28 *appropriate counsel in the event of a conflict in pursuing that*
29 *action.*

30 (c) *The director may, upon his or her own initiative, and shall,*
31 *upon request by ~~a consumer or licensee,~~ the board making the*
32 *decision or the Legislature, review any nonministerial*
33 *market-sensitive board action or decision ~~or other action to~~*

1 ~~determine whether it unreasonably restrains trade. Such a review~~
2 ~~shall proceed as follows: by the board to determine whether it~~
3 ~~further state law. Market-sensitive actions or decisions are those~~
4 ~~that create barriers to market participation and restrict competition~~
5 ~~including, but not limited to, examination passage scores,~~
6 ~~advertising restrictions, price regulation, enlarging or restricting~~
7 ~~scope of practice qualifications for licensure, and a pattern or~~
8 ~~program of disciplinary actions affecting multiple individuals that~~
9 ~~creates barriers to market participation. If the board action or~~
10 ~~decision is determined to be a market-sensitive action or decision,~~
11 ~~the director shall review the board action or decision to determine~~
12 ~~whether that action or decision furthers a clearly articulated and~~
13 ~~affirmatively expressed state policy. Review under this subdivision~~
14 ~~shall serve to cease implementation of the market-sensitive action~~
15 ~~or decision until the review is finalized and the action or decision~~
16 ~~is found to further state law.~~

17 ~~(1) The director shall assess whether the action or decision~~
18 ~~reflects a clearly articulated and affirmatively expressed state law.~~
19 ~~If the director determines that the action or decision does not reflect~~
20 ~~a clearly articulated and affirmatively expressed state law, the~~
21 ~~director shall disapprove the board action or decision and it shall~~
22 ~~not go into effect.~~

23 ~~(2) If the action or decision is a reflection of clearly articulated~~
24 ~~and affirmatively expressed state law, the director shall assess~~
25 ~~whether the action or decision was the result of the board's exercise~~
26 ~~of ministerial or discretionary judgment. If the director finds no~~
27 ~~exercise of discretionary judgment, but merely the direct~~
28 ~~application of statutory or constitutional provisions, the director~~
29 ~~shall close the investigation and review of the board action or~~
30 ~~decision.~~

31 ~~(3) If the director concludes under paragraph (2) that the board~~
32 ~~exercised discretionary judgment, the director shall review the~~
33 ~~board action or decision as follows:~~

34 ~~(A) The~~

35 ~~(1) Any review by the director under this subdivision shall~~
36 ~~conduct include a full substantive review of the board action or~~
37 ~~decision using based upon all the relevant facts, data, market~~
38 ~~conditions, facts in the record provided by the board and any~~
39 ~~additional information provided by the director, which may include~~
40 ~~data, public comment, studies, or other documentary evidence~~

1 pertaining to the market impacted by the board's action or decision
2 and determine whether the anticompetitive effects of the action or
3 decision are clearly outweighed by the benefit to the public. The
4 director may seek, designate, employ, or contract for the services
5 of independent antitrust or economic experts pursuant to Section
6 307. These experts shall not be active participants in the market
7 affected by the board action or decision. *decision.*

8 (B) If the board action or decision was not previously subject
9 to a public comment period, the director shall release the subject
10 matter of his or her investigation for a 30-day public comment
11 period and shall consider all comments received.

12 (C) If the director determines that the action or decision furthers
13 the public protection mission of the board and the impact on
14 competition is justified, the director may approve the action or
15 decision.

16 (D) If the director determines that the action furthers the public
17 protection mission of the board and the impact on competition is
18 justified, the director may approve the action or decision. If the
19 director finds the action or decision does not further the public
20 protection mission of the board or finds that the action or decision
21 is not justified, the director shall either refuse to approve it or shall
22 modify the action or decision to ensure that any restraints of trade
23 are related to, and advance, clearly articulated state law or public
24 policy.

25 (2) *The director shall take one of the following actions:*

26 (A) *Approve the action or decision upon determination that it*
27 *further state law.*

28 (B) *Disapprove the action or decision if it does not further state*
29 *law. If the director disapproves the board action or decision, the*
30 *director may recommend modifications to the board action or*
31 *decision, which, if adopted, shall not become effective until final*
32 *approval by the director pursuant to this subdivision.*

33 (C) *Modify the action or decision to ensure that it furthers state*
34 *law.*

35 (D) *Request further information from the board if the record*
36 *provided is insufficient to make a determination that the action or*
37 *decision furthers state law. Upon submission of further information*
38 *from the board and any information provided by the director, the*
39 *director shall make a final determination to approve, disapprove,*
40 *or modify the board's action or decision.*

1 ~~(4)~~

2 (d) The director shall issue, and post on the department’s Internet
3 Web site, his or her final written decision ~~approving, modifying,~~
4 ~~or disapproving~~ on the *board* action or decision with an explanation
5 of the reasons *that action or decision does or does not further state*
6 *law and the rationale behind the director’s decision* within 90 days
7 from receipt of the ~~request from a consumer or licensee.~~ *board’s*
8 *or Legislature’s request for review or the director’s decision to*
9 *review the board action or decision.* Notwithstanding any other
10 law, the decision of the director shall be final, except if the state
11 or federal constitution requires an appeal of the director’s decision.

12 ~~(d)~~

13 (e) The review set forth in ~~paragraph (3) of subdivision (c)~~ shall
14 not apply ~~when an individual seeks to the~~ review of *any*
15 *disciplinary action or other action pertaining solely to that*
16 ~~individual.~~ *any other sanction or citation imposed by a board upon*
17 *a licensee.*

18 ~~(e)~~

19 (f) The director shall report to the Chairs of the Senate Business,
20 Professions, and Economic Development Committee and the
21 Assembly Business and Professions Committee annually,
22 commencing March 1, 2017, regarding his or her disapprovals,
23 modifications, or findings from any audit, review, or monitoring
24 and evaluation conducted pursuant to this section. That report shall
25 be submitted in compliance with Section 9795 of the Government
26 Code.

27 ~~(f) If the director has already reviewed a board action or decision~~
28 ~~pursuant to this section or Section 313.1, the director shall not~~
29 ~~review that action or decision again.~~

30 (g) This section shall not be construed to affect, impede, or
31 delay any disciplinary actions of any board.

32 SEC. 2. *Section 109.5 is added to the Business and Professions*
33 *Code, to read:*

34 109.5. *The executive officer of any board, committee, or*
35 *commission within the department shall not be an active licensee*
36 *of any profession that board, committee, or commission regulates.*

37 ~~SEC. 2.~~

38 SEC. 3. Section 116 of the Business and Professions Code is
39 amended to read:

1 116. (a) The director may audit and review, upon his or her
2 own initiative, or upon the request of a consumer or licensee,
3 inquiries and complaints regarding licensees, dismissals of
4 disciplinary cases, the opening, conduct, or closure of
5 investigations, informal conferences, and discipline short of formal
6 accusation by any board or bureau within the department.

7 (b) The director shall report to the Chairs of the Senate Business,
8 Professions, and Economic Development Committee and the
9 Assembly Business and Professions Committee annually,
10 commencing March 1, 2017, regarding his or her findings from
11 any audit, review, or monitoring and evaluation conducted pursuant
12 to this section. This report shall be submitted in compliance with
13 Section 9795 of the Government Code.

14 ~~SEC. 3.~~

15 *SEC. 4.* Section 153 of the Business and Professions Code is
16 amended to read:

17 153. The director may investigate the work of the several
18 boards in his *or her* department and may obtain a copy of all
19 records and full and complete data in all official matters in
20 possession of the boards, their members, officers, or employees.

21 ~~SEC. 4.~~

22 *SEC. 5.* Section 307 of the Business and Professions Code is
23 amended to read:

24 307. The director may contract for the services of experts and
25 consultants where necessary to carry out this chapter and may
26 provide compensation and reimbursement of expenses for those
27 experts and consultants in accordance with state law.

28 ~~SEC. 5.~~

29 *SEC. 6.* Section 313.1 of the Business and Professions Code
30 is amended to read:

31 313.1. (a) Notwithstanding any other law to the contrary, no
32 rule or regulation and no fee change proposed or promulgated by
33 any of the boards, commissions, or committees within the
34 department, shall take effect pending compliance with this section.

35 (b) The director shall be formally notified of and shall review,
36 in accordance with the requirements of Article 5 (commencing
37 with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title
38 2 of the Government Code, the requirements in subdivision (c) of
39 Section 109, and this section, all of the following:

1 (1) All notices of proposed action, any modifications and
2 supplements thereto, and the text of proposed regulations.

3 (2) Any notices of sufficiently related changes to regulations
4 previously noticed to the public, and the text of proposed
5 regulations showing modifications to the text.

6 (3) Final rulemaking records.

7 (4) All relevant ~~facts~~, *facts in the rulemaking record, which may*
8 *include* data, public comments, ~~market conditions, studies,~~ or other
9 documentary evidence pertaining to the ~~market impacted by the~~
10 ~~proposed regulation. This information shall be included in the~~
11 ~~written decision of the director required under paragraph (4) of~~
12 ~~subdivision (c) of Section 109. proposed regulation to determine~~
13 *whether it furthers state law. If the regulation does not further*
14 *state law, it shall not be approved.*

15 (c) The submission of all notices and final rulemaking records
16 to the director and the director's approval, as authorized by this
17 section, shall be a precondition to the filing of any rule or
18 regulation with the Office of Administrative Law. The Office of
19 Administrative Law shall have no jurisdiction to review a rule or
20 regulation subject to this section until after the director's review
21 and approval. The filing of any document with the Office of
22 Administrative Law shall be accompanied by a certification that
23 the board, commission, or committee has complied with the
24 requirements of this section.

25 (d) Following the receipt of any final rulemaking record subject
26 to subdivision (a), the director shall have the authority for a period
27 of 30 days to ~~approve~~ *approve, disapprove, or require modification*
28 *of* a proposed rule or regulation ~~or disapprove a proposed rule or~~
29 ~~regulation~~ on the ground that it is injurious to the public health,
30 safety, or ~~welfare~~, *welfare* or ~~has an impermissible anticompetitive~~
31 ~~effect. The director may modify a rule or regulation as a condition~~
32 ~~of approval. Any modifications to regulations by the director shall~~
33 ~~be subject to a 30-day public comment period before the director~~
34 ~~issues a final decision regarding the modified regulation. If the~~
35 ~~director does not approve the rule or regulation within the 30-day~~
36 ~~period, the rule or regulation shall not be submitted to the Office~~
37 ~~of Administrative Law and the rule or regulation shall have no~~
38 ~~effect. does not further state law. If the director does not approve~~
39 *the rule or regulation within the 30-day period, the rule or*

1 *regulation shall not be submitted to the Office of Administrative*
2 *Law and the rule or regulation shall have no effect.*

3 (e) Final rulemaking records shall be filed with the director
4 within the one-year notice period specified in Section 11346.4 of
5 the Government Code. If necessary for compliance with this
6 section, the one-year notice period may be extended, as specified
7 by this subdivision.

8 (1) In the event that the one-year notice period lapses during
9 the director's 30-day review period, or within 60 days following
10 the notice of the director's disapproval, it may be extended for a
11 maximum of 90 days.

12 (2) If the director approves the final rulemaking record, the
13 board, commission, or committee shall have five days from the
14 receipt of the record from the director within which to file it with
15 the Office of Administrative Law.

16 (3) If the director disapproves a rule or regulation, it shall have
17 no force or effect unless, within 60 days of the notice of
18 disapproval, (A) the disapproval is overridden by a unanimous
19 vote of the members of the board, commission, or committee, and
20 (B) the board, commission, or committee files the final rulemaking
21 record with the Office of Administrative Law in compliance with
22 this section and the procedures required by Chapter 3.5
23 (commencing with Section 11340) of Part 1 of Division 3 of Title
24 2 of the Government Code. This paragraph shall not apply to any
25 decision disapproved by the director under subdivision (e) of
26 Section 109: *effect.*

27 (f) This section shall not be construed to prohibit the director
28 from affirmatively approving a proposed rule, regulation, or fee
29 change at any time within the 30-day period after it has been
30 submitted to him or her, in which event it shall become effective
31 upon compliance with this section and the procedures required by
32 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
33 3 of Title 2 of the Government Code.

34 ~~SEC. 6.~~

35 *SEC. 7.* Section 2708 of the Business and Professions Code is
36 amended to read:

37 2708. (a) The board shall appoint an executive officer who
38 shall perform the duties delegated by the board and who shall be
39 responsible to it for the accomplishment of those duties.

1 (b) The executive officer shall not be a licensee under this
2 chapter and shall possess other qualifications as determined by the
3 board.

4 (c) The executive officer shall not be a member of the board.

5 (d) This section shall remain in effect only until January 1, 2018,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2018, deletes or extends that date.

8 ~~SEC. 7:~~

9 *SEC. 8.* Section 4800 of the Business and Professions Code is
10 amended to read:

11 4800. (a) There is in the Department of Consumer Affairs a
12 Veterinary Medical Board in which the administration of this
13 chapter is vested. The board consists of the following members:

14 (1) Four licensed veterinarians.

15 (2) One registered veterinary technician.

16 (3) Three public members.

17 (b) This section shall remain in effect only until January 1, 2021,
18 and as of that date is repealed.

19 (c) Notwithstanding any other law, the repeal of this section
20 renders the board subject to review by the appropriate policy
21 committees of the Legislature. However, the review of the board
22 shall be limited to those issues identified by the appropriate policy
23 committees of the Legislature and shall not involve the preparation
24 or submission of a sunset review document or evaluative
25 questionnaire.

26 ~~SEC. 8:~~

27 *SEC. 9.* Section 4804.5 of the Business and Professions Code
28 is amended to read:

29 4804.5. (a) The board may appoint a person exempt from civil
30 service who shall be designated as an executive officer and who
31 shall exercise the powers and perform the duties delegated by the
32 board and vested in him or her by this chapter.

33 (b) This section shall remain in effect only until January 1, 2021,
34 and as of that date is repealed.

35 ~~SEC. 9. Section 4825.1 of the Business and Professions Code~~
36 ~~is amended to read:~~

37 ~~4825.1. These definitions shall govern the construction of this~~
38 ~~chapter as it applies to veterinary medicine.~~

1 (a) “Diagnosis” means the act or process of identifying or
2 determining the health status of an animal through examination
3 and the opinion derived from that examination.

4 (b) “Animal” means any member of the animal kingdom other
5 than humans, and includes fowl, fish, and reptiles, wild or
6 domestic, whether living or dead.

7 (c) “Food animal” means any animal that is raised for the
8 production of an edible product intended for consumption by
9 humans. The edible product includes, but is not limited to, milk,
10 meat, and eggs. Food animal includes, but is not limited to, cattle
11 (beef or dairy), swine, sheep, poultry, fish, and amphibian species.

12 (d) “Livestock” includes all animals, poultry, aquatic and
13 amphibian species that are raised, kept, or used for profit. It does
14 not include those species that are usually kept as pets such as dogs,
15 cats, and pet birds, or companion animals, including equines.

16 (e) “Compounding,” for the purposes of veterinary medicine,
17 shall have the same meaning given in Section 1735 of Title 16 of
18 the California Code of Regulations, except that every reference
19 therein to “pharmacy” and “pharmacist” shall be replaced with
20 “veterinary premises” and “veterinarian,” and except that only a
21 licensed veterinarian or a licensed registered veterinarian technician
22 under direct supervision of a veterinarian may perform
23 compounding and shall not delegate to or supervise any part of
24 the performance of compounding by any other person.

25 SEC. 10. Section 4826.3 is added to the Business and
26 Professions Code, to read:

27 4826.3. (a) Notwithstanding Section 4051, a veterinarian or
28 registered veterinarian technician under the direct supervision of
29 a veterinarian with a current and active license may compound a
30 drug for anesthesia, the prevention, cure, or relief of a wound,
31 fracture, bodily injury, or disease of an animal in a premises
32 currently and actively registered with the board and only under
33 the following conditions:

34 (1) Where there is no FDA-approved animal or human drug that
35 can be used as labeled or in an appropriate extralabel manner to
36 properly treat the disease, symptom, or condition for which the
37 drug is being prescribed.

38 (2) Where the compounded drug is not available from a
39 compounding pharmacy, outsourcing facility, or other
40 compounding supplier in a dosage form and concentration to

1 appropriately treat the disease, symptom, or condition for which
2 the drug is being prescribed.

3 ~~(3) Where the need and prescription for the compounded
4 medication has arisen within an established
5 veterinarian-client-patient relationship as a means to treat a specific
6 occurrence of a disease, symptom, or condition observed and
7 diagnosed by the veterinarian in a specific animal that threatens
8 the health of the animal or will cause suffering or death if left
9 untreated.~~

10 ~~(4) Where the quantity compounded does not exceed a quantity
11 demonstrably needed to treat a patient with which the veterinarian
12 has a current veterinarian-client-patient relationship.~~

13 ~~(5) Except as specified in subdivision (c), where the compound
14 is prepared only with commercially available FDA-approved
15 animal or human drugs as active ingredients.~~

16 ~~(b) A compounded veterinary drug may be prepared from an
17 FDA-approved animal or human drug for extralabel use only when
18 there is no approved animal or human drug that, when used as
19 labeled or in an appropriate extralabel manner will, in the available
20 dosage form and concentration, treat the disease, symptom, or
21 condition. Compounding from an approved human drug for use
22 in food-producing animals is not permitted if an approved animal
23 drug can be used for compounding.~~

24 ~~(c) A compounded veterinary drug may be prepared from bulk
25 drug substances only when:~~

26 ~~(1) The drug is compounded and dispensed by the veterinarian
27 to treat an individually identified animal patient under his or her
28 care.~~

29 ~~(2) The drug is not intended for use in food-producing animals.~~

30 ~~(3) If the drug contains a bulk drug substance that is a
31 component of any marketed FDA-approved animal or human drug,
32 there is a change between the compounded drug and the
33 comparable marketed drug made for an individually identified
34 animal patient that produces a clinical difference for that
35 individually identified animal patient, as determined by the
36 veterinarian prescribing the compounded drug for his or her patient.~~

37 ~~(4) There are no FDA-approved animal or human drugs that
38 can be used as labeled or in an appropriate extralabel manner to
39 properly treat the disease, symptom, or condition for which the
40 drug is being prescribed.~~

1 ~~(5) All bulk drug substances used in compounding are~~
2 ~~manufactured by an establishment registered under Section 360~~
3 ~~of Title 21 of the United States Code and are accompanied by a~~
4 ~~valid certificate of analysis.~~

5 ~~(6) The drug is not sold or transferred by the veterinarian~~
6 ~~compounding the drug, except that the veterinarian shall be~~
7 ~~permitted to administer the drug to a patient under his or her care~~
8 ~~or dispense it to the owner or caretaker of an animal under his or~~
9 ~~her care.~~

10 ~~(7) Within 15 days of becoming aware of any product defect or~~
11 ~~serious adverse event associated with any drug compounded by~~
12 ~~the veterinarian from bulk drug substances, the veterinarian shall~~
13 ~~report it to the federal Food and Drug Administration on Form~~
14 ~~FDA 1932a.~~

15 ~~(8) In addition to any other requirements, the label of any~~
16 ~~veterinary drug compounded from bulk drug substances shall~~
17 ~~indicate the species of the intended animal patient, the name of~~
18 ~~the animal patient, and the name of the owner or caretaker of the~~
19 ~~patient.~~

20 ~~(d) Each compounded veterinary drug preparation shall meet~~
21 ~~the labeling requirements of Section 4076 and Sections 1707.5~~
22 ~~and 1735.4 of Title 16 of the California Code of Regulations,~~
23 ~~except that every reference therein to “pharmacy” and “pharmacist”~~
24 ~~shall be replaced by “veterinary premises” and “veterinarian,” and~~
25 ~~any reference to “patient” shall be understood to refer to the animal~~
26 ~~patient. In addition, each label on a compounded veterinary drug~~
27 ~~preparation shall include withdrawal and holding times, if needed,~~
28 ~~and the disease, symptom, or condition for which the drug is being~~
29 ~~prescribed. Any compounded veterinary drug preparation that is~~
30 ~~intended to be sterile, including for injection, administration into~~
31 ~~the eye, or inhalation, shall in addition meet the labeling~~
32 ~~requirements of Section 1751.2 of Title 16 of the California Code~~
33 ~~of Regulations, except that every reference therein to “pharmacy”~~
34 ~~and “pharmacist” shall be replaced by “veterinary premises” and~~
35 ~~“veterinarian,” and any reference to “patient” shall be understood~~
36 ~~to refer to the animal patient.~~

37 ~~(e) Any veterinarian, registered veterinarian technician who is~~
38 ~~under the direct supervision of a veterinarian, and veterinary~~
39 ~~premises engaged in compounding shall meet the compounding~~
40 ~~requirements for pharmacies and pharmacists stated by the~~

1 provisions of Article 4.5 (commencing with Section 1735) of Title
2 16 of the California Code of Regulations, except that every
3 reference therein to “pharmacy” and “pharmacist” shall be replaced
4 by “veterinary premises” and “veterinarian,” and any reference to
5 “patient” shall be understood to refer to the animal patient:

6 (1) Section 1735.1 of Title 16 of the California Code of
7 Regulations.

8 (2) Subdivisions (d),(e), (f), (g), (h), (i), (j), (k), and (l) of
9 Section 1735.2 of Title 16 of the California Code of Regulations.

10 (3) Section 1735.3 of Title 16 of the California Code of
11 Regulations, except that only a licensed veterinarian or registered
12 veterinarian technician may perform compounding and shall not
13 delegate to or supervise any part of the performance of
14 compounding by any other person.

15 (4) Section 1735.4 of Title 16 of the California Code of
16 Regulations.

17 (5) Section 1735.5 of Title 16 of the California Code of
18 Regulations.

19 (6) Section 1735.6 of Title 16 of the California Code of
20 Regulations.

21 (7) Section 1735.7 of Title 16 of the California Code of
22 Regulations.

23 (8) Section 1735.8 of Title 16 of the California Code of
24 Regulations.

25 (f) Any veterinarian, registered veterinarian technician under
26 the direct supervision of a veterinarian, and veterinary premises
27 engaged in sterile compounding shall meet the sterile compounding
28 requirements for pharmacies and pharmacists under Article 7
29 (commencing with Section 1751) of Title 16 of the California Code
30 of Regulations, except that every reference therein to “pharmacy”
31 and “pharmacist” shall be replaced by “veterinary premises” and
32 “veterinarian,” and any reference to “patient” shall be understood
33 to refer to the animal patient.

34 (g) The California State Board of Pharmacy shall have authority
35 with the board to ensure compliance with this section and shall
36 have the right to inspect any veterinary premises engaged in
37 compounding, along with or separate from the board, to ensure
38 compliance with this section. The board is specifically charged
39 with enforcing this section with regard to its licensees.

1 ~~SEC. 11. Section 4826.5 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~4826.5. Failure by a licensed veterinarian, registered~~
4 ~~veterinarian technician, or veterinary premises to comply with the~~
5 ~~provisions of this article shall be deemed unprofessional conduct~~
6 ~~and constitute grounds for discipline.~~

7 ~~SEC. 12. Section 4826.7 is added to the Business and~~
8 ~~Professions Code, to read:~~

9 ~~4826.7. The board may adopt regulations to implement the~~
10 ~~provisions of this article.~~

11 *SEC. 10. Section 4826.5 is added to the Business and*
12 *Professions Code, to read:*

13 *4826.5. Notwithstanding any other law, a licensed veterinarian*
14 *or a registered veterinary technician under the supervision of a*
15 *licensed veterinarian may compound drugs for animal use pursuant*
16 *to Section 530 of Title 21 of the Code of Federal Regulations and*
17 *in accordance with regulations promulgated by the board. The*
18 *regulations promulgated by the board shall, at a minimum, address*
19 *the storage of drugs, the level and type of supervision required for*
20 *compounding drugs by a registered veterinary technician, and the*
21 *equipment necessary for the safe compounding of drugs. Any*
22 *violation of the regulations adopted by the board pursuant to this*
23 *section shall constitute grounds for an enforcement or disciplinary*
24 *action.*

25 ~~SEC. 13.~~

26 *SEC. 11. Section 4830 of the Business and Professions Code*
27 *is amended to read:*

28 4830. (a) This chapter does not apply to:

29 (1) Veterinarians while serving in any armed branch of the
30 military service of the United States or the United States
31 Department of Agriculture while actually engaged and employed
32 in their official capacity.

33 (2) Regularly licensed veterinarians in actual consultation from
34 other states.

35 (3) Regularly licensed veterinarians actually called from other
36 states to attend cases in this state, but who do not open an office
37 or appoint a place to do business within this state.

38 (4) Students in the School of Veterinary Medicine of the
39 University of California or the College of Veterinary Medicine of
40 the Western University of Health Sciences who participate in

1 diagnosis and treatment as part of their educational experience,
2 including those in off-campus educational programs under the
3 direct supervision of a licensed veterinarian in good standing, as
4 defined in paragraph (1) of subdivision (b) of Section 4848,
5 appointed by the University of California, Davis, or the Western
6 University of Health Sciences.

7 (5) A veterinarian who is employed by the Meat and Poultry
8 Inspection Branch of the California Department of Food and
9 Agriculture while actually engaged and employed in his or her
10 official capacity. A person exempt under this paragraph shall not
11 otherwise engage in the practice of veterinary medicine unless he
12 or she is issued a license by the board.

13 (6) Unlicensed personnel employed by the Department of Food
14 and Agriculture or the United States Department of Agriculture
15 when in the course of their duties they are directed by a veterinarian
16 supervisor to conduct an examination, obtain biological specimens,
17 apply biological tests, or administer medications or biological
18 products as part of government disease or condition monitoring,
19 investigation, control, or eradication activities.

20 (b) (1) For purposes of paragraph (3) of subdivision (a), a
21 regularly licensed veterinarian in good standing who is called from
22 another state by a law enforcement agency or animal control
23 agency, as defined in Section 31606 of the Food and Agricultural
24 Code, to attend to cases that are a part of an investigation of an
25 alleged violation of federal or state animal fighting or animal
26 cruelty laws within a single geographic location shall be exempt
27 from the licensing requirements of this chapter if the law
28 enforcement agency or animal control agency determines that it
29 is necessary to call the veterinarian in order for the agency or
30 officer to conduct the investigation in a timely, efficient, and
31 effective manner. In determining whether it is necessary to call a
32 veterinarian from another state, consideration shall be given to the
33 availability of veterinarians in this state to attend to these cases.
34 An agency, department, or officer that calls a veterinarian pursuant
35 to this subdivision shall notify the board of the investigation.

36 (2) Notwithstanding any other provision of this chapter, a
37 regularly licensed veterinarian in good standing who is called from
38 another state to attend to cases that are a part of an investigation
39 described in paragraph (1) may provide veterinary medical care
40 for animals that are affected by the investigation with a temporary

1 shelter facility, and the temporary shelter facility shall be exempt
2 from the registration requirement of Section 4853 if all of the
3 following conditions are met:

4 (A) The temporary shelter facility is established only for the
5 purpose of the investigation.

6 (B) The temporary shelter facility provides veterinary medical
7 care, shelter, food, and water only to animals that are affected by
8 the investigation.

9 (C) The temporary shelter facility complies with Section 4854.

10 (D) The temporary shelter facility exists for not more than 60
11 days, unless the law enforcement agency or animal control agency
12 determines that a longer period of time is necessary to complete
13 the investigation.

14 (E) Within 30 calendar days upon completion of the provision
15 of veterinary health care services at a temporary shelter facility
16 established pursuant to this section, the veterinarian called from
17 another state by a law enforcement agency or animal control agency
18 to attend to a case shall file a report with the board. The report
19 shall contain the date, place, type, and general description of the
20 care provided, along with a listing of the veterinary health care
21 practitioners who participated in providing that care.

22 (c) For purposes of paragraph (3) of subdivision (a), the board
23 may inspect temporary facilities established pursuant to this
24 section.

25 ~~SEC. 14.~~

26 *SEC. 12.* Section 4846.5 of the Business and Professions Code
27 is amended to read:

28 4846.5. (a) Except as provided in this section, the board shall
29 issue renewal licenses only to those applicants that have completed
30 a minimum of 36 hours of continuing education in the preceding
31 two years.

32 (b) (1) Notwithstanding any other law, continuing education
33 hours shall be earned by attending courses relevant to veterinary
34 medicine and sponsored or cosponsored by any of the following:

35 (A) American Veterinary Medical Association (AVMA)
36 accredited veterinary medical colleges.

37 (B) Accredited colleges or universities offering programs
38 relevant to veterinary medicine.

39 (C) The American Veterinary Medical Association.

1 (D) American Veterinary Medical Association recognized
2 specialty or affiliated allied groups.

3 (E) American Veterinary Medical Association's affiliated state
4 veterinary medical associations.

5 (F) Nonprofit annual conferences established in conjunction
6 with state veterinary medical associations.

7 (G) Educational organizations affiliated with the American
8 Veterinary Medical Association or its state affiliated veterinary
9 medical associations.

10 (H) Local veterinary medical associations affiliated with the
11 California Veterinary Medical Association.

12 (I) Federal, state, or local government agencies.

13 (J) Providers accredited by the Accreditation Council for
14 Continuing Medical Education (ACCME) or approved by the
15 American Medical Association (AMA), providers recognized by
16 the American Dental Association Continuing Education
17 Recognition Program (ADA CERP), and AMA or ADA affiliated
18 state, local, and specialty organizations.

19 (2) Continuing education credits shall be granted to those
20 veterinarians taking self-study courses, which may include, but
21 are not limited to, reading journals, viewing video recordings, or
22 listening to audio recordings. The taking of these courses shall be
23 limited to no more than six hours biennially.

24 (3) The board may approve other continuing veterinary medical
25 education providers not specified in paragraph (1).

26 (A) The board has the authority to recognize national continuing
27 education approval bodies for the purpose of approving continuing
28 education providers not specified in paragraph (1).

29 (B) Applicants seeking continuing education provider approval
30 shall have the option of applying to the board or to a
31 board-recognized national approval body.

32 (4) For good cause, the board may adopt an order specifying,
33 on a prospective basis, that a provider of continuing veterinary
34 medical education authorized pursuant to paragraph (1) or (3) is
35 no longer an acceptable provider.

36 (5) Continuing education hours earned by attending courses
37 sponsored or cosponsored by those entities listed in paragraph (1)
38 between January 1, 2000, and January 1, 2001, shall be credited
39 toward a veterinarian's continuing education requirement under
40 this section.

1 (c) Every person renewing his or her license issued pursuant to
2 Section 4846.4, or any person applying for relicensure or for
3 reinstatement of his or her license to active status, shall submit
4 proof of compliance with this section to the board certifying that
5 he or she is in compliance with this section. Any false statement
6 submitted pursuant to this section shall be a violation subject to
7 Section 4831.

8 (d) This section shall not apply to a veterinarian's first license
9 renewal. This section shall apply only to second and subsequent
10 license renewals granted on or after January 1, 2002.

11 (e) The board shall have the right to audit the records of all
12 applicants to verify the completion of the continuing education
13 requirement. Applicants shall maintain records of completion of
14 required continuing education coursework for a period of four
15 years and shall make these records available to the board for
16 auditing purposes upon request. If the board, during this audit,
17 questions whether any course reported by the veterinarian satisfies
18 the continuing education requirement, the veterinarian shall provide
19 information to the board concerning the content of the course; the
20 name of its sponsor and cosponsor, if any; and specify the specific
21 curricula that was of benefit to the veterinarian.

22 (f) A veterinarian desiring an inactive license or to restore an
23 inactive license under Section 701 shall submit an application on
24 a form provided by the board. In order to restore an inactive license
25 to active status, the veterinarian shall have completed a minimum
26 of 36 hours of continuing education within the last two years
27 preceding application. The inactive license status of a veterinarian
28 shall not deprive the board of its authority to institute or continue
29 a disciplinary action against a licensee.

30 (g) Knowing misrepresentation of compliance with this article
31 by a veterinarian constitutes unprofessional conduct and grounds
32 for disciplinary action or for the issuance of a citation and the
33 imposition of a civil penalty pursuant to Section 4883.

34 (h) The board, in its discretion, may exempt from the continuing
35 education requirement any veterinarian who for reasons of health,
36 military service, or undue hardship cannot meet those requirements.
37 Applications for waivers shall be submitted on a form provided
38 by the board.

39 (i) The administration of this section may be funded through
40 professional license and continuing education provider fees. The

1 fees related to the administration of this section shall not exceed
2 the costs of administering the corresponding provisions of this
3 section.

4 (j) For those continuing education providers not listed in
5 paragraph (1) of subdivision (b), the board or its recognized
6 national approval agent shall establish criteria by which a provider
7 of continuing education shall be approved. The board shall initially
8 review and approve these criteria and may review the criteria as
9 needed. The board or its recognized agent shall monitor, maintain,
10 and manage related records and data. The board may impose an
11 application fee, not to exceed two hundred dollars (\$200)
12 biennially, for continuing education providers not listed in
13 paragraph (1) of subdivision (b).

14 (k) (1) Beginning January 1, 2018, a licensed veterinarian who
15 renews his or her license shall complete a minimum of one credit
16 hour of continuing education on the judicious use of medically
17 important antimicrobial drugs every four years as part of his or
18 her continuing education requirements.

19 (2) For purposes of this subdivision, “medically important
20 antimicrobial drug” means an antimicrobial drug listed in Appendix
21 A of the federal Food and Drug Administration’s Guidance for
22 Industry #152, including critically important, highly important,
23 and important antimicrobial drugs, as that appendix may be
24 amended.

25 ~~SEC. 15.~~

26 *SEC. 13.* Section 4848.1 is added to the Business and
27 Professions Code, to read:

28 4848.1. (a) A veterinarian engaged in the practice of veterinary
29 medicine, as defined in Section 4826, employed by the University
30 of California ~~while and~~ engaged in the performance of duties in
31 connection with the School of Veterinary Medicine or employed
32 by the Western University of Health Sciences ~~while and~~ engaged
33 in the performance of duties in connection with the College of
34 Veterinary Medicine shall be ~~licensed in California or shall hold~~
35 *issued* a university license ~~issued by the board. pursuant to this~~
36 *section or hold a license to practice veterinary medicine in this*
37 *state.*

38 (b) ~~An applicant is eligible to hold~~ *individual may apply for and*
39 *be issued* a university license if all of the following are satisfied:

1 (1) ~~The applicant~~ *He or she* is currently employed by the
2 University of California or Western University of Health Sciences
3 *Sciences*, as defined in subdivision (a).

4 (2) ~~Passes~~ *He or she passes* an examination concerning the
5 statutes and regulations of the Veterinary Medicine Practice Act,
6 administered by the board, pursuant to subparagraph (C) of
7 paragraph (2) of subdivision (a) of Section 4848.

8 (3) ~~Successfully~~ *He or she successfully* completes the approved
9 educational curriculum described in paragraph (5) of subdivision
10 (b) of Section 4848 on regionally specific and important diseases
11 and conditions.

12 (4) *He or she completes and submits the application specified*
13 *by the board and pays the application fee, pursuant to subdivision*
14 *(g) of Section 4905, and the initial license fee, pursuant to*
15 *subdivision (h) of Section 4905.*

16 (c) A university license:

17 (1) Shall be numbered as described in Section 4847.

18 (2) Shall *automatically* cease to be valid upon termination *or*
19 *cessation* of employment by the University of California or by the
20 Western University of Health Sciences.

21 (3) Shall be subject to the license renewal provisions in Section
22 ~~4846.4.~~ *4846.4 and the payment of the renewal fee pursuant to*
23 *subdivision (i) of Section 4905.*

24 (4) Shall be subject to denial, revocation, or suspension pursuant
25 to Sections ~~4875 and 4883.~~ *480, 4875, and 4883.*

26 (5) *Authorizes the holder to practice veterinary medicine only*
27 *at the educational institution described in subdivision (a) and any*
28 *locations formally affiliated with those institutions.*

29 (d) An individual who holds a university license is exempt from
30 satisfying the license renewal requirements of Section 4846.5.

31 ~~SEC. 16.~~

32 *SEC. 14.* Section 4853.7 is added to the Business and
33 Professions Code, to read:

34 4853.7. A premise registration that is not renewed within five
35 years after its expiration may not be renewed and shall not be
36 restored, reissued, or reinstated thereafter. However, an application
37 for a new premise registration may be submitted and obtained if
38 both of the following conditions are met:

39 (a) No fact, circumstance, or condition exists that, if the premise
40 registration was issued, would justify its revocation or suspension.

1 (b) All of the fees that would be required for the initial premise
2 registration are paid at the time of application.

3 *SEC. 15. Section 4904 of the Business and Professions Code*
4 *is amended to read:*

5 4904. All fees collected on behalf of the board and all receipts
6 of every kind and nature shall be reported each month for the month
7 preceding to the State Controller and at the same time the entire
8 amount shall be paid into the State Treasury and shall be credited
9 to the Veterinary Medical Board Contingent Fund. This contingent
10 fund shall be *available, upon appropriation by the Legislature,*
11 *for the use of the Veterinary Medical Board and out of it and not*
12 ~~otherwise shall be paid all expenses of the board.~~ *Board.*

13 *SEC. 16. Section 4905 of the Business and Professions Code*
14 *is amended to read:*

15 4905. The following fees shall be collected by the board and
16 shall be credited to the Veterinary Medical Board Contingent Fund:

17 (a) The fee for filing an application for examination shall be set
18 by the board in an amount it determines is reasonably necessary
19 to provide sufficient funds to carry out the purpose of this chapter,
20 not to exceed three hundred fifty dollars (\$350).

21 (b) The fee for the California state board examination shall be
22 set by the board in an amount it determines is reasonably necessary
23 to provide sufficient funds to carry out the purpose of this chapter,
24 not to exceed three hundred fifty dollars (\$350).

25 (c) The fee for the Veterinary Medicine Practice Act
26 examination shall be set by the board in an amount it determines
27 reasonably necessary to provide sufficient funds to carry out the
28 purpose of this chapter, not to exceed one hundred dollars (\$100).

29 (d) The initial license fee shall be set by the board not to exceed
30 five hundred dollars (\$500) except that, if the license is issued less
31 than one year before the date on which it will expire, then the fee
32 shall be set by the board at not to exceed two hundred fifty dollars
33 (\$250). The board may, by appropriate regulation, provide for the
34 waiver or refund of the initial license fee where the license is issued
35 less than 45 days before the date on which it will expire.

36 (e) The renewal fee shall be set by the board for each biennial
37 renewal period in an amount it determines is reasonably necessary
38 to provide sufficient funds to carry out the purpose of this chapter,
39 not to exceed five hundred dollars (\$500).

- 1 (f) The temporary license fee shall be set by the board in an
 2 amount it determines is reasonably necessary to provide sufficient
 3 funds to carry out the purpose of this chapter, not to exceed two
 4 hundred fifty dollars (\$250).
- 5 (g) *The fee for filing an application for a university license shall*
 6 *be one hundred twenty-five dollars (\$125), which may be revised*
 7 *by the board in regulation but shall not exceed three hundred fifty*
 8 *dollars (\$350).*
- 9 (h) *The initial license fee for a university license shall be two*
 10 *hundred ninety dollars (\$290), which may be revised by the board*
 11 *in regulation but shall not exceed five hundred dollars (\$500).*
- 12 (i) *The biennial renewal fee for a university license shall be two*
 13 *hundred ninety dollars (\$290), which may be revised by the board*
 14 *in regulation but shall not exceed five hundred dollars (\$500).*
- 15 ~~(g)~~
- 16 (j) The delinquency fee shall be set by the board, not to exceed
 17 fifty dollars (\$50).
- 18 ~~(h)~~
- 19 (k) The fee for issuance of a duplicate license is twenty-five
 20 dollars (\$25).
- 21 ~~(i)~~
- 22 (l) Any charge made for duplication or other services shall be
 23 set at the cost of rendering the service, except as specified in
 24 subdivision~~(h)~~: (k).
- 25 ~~(j)~~
- 26 (m) The fee for failure to report a change in the mailing address
 27 is twenty-five dollars (\$25).
- 28 ~~(k)~~
- 29 (n) The initial and annual renewal fees for registration of
 30 veterinary premises shall be set by the board in an amount not to
 31 exceed four hundred dollars (\$400) annually.
- 32 ~~(l)~~
- 33 (o) If the money transferred from the Veterinary Medical Board
 34 Contingent Fund to the General Fund pursuant to the Budget Act
 35 of 1991 is redeposited into the Veterinary Medical Board
 36 Contingent Fund, the fees assessed by the board shall be reduced
 37 correspondingly. However, the reduction shall not be so great as
 38 to cause the Veterinary Medical Board Contingent Fund to have
 39 a reserve of less than three months of annual authorized board
 40 expenditures. The fees set by the board shall not result in a

1 Veterinary Medical Board Contingent Fund reserve of more than
2 10 months of annual authorized board expenditures.

3 SEC. 17. Section 825 of the Government Code is amended to
4 read:

5 825. (a) Except as otherwise provided in this section, if an
6 employee or former employee of a public entity requests the public
7 entity to defend him or her against any claim or action against him
8 or her for an injury arising out of an act or omission occurring
9 within the scope of his or her employment as an employee of the
10 public entity and the request is made in writing not less than 10
11 days before the day of trial, and the employee or former employee
12 reasonably cooperates in good faith in the defense of the claim or
13 action, the public entity shall pay any judgment based thereon or
14 any compromise or settlement of the claim or action to which the
15 public entity has agreed.

16 If the public entity conducts the defense of an employee or
17 former employee against any claim or action with his or her
18 reasonable good-faith cooperation, the public entity shall pay any
19 judgment based thereon or any compromise or settlement of the
20 claim or action to which the public entity has agreed. However,
21 where the public entity conducted the defense pursuant to an
22 agreement with the employee or former employee reserving the
23 rights of the public entity not to pay the judgment, compromise,
24 or settlement until it is established that the injury arose out of an
25 act or omission occurring within the scope of his or her
26 employment as an employee of the public entity, the public entity
27 is required to pay the judgment, compromise, or settlement only
28 if it is established that the injury arose out of an act or omission
29 occurring in the scope of his or her employment as an employee
30 of the public entity.

31 Nothing in this section authorizes a public entity to pay that part
32 of a claim or judgment that is for punitive or exemplary damages.

33 (b) Notwithstanding subdivision (a) or any other provision of
34 law, a public entity is authorized to pay that part of a judgment
35 that is for punitive or exemplary damages if the governing body
36 of that public entity, acting in its sole discretion except in cases
37 involving an entity of the state government, finds all of the
38 following:

1 (1) The judgment is based on an act or omission of an employee
2 or former employee acting within the course and scope of his or
3 her employment as an employee of the public entity.

4 (2) At the time of the act giving rise to the liability, the employee
5 or former employee acted, or failed to act, in good faith, without
6 actual malice and in the apparent best interests of the public entity.

7 (3) Payment of the claim or judgment would be in the best
8 interests of the public entity.

9 As used in this subdivision with respect to an entity of state
10 government, “a decision of the governing body” means the
11 approval of the Legislature for payment of that part of a judgment
12 that is for punitive damages or exemplary damages, upon
13 recommendation of the appointing power of the employee or
14 former employee, based upon the finding by the Legislature and
15 the appointing authority of the existence of the three conditions
16 for payment of a punitive or exemplary damages claim. The
17 provisions of subdivision (a) of Section 965.6 shall apply to the
18 payment of any claim pursuant to this subdivision.

19 The discovery of the assets of a public entity and the introduction
20 of evidence of the assets of a public entity shall not be permitted
21 in an action in which it is alleged that a public employee is liable
22 for punitive or exemplary damages.

23 The possibility that a public entity may pay that part of a
24 judgment that is for punitive damages shall not be disclosed in any
25 trial in which it is alleged that a public employee is liable for
26 punitive or exemplary damages, and that disclosure shall be
27 grounds for a mistrial.

28 (c) Except as provided in subdivision (d), if the provisions of
29 this section are in conflict with the provisions of a memorandum
30 of understanding reached pursuant to Chapter 10 (commencing
31 with Section 3500) of Division 4 of Title 1, the memorandum of
32 understanding shall be controlling without further legislative action,
33 except that if those provisions of a memorandum of understanding
34 require the expenditure of funds, the provisions shall not become
35 effective unless approved by the Legislature in the annual Budget
36 Act.

37 (d) The subject of payment of punitive damages pursuant to this
38 section or any other provision of law shall not be a subject of meet
39 and confer under the provisions of Chapter 10 (commencing with

1 Section 3500) of Division 4 of Title 1, or pursuant to any other
2 law or authority.

3 (e) Nothing in this section shall affect the provisions of Section
4 818 prohibiting the award of punitive damages against a public
5 entity. This section shall not be construed as a waiver of a public
6 entity's immunity from liability for punitive damages under Section
7 1981, 1983, or 1985 of Title 42 of the United States Code.

8 (f) (1) Except as provided in paragraph (2), a public entity shall
9 not pay a judgment, compromise, or settlement arising from a
10 claim or action against an elected official, if the claim or action is
11 based on conduct by the elected official by way of tortiously
12 intervening or attempting to intervene in, or by way of tortiously
13 influencing or attempting to influence the outcome of, any judicial
14 action or proceeding for the benefit of a particular party by
15 contacting the trial judge or any commissioner, court-appointed
16 arbitrator, court-appointed mediator, or court-appointed special
17 referee assigned to the matter, or the court clerk, bailiff, or marshal
18 after an action has been filed, unless he or she was counsel of
19 record acting lawfully within the scope of his or her employment
20 on behalf of that party. Notwithstanding Section 825.6, if a public
21 entity conducted the defense of an elected official against such a
22 claim or action and the elected official is found liable by the trier
23 of fact, the court shall order the elected official to pay to the public
24 entity the cost of that defense.

25 (2) If an elected official is held liable for monetary damages in
26 the action, the plaintiff shall first seek recovery of the judgment
27 against the assets of the elected official. If the elected official's
28 assets are insufficient to satisfy the total judgment, as determined
29 by the court, the public entity may pay the deficiency if the public
30 entity is authorized by law to pay that judgment.

31 (3) To the extent the public entity pays any portion of the
32 judgment or is entitled to reimbursement of defense costs pursuant
33 to paragraph (1), the public entity shall pursue all available
34 creditor's remedies against the elected official, including
35 garnishment, until that party has fully reimbursed the public entity.

36 (4) This subdivision shall not apply to any criminal or civil
37 enforcement action brought in the name of the people of the State
38 of California by an elected district attorney, city attorney, or
39 attorney general.

1 (g) Notwithstanding subdivision (a), a public entity shall pay
2 for a judgment or settlement for treble damage antitrust awards
3 against a member of a regulatory board for an act or omission
4 occurring within the scope of his or her employment as a member
5 of a regulatory board.

6 (h) *Treble damages awarded pursuant to the federal Clayton*
7 *Act (Sections 12 to 27 of Title 15 of, and Sections 52 to 53 of Title*
8 *29 of, the United States Code) for a violation of the federal*
9 *Sherman Act (Sections 1 to 6, 6a, and 7 of Title 15 of the United*
10 *States Code) are not punitive or exemplary damages under the*
11 *Government Claims Act (Division 3.6 (commencing with Section*
12 *810) of Title 1 of the Government Code) for purposes of this*
13 *section.*

14 SEC. 18. Section 11346.5 of the Government Code is amended
15 to read:

16 11346.5. (a) The notice of proposed adoption, amendment, or
17 repeal of a regulation shall include the following:

18 (1) A statement of the time, place, and nature of proceedings
19 for adoption, amendment, or repeal of the regulation.

20 (2) Reference to the authority under which the regulation is
21 proposed and a reference to the particular code sections or other
22 provisions of law that are being implemented, interpreted, or made
23 specific.

24 (3) An informative digest drafted in plain English in a format
25 similar to the Legislative Counsel's digest on legislative bills. The
26 informative digest shall include the following:

27 (A) A concise and clear summary of existing laws and
28 regulations, if any, related directly to the proposed action and of
29 the effect of the proposed action.

30 (B) If the proposed action differs substantially from an existing
31 comparable federal regulation or statute, a brief description of the
32 significant differences and the full citation of the federal regulations
33 or statutes.

34 (C) A policy statement overview explaining the broad objectives
35 of the regulation and the specific benefits anticipated by the
36 proposed adoption, amendment, or repeal of a regulation, including,
37 to the extent applicable, nonmonetary benefits such as the
38 protection of public health and safety, worker safety, or the
39 environment, the prevention of discrimination, the promotion of

1 fairness or social equity, and the increase in openness and
2 transparency in business and government, among other things.

3 (D) An evaluation of whether the proposed regulation is
4 inconsistent or incompatible with existing state regulations.

5 (4) Any other matters as are prescribed by statute applicable to
6 the specific state agency or to any specific regulation or class of
7 regulations.

8 (5) A determination as to whether the regulation imposes a
9 mandate on local agencies or school districts and, if so, whether
10 the mandate requires state reimbursement pursuant to Part 7
11 (commencing with Section 17500) of Division 4.

12 (6) An estimate, prepared in accordance with instructions
13 adopted by the Department of Finance, of the cost or savings to
14 any state agency, the cost to any local agency or school district
15 that is required to be reimbursed under Part 7 (commencing with
16 Section 17500) of Division 4, other nondiscretionary cost or
17 savings imposed on local agencies, and the cost or savings in
18 federal funding to the state.

19 For purposes of this paragraph, “cost or savings” means
20 additional costs or savings, both direct and indirect, that a public
21 agency necessarily incurs in reasonable compliance with
22 regulations.

23 (7) If a state agency, in proposing to adopt, amend, or repeal
24 any administrative regulation, makes an initial determination that
25 the action may have a significant, statewide adverse economic
26 impact directly affecting business, including the ability of
27 California businesses to compete with businesses in other states,
28 it shall include the following information in the notice of proposed
29 action:

30 (A) Identification of the types of businesses that would be
31 affected.

32 (B) A description of the projected reporting, recordkeeping, and
33 other compliance requirements that would result from the proposed
34 action.

35 (C) The following statement: “The (name of agency) has made
36 an initial determination that the (adoption/amendment/repeal) of
37 this regulation may have a significant, statewide adverse economic
38 impact directly affecting business, including the ability of
39 California businesses to compete with businesses in other states.
40 The (name of agency) (has/has not) considered proposed

1 alternatives that would lessen any adverse economic impact on
2 business and invites you to submit proposals. Submissions may
3 include the following considerations:

4 (i) The establishment of differing compliance or reporting
5 requirements or timetables that take into account the resources
6 available to businesses.

7 (ii) Consolidation or simplification of compliance and reporting
8 requirements for businesses.

9 (iii) The use of performance standards rather than prescriptive
10 standards.

11 (iv) Exemption or partial exemption from the regulatory
12 requirements for businesses.”

13 (8) If a state agency, in adopting, amending, or repealing any
14 administrative regulation, makes an initial determination that the
15 action will not have a significant, statewide adverse economic
16 impact directly affecting business, including the ability of
17 California businesses to compete with businesses in other states,
18 it shall make a declaration to that effect in the notice of proposed
19 action. In making this declaration, the agency shall provide in the
20 record facts, evidence, documents, testimony, or other evidence
21 upon which the agency relies to support its initial determination.

22 An agency’s initial determination and declaration that a proposed
23 adoption, amendment, or repeal of a regulation may have or will
24 not have a significant, adverse impact on businesses, including the
25 ability of California businesses to compete with businesses in other
26 states, shall not be grounds for the office to refuse to publish the
27 notice of proposed action.

28 (9) A description of all cost impacts, known to the agency at
29 the time the notice of proposed action is submitted to the office,
30 that a representative private person or business would necessarily
31 incur in reasonable compliance with the proposed action.

32 If no cost impacts are known to the agency, it shall state the
33 following:

34 “The agency is not aware of any cost impacts that a
35 representative private person or business would necessarily incur
36 in reasonable compliance with the proposed action.”

37 (10) A statement of the results of the economic impact
38 assessment required by subdivision (b) of Section 11346.3 or the
39 standardized regulatory impact analysis if required by subdivision
40 (c) of Section 11346.3, a summary of any comments submitted to

1 the agency pursuant to subdivision (f) of Section 11346.3 and the
2 agency's response to those comments.

3 (11) The finding prescribed by subdivision (d) of Section
4 11346.3, if required.

5 (12) (A) A statement that the action would have a significant
6 effect on housing costs, if a state agency, in adopting, amending,
7 or repealing any administrative regulation, makes an initial
8 determination that the action would have that effect.

9 (B) The agency officer designated in paragraph (15) shall make
10 available to the public, upon request, the agency's evaluation, if
11 any, of the effect of the proposed regulatory action on housing
12 costs.

13 (C) The statement described in subparagraph (A) shall also
14 include the estimated costs of compliance and potential benefits
15 of a building standard, if any, that were included in the initial
16 statement of reasons.

17 (D) For purposes of model codes adopted pursuant to Section
18 18928 of the Health and Safety Code, the agency shall comply
19 with the requirements of this paragraph only if an interested party
20 has made a request to the agency to examine a specific section for
21 purposes of estimating the costs of compliance and potential
22 benefits for that section, as described in Section 11346.2.

23 (13) ~~If the regulatory action is submitted by a state board on~~
24 ~~which a controlling number of decisionmakers are active market~~
25 ~~participants in the market the board regulates, a statement that the~~
26 ~~adopting agency has evaluated the impact of the proposed~~
27 ~~regulation on competition, and that the proposed regulation furthers~~
28 ~~a clearly articulated and affirmatively expressed state law to restrain~~
29 ~~competition.~~ *board within the Department of Consumer Affairs,*
30 *a statement that the Director of Consumer Affairs has reviewed*
31 *the proposed regulation and determined that the proposed*
32 *regulation furthers state law.*

33 (14) A statement that the adopting agency must determine that
34 no reasonable alternative considered by the agency or that has
35 otherwise been identified and brought to the attention of the agency
36 would be more effective in carrying out the purpose for which the
37 action is proposed, would be as effective and less burdensome to
38 affected private persons than the proposed action, or would be
39 more cost effective to affected private persons and equally effective
40 in implementing the statutory policy or other provision of law. For

1 a major regulation, as defined by Section 11342.548, proposed on
2 or after November 1, 2013, the statement shall be based, in part,
3 upon the standardized regulatory impact analysis of the proposed
4 regulation, as required by Section 11346.3, as well as upon the
5 benefits of the proposed regulation identified pursuant to
6 subparagraph (C) of paragraph (3).

7 (15) The name and telephone number of the agency
8 representative and designated backup contact person to whom
9 inquiries concerning the proposed administrative action may be
10 directed.

11 (16) The date by which comments submitted in writing must
12 be received to present statements, arguments, or contentions in
13 writing relating to the proposed action in order for them to be
14 considered by the state agency before it adopts, amends, or repeals
15 a regulation.

16 (17) Reference to the fact that the agency proposing the action
17 has prepared a statement of the reasons for the proposed action,
18 has available all the information upon which its proposal is based,
19 and has available the express terms of the proposed action, pursuant
20 to subdivision (b).

21 (18) A statement that if a public hearing is not scheduled, any
22 interested person or his or her duly authorized representative may
23 request, no later than 15 days prior to the close of the written
24 comment period, a public hearing pursuant to Section 11346.8.

25 (19) A statement indicating that the full text of a regulation
26 changed pursuant to Section 11346.8 will be available for at least
27 15 days prior to the date on which the agency adopts, amends, or
28 repeals the resulting regulation.

29 (20) A statement explaining how to obtain a copy of the final
30 statement of reasons once it has been prepared pursuant to
31 subdivision (a) of Section 11346.9.

32 (21) If the agency maintains an Internet Web site or other similar
33 forum for the electronic publication or distribution of written
34 material, a statement explaining how materials published or
35 distributed through that forum can be accessed.

36 (22) If the proposed regulation is subject to Section 11346.6, a
37 statement that the agency shall provide, upon request, a description
38 of the proposed changes included in the proposed action, in the
39 manner provided by Section 11346.6, to accommodate a person
40 with a visual or other disability for which effective communication

1 is required under state or federal law and that providing the
2 description of proposed changes may require extending the period
3 of public comment for the proposed action.

4 (b) The agency representative designated in paragraph (15) of
5 subdivision (a) shall make available to the public upon request the
6 express terms of the proposed action. The representative shall also
7 make available to the public upon request the location of public
8 records, including reports, documentation, and other materials,
9 related to the proposed action. If the representative receives an
10 inquiry regarding the proposed action that the representative cannot
11 answer, the representative shall refer the inquiry to another person
12 in the agency for a prompt response.

13 (c) This section shall not be construed in any manner that results
14 in the invalidation of a regulation because of the alleged inadequacy
15 of the notice content or the summary or cost estimates, or the
16 alleged inadequacy or inaccuracy of the housing cost estimates, if
17 there has been substantial compliance with those requirements.

18 ~~SEC. 19. Section 11349 of the Government Code is amended~~
19 ~~to read:~~

20 ~~11349. The following definitions govern the interpretation of~~
21 ~~this chapter:~~

22 (a) ~~“Necessity” means the record of the rulemaking proceeding~~
23 ~~demonstrates by substantial evidence the need for a regulation to~~
24 ~~effectuate the purpose of the statute, court decision, or other~~
25 ~~provision of law that the regulation implements, interprets, or~~
26 ~~makes specific, taking into account the totality of the record. For~~
27 ~~purposes of this standard, evidence includes, but is not limited to,~~
28 ~~facts, studies, and expert opinion.~~

29 (b) ~~“Authority” means the provision of law which permits or~~
30 ~~obligates the agency to adopt, amend, or repeal a regulation.~~

31 (c) ~~“Clarity” means written or displayed so that the meaning of~~
32 ~~regulations will be easily understood by those persons directly~~
33 ~~affected by them.~~

34 (d) ~~“Consistency” means being in harmony with, and not in~~
35 ~~conflict with or contradictory to, existing statutes, court decisions,~~
36 ~~or other provisions of law.~~

37 (e) ~~“Reference” means the statute, court decision, or other~~
38 ~~provision of law which the agency implements, interprets, or makes~~
39 ~~specific by adopting, amending, or repealing a regulation.~~

1 (f) “Nonduplication” means that a regulation does not serve the
 2 same purpose as a state or federal statute or another regulation.
 3 This standard requires that an agency proposing to amend or adopt
 4 a regulation must identify any state or federal statute or regulation
 5 which is overlapped or duplicated by the proposed regulation and
 6 justify any overlap or duplication. This standard is not intended
 7 to prohibit state agencies from printing relevant portions of
 8 enabling legislation in regulations when the duplication is necessary
 9 to satisfy the clarity standard in paragraph (3) of subdivision (a)
 10 of Section 11349.1. This standard is intended to prevent the
 11 indiscriminate incorporation of statutory language in a regulation.

12 (g) “Competitive impact” means that the record of the
 13 rulemaking proceeding or other documentation demonstrates that
 14 the regulation is authorized by a clearly articulated and
 15 affirmatively expressed state law, that the regulation furthers the
 16 public protection mission of the state agency, and that the impact
 17 on competition is justified in light of the applicable regulatory
 18 rationale for the regulation.

19 SEC. 20. Section 11349.1 of the Government Code is amended
 20 to read:

21 11349.1. (a) The office shall review all regulations adopted,
 22 amended, or repealed pursuant to the procedure specified in Article
 23 5 (commencing with Section 11346) and submitted to it for
 24 publication in the California Code of Regulations Supplement and
 25 for transmittal to the Secretary of State and make determinations
 26 using all of the following standards:

- 27 (1) Necessity.
- 28 (2) Authority.
- 29 (3) Clarity.
- 30 (4) Consistency.
- 31 (5) Reference.
- 32 (6) Nonduplication.
- 33 (7) For those regulations submitted by a state board on which
 34 a controlling number of decisionmakers are active market
 35 participants in the market the board regulates, the office shall
 36 review for competitive impact.

37 In reviewing regulations pursuant to this section, the office shall
 38 restrict its review to the regulation and the record of the rulemaking
 39 except as directed in subdivision (h). The office shall approve the

1 regulation or order of repeal if it complies with the standards set
2 forth in this section and with this chapter.

3 (b) In reviewing proposed regulations for the criteria in
4 subdivision (a), the office may consider the clarity of the proposed
5 regulation in the context of related regulations already in existence.

6 (c) The office shall adopt regulations governing the procedures
7 it uses in reviewing regulations submitted to it. The regulations
8 shall provide for an orderly review and shall specify the methods,
9 standards, presumptions, and principles the office uses, and the
10 limitations it observes, in reviewing regulations to establish
11 compliance with the standards specified in subdivision (a). The
12 regulations adopted by the office shall ensure that it does not
13 substitute its judgment for that of the rulemaking agency as
14 expressed in the substantive content of adopted regulations.

15 (d) The office shall return any regulation subject to this chapter
16 to the adopting agency if any of the following occur:

17 (1) The adopting agency has not prepared the estimate required
18 by paragraph (6) of subdivision (a) of Section 11346.5 and has not
19 included the data used and calculations made and the summary
20 report of the estimate in the file of the rulemaking.

21 (2) The agency has not complied with Section 11346.3.
22 “Noncompliance” means that the agency failed to complete the
23 economic impact assessment or standardized regulatory impact
24 analysis required by Section 11346.3 or failed to include the
25 assessment or analysis in the file of the rulemaking proceeding as
26 required by Section 11347.3.

27 (3) The adopting agency has prepared the estimate required by
28 paragraph (6) of subdivision (a) of Section 11346.5, the estimate
29 indicates that the regulation will result in a cost to local agencies
30 or school districts that is required to be reimbursed under Part 7
31 (commencing with Section 17500) of Division 4, and the adopting
32 agency fails to do any of the following:

33 (A) Cite an item in the Budget Act for the fiscal year in which
34 the regulation will go into effect as the source from which the
35 Controller may pay the claims of local agencies or school districts.

36 (B) Cite an accompanying bill appropriating funds as the source
37 from which the Controller may pay the claims of local agencies
38 or school districts.

39 (C) Attach a letter or other documentation from the Department
40 of Finance which states that the Department of Finance has

1 approved a request by the agency that funds be included in the
2 Budget Bill for the next following fiscal year to reimburse local
3 agencies or school districts for the costs mandated by the
4 regulation.

5 (D) Attach a letter or other documentation from the Department
6 of Finance which states that the Department of Finance has
7 authorized the augmentation of the amount available for
8 expenditure under the agency's appropriation in the Budget Act
9 which is for reimbursement pursuant to Part 7 (commencing with
10 Section 17500) of Division 4 to local agencies or school districts
11 from the unencumbered balances of other appropriations in the
12 Budget Act and that this augmentation is sufficient to reimburse
13 local agencies or school districts for their costs mandated by the
14 regulation.

15 (4) The proposed regulation conflicts with an existing state
16 regulation and the agency has not identified the manner in which
17 the conflict may be resolved.

18 (5) The agency did not make the alternatives determination as
19 required by paragraph (4) of subdivision (a) of Section 11346.9.

20 (6) The office decides that the record of the rulemaking
21 proceeding or other documentation for the proposed regulation
22 does not demonstrate that the regulation is authorized by a clearly
23 articulated and affirmatively expressed state law, that the regulation
24 does not further the public protection mission of the state agency,
25 or that the impact on competition is not justified in light of the
26 applicable regulatory rationale for the regulation.

27 (e) The office shall notify the Department of Finance of all
28 regulations returned pursuant to subdivision (d).

29 (f) The office shall return a rulemaking file to the submitting
30 agency if the file does not comply with subdivisions (a) and (b)
31 of Section 11347.3. Within three state working days of the receipt
32 of a rulemaking file, the office shall notify the submitting agency
33 of any deficiency identified. If no notice of deficiency is mailed
34 to the adopting agency within that time, a rulemaking file shall be
35 deemed submitted as of the date of its original receipt by the office.
36 A rulemaking file shall not be deemed submitted until each
37 deficiency identified under this subdivision has been corrected.

38 (g) Notwithstanding any other law, return of the regulation to
39 the adopting agency by the office pursuant to this section is the
40 exclusive remedy for a failure to comply with subdivision (c) of

1 ~~Section 11346.3 or paragraph (10) of subdivision (a) of Section~~
2 ~~11346.5.~~

3 ~~(h) The office may designate, employ, or contract for the~~
4 ~~services of independent antitrust or applicable economic experts~~
5 ~~when reviewing proposed regulations for competitive impact.~~
6 ~~When reviewing a regulation for competitive impact, the office~~
7 ~~shall do all of the following:~~

8 ~~(1) If the Director of Consumer Affairs issued a written decision~~
9 ~~pursuant to subdivision (e) of Section 109 of the Business and~~
10 ~~Professions Code, the office shall review and consider the decision~~
11 ~~and all supporting documentation in the rulemaking file.~~

12 ~~(2) Consider whether the anticompetitive effects of the proposed~~
13 ~~regulation are clearly outweighed by the public policy merits.~~

14 ~~(3) Provide a written opinion setting forth the office's findings~~
15 ~~and substantive conclusions under paragraph (2), including, but~~
16 ~~not limited to, whether rejection or modification of the proposed~~
17 ~~regulation is necessary to ensure that restraints of trade are related~~
18 ~~to and advance the public policy underlying the applicable~~
19 ~~regulatory rationale.~~

20 ~~SEC. 21:~~

21 *SEC. 19.* No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

1. Presentation by Michael J. Armstrong, Chief Executive Officer and Katherine E. Hillegas, CAE, Director, Council Relations on:
 - a. Architect Registration Examination (ARE) 5.0
 - b. Architectural Experience Program (AXP)
 - c. First Cohort of Integrated Path Schools
 - d. Annual Business Meeting Resolutions and Presentations
 - e. Model Law
 - f. New Benefits to the NCARB Certificate
2. Review of 2016 NCARB Annual Business Meeting Agenda
3. Review and Possible Action on Recommended Positions on 2016 Resolutions and Candidates for Office

PRESENTATION BY MICHAEL J. ARMSTRONG, CHIEF EXECUTIVE OFFICER AND KATHERINE E. HILLEGAS, CAE, DIRECTOR, COUNCIL RELATIONS ON:

- a. ARCHITECT REGISTRATION EXAMINATION (ARE) 5.0**
- b. ARCHITECTURAL EXPERIENCE PROGRAM (AXP)**
- c. FIRST COHORT OF INTEGRATED PATH SCHOOLS**
- d. ANNUAL BUSINESS MEETING RESOLUTIONS AND PRESENTATIONS**
- e. MODEL LAW**
- f. NEW BENEFITS TO THE NCARB CERTIFICATE**

Michael J. Armstrong, Chief Executive Officer, and Katherine E. Hillegas, CAE, Director, Council Relations, will provide the Board with a presentation regarding ARE 5.0, AXP, the first cohort of Integrated Path schools, Annual Business Meeting resolutions and presentations, Model Law, and new benefits to the NCARB Certificate.

Agenda Item H.2

REVIEW OF 2016 NCARB ANNUAL BUSINESS MEETING AGENDA

The 2016 NCARB Annual Business Meeting will be held on June 15-18, 2016 in Seattle, Washington.

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

Attachment:

2016 NCARB Annual Business Meeting Agenda

2016 Annual Business Meeting Agenda

Wednesday, June 15, 2016

7:00 PM – 10:00 PM

Icebreaker Reception/Dinner

Thursday, June 16, 2016

7:30 AM – 8:45 AM

9:00 AM – 12:00 PM

Breakfast

First Business Session

- Introductions
- Acknowledgement of New Members
- President's Medalists
- Election Procedures & Candidate Speeches
- Remarks of the CEO
- AIAS Freedom by Design Presentation

11:15 AM – 12:15 PM

Workshop Session #1

- ARE 5.0
- Technology in Board Meetings
- State Responses to NC Dental Board vs. FTC Supreme Court Ruling

12:15 PM – 1:30 PM

1:45 PM – 2:45 PM

Lunch

Workshop Session #2

- ARE 5.0
- Technology in Board Meetings
- State Responses to NC Dental Board vs. FTC Supreme Court Ruling

2:45 PM – 3:15 PM

3:15 PM – 4:15 PM

Break

Workshop Session #3

- ARE 5.0
- Technology in Board Meetings
- State Responses to NC Dental Board vs. FTC Supreme Court Ruling

Friday, June 17, 2016

7:00 AM – 8:15 AM
7:30 AM – 8:45 AM
9:00 AM – 12:15 PM

12:30 PM – 4:00 PM

6:00 PM – 7:00 PM

Saturday, June 18, 2016

9:00 AM

6:00 PM

Regional Leadership Committee Meeting Breakfast

Second Business Session

- Report of the Treasurer
- NCARB Award Presentation
- Intern Think Tank Presentation
- Integrated Path to Architectural Licensure Panel Discussion
- Remarks of the President
- 2016 Resolution Review and Discussion

Regional Meetings w/ Lunch

Regional Receptions

- Regions 1 & 3
- Regions 2 & 5
- Regions 4 & 6

Third Business Session

- Remarks of the President-elect
- NCARB By The Numbers Presentation
- Town Meeting
- Report of Credentials Committee
- Elections
- 2016 Resolutions Voting

President's Reception and Annual Banquet

2016 ABM Workshop Descriptions

Workshops will be held on Thursday, June 16 unless otherwise indicated

ARE 5.0

The Architect Registration Examination® (ARE®), required by all 54 jurisdictions, is one of three core components of the licensing process. With the launch of ARE 5.0 only a few months away, this workshop will provide critical insight into the new exam for Member Boards, including: how the new six-division structure aligns with the phases of architectural practice, providing real-world scenarios for licensure candidates. Attendees will get a sneak peek at the new item types, including case studies and drag-and-place, as well as receive an overview of how the exam is scored and the policies and procedures surrounding candidate transition to the new exam. Attendees will also be shown tools that will assist the Member Boards in leading candidates through the transition.

(Presenters: Jared Zurn, Ryan Misner and Joan Paros)

State Responses to NC Dental Board vs. FTC Supreme Court Ruling

During the March 2016 NCARB Regional Summit, a panel of experts discussed the impact of the Supreme Court's decision in *North Carolina Board of Dental Examiners v. Federal Trade Commission* (FTC). Through that presentation, we learned that the Court's opinion imposes a new "context-dependent" test to determine whether a state exercises sufficient supervision to confer antitrust immunity on state licensing boards composed of market participants. Join us as we discuss guidelines issued by the FTC and explore some of the actions being taken in several jurisdictions to ensure active state supervision. Learn about current practices and potential next steps required to secure antitrust immunity for your regulatory board.

(Presenter(s): TBD)

Technology in Board Meetings

Many jurisdictions are now confronting questions raised by the use of technology in board meetings. Learn how technology can affect public meeting notices, quorums, voting, sunshine laws, and public attendance; discuss specific problems that may arise due to board member and public use of technology during board meetings; and how to understand what permissions or restraints may exist in statute.

(Presenter(s): TBD)

AIAS Freedom by Design Charrette

Saturday, June 18

2:00 p.m. – 4:00 p.m.

The American Institute of Architecture Students (AIAS) host a community service program, Freedom by Design, at many of their chapters nationwide. This program engages student-led volunteer teams to design and build accessible facilities for physically, mentally, socially, and economically challenged individuals. In this unique workshop, a team from AIAS will engage attendees in a design charrette that aims to inform a real student-led volunteer project planned for the coming academic year. Come ready to use your design skills to help the next generation of architects and the communities they will serve.

REVIEW AND POSSIBLE ACTION ON RECOMMENDED POSITIONS ON 2016 RESOLUTIONS AND CANDIDATES FOR OFFICE

The Board will discuss resolutions that will be acted upon at the 2016 National Council of Architectural Registration Boards (NCARB) Annual Business Meeting. Attached is a memorandum containing the final resolutions boards will be asked to vote on. In addition, a summary sheet including staff's recommended positions is attached to assist the Board in acting upon the resolutions.

Also attached are candidate election materials for 2016 NCARB and Western Conference of Architectural Registration Boards elections.

Attachments:

1. 2016 Resolutions
2. Recommended Positions on NCARB Resolutions
3. 2016 Candidate Election Material

MEMORANDUM

TO: Member Board Members
Member Board Executives

FROM: Dennis S. Ward, FAIA, NCARB
President

DATE: May 3, 2016

RE: FY16 Resolutions



Please find attached a final copy of the FY16 Resolutions that will be presented to the membership for consideration at the upcoming 2016 Annual Business Meeting. As a reminder, draft resolutions for Member Board consideration were distributed to all Member Boards in early March and then presented by Secretary Terry Allers at the 2016 Regional Summit in Savannah, GA. During the April Board of Directors meeting, the Board addressed feedback from the Summit by making modifications to two of the draft resolutions and withdrawing one draft resolution. In addition, Region 6 has submitted a new resolution for Member Board consideration which has been titled Resolution 2016-10.

Outlined below is a summary of adjustments, actions and additions: the augmented statement of support for Resolution 2016-2 (education alternative for certification); additional language in Resolution 2016-6 (emeritus status); withdrawal of draft Resolution 2016-J (model law regarding intern-architect title); and, a summary of the new Resolution 2016-10 from Region 6 (authority to amend experience guidelines).

- **Resolution 2016-2 (Formerly 2016-B): Certification Guidelines Amendment - Revision of the Alternatives to the Education Requirements for Certification.**
 - In response to inquiries for a clearer definition of Architecture-related Program, the Board of Directors passed a motion to amend the Statement of Support to include the following definition for Architecture-Related Degree:

A Bachelor Degree in an Architecture-related Program is defined as any baccalaureate degree in an architecture-related program from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits or the quarter-hour equivalent:

 - *The program must include 60 semester credit hours (or the quarter hour equivalent) of coursework in the degree program major.*
 - *The amount of architecturally-defined content in these programs may vary from institution to institution.*
 - In addition, language in the resolution has been updated to reflect an inadvertent omission of the current sub-section B under Section 2.2 Alternatives to the Education Requirement that will be stricken from the *Certification Guidelines* should the resolution pass. There is also a slight modification to the title of this resolution, as well as an addition referencing another Section of the Guidelines in the proposed language to be added to Section 2.3 Alternatives to the Experience Requirement.

Memorandum to Member Board Members, Member Board Executives
2016 NCARB Resolutions
May 3, 2016
Page 2

- **Resolution 2016-6 (Formerly Resolution 2016-F): NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Addition of Architect Emeritus Status**
 - Based on the discussion during the resolution feedback session, the language in the body of the resolution relating to registration renewal in Model Law has been modified to accurately reflect that an emeritus status architect must be retired from the active practice of architecture.

- ***NEW* Resolution 2016-10: Certification Guidelines Amendment: Approval of Changes to Program Requirements for the Intern Development Program**
 - Following the Regional Summit, Region 6 submitted a resolution proposing an amendment to the *Certification Guidelines* that would require a majority vote of the Member Boards to adopt all "substantive programmatic changes" to AXP, while the Board of Directors may implement changes to address "administrative application" of the AXP requirements. Currently the authority to amend all aspects of the experience guidelines rests with the Board of Directors, per a vote of the membership taken in 2009.
 - The Board of Directors voted to oppose this resolution at their April meeting and has provided a statement of opposition at the end of the Sponsor Statement of Support.

- ***REMOVED* Resolution 2016-J: NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Use of the Title Intern**
 - Based on feedback received during and after the Regional Summit, the Board of Directors voted 7-6-1 to withdraw this resolution from consideration. Currently, 24 jurisdictions use licensure candidate titles referenced in Model Law (intern-architect, architect-intern, or both); six other jurisdictions use different titles for licensure candidates (intern (2), architect-in-training (4)); 24 jurisdictions use no title.
 - This issue may be revisited as part of a new Model Law Task Force being organized by 1st Vice President/President-elect Kristine Harding.



NCARB

Resolutions
to be Acted Upon at the
2016 NCARB Annual Business Meeting

MAY 2016

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

Resolutions to be Acted Upon at the 2016 NCARB Annual Business Meeting

- Page 2** **Resolution 2016-01:** Mutual Recognition Arrangement with Australia and New Zealand
- Page 9** **Resolution 2016-02:** *Certification Guidelines* Amendment – Revision of the Alternatives to the Education Requirements for Certification
- Page 20** **Resolution 2016-03:** *Certification Guidelines* Amendment – Exam Equivalency for ARE 5.0
- Page 27** **Resolution 2016-04:** *Certification Guidelines* Amendment – Five-Year Rolling Clock and Rolling Clock Extension Policy Updates
- Page 32** **Resolution 2016-05:** *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option
- Page 36** **Resolution 2016-06:** *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Addition of Architect Emeritus Status
- Page 40** **Resolution 2016-07:** *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Reference to Military-Trained Applicants
- Page 45** **Resolution 2016-08:** *NCARB Legislative Guidelines and Model Law/Model Regulations* and *Certification Guidelines* Amendment – Updating the Name of the Intern Development Program
- Page 50** **Resolution 2016-09:** *NCARB Bylaws* Amendment – Updating Name of Internship Committee
- Page 53** **Resolution 2016-10:** *Certification Guidelines* Amendment – Approval of Changes to Program Requirements for the Intern Development Program
- Page 58** **Appendix A:** Mutual Recognition Arrangement Between NCARB and the Architects Accreditation Council of Australia and the New Zealand Registered Architects Board
- Letter of Undertaking With Respect to the MRA
 - Declaration of Professional Experience With Respect to the MRA

RESOLUTION 2016-01
Supported by the Council Board of Directors (14-0)

TITLE: Mutual Recognition Arrangement with Australia and New Zealand

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors has established a priority to identify ways to assist architects licensed in a U.S. jurisdiction in obtaining reciprocity for international practice; and

WHEREAS, the process to obtain a license in Australia and New Zealand mirrors the process to obtain licensure in the United States insofar as applicants satisfy accredited education, experience, and examination requirements; and

WHEREAS, a workgroup composed of NCARB committee representatives has thoroughly assessed the licensure requirements in Australia and New Zealand and determined sufficient compatibility exists between the licensure requirements of Australia, New Zealand, and the United States; and

WHEREAS, staff representatives from NCARB, the Architects Accreditation Council of Australia (AACA), and the New Zealand Registered Architects Board (NZRAB) have successfully negotiated an arrangement that is mutually satisfactory to the leadership of each organization; and

WHEREAS, the Board of Directors has identified that the *Certification Guidelines* require modification to reflect the addition of an additional Mutual Recognition Arrangement; and

WHEREAS, pursuant to the *NCARB Bylaws*, an affirmative vote of a majority of all Member Boards is required to pass any resolution other than an amendment to the *Bylaws* or removal of a Member Board from membership; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the NCARB Member Boards, with such change becoming effective July 1 following the close of the Council Annual Business Meeting, or such later date identified in the change, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, the Council Board of Directors must adopt a resolution recommending the Mutual Recognition Arrangement and corresponding changes to the *Certification Guidelines* and submit the Mutual Recognition Arrangement and changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Mutual Recognition Arrangement between the National Council of Architectural Registration Boards (NCARB) representing the 54 architectural registration boards of the United States, the Architects Accreditation Council of Australia (AACAA) representing the eight state and territory architectural registration boards of Australia, and the New Zealand Registered Architects Board (NZRAB) representing the registered architects of New Zealand, be and hereby is ratified and approved as published in Appendix A in these resolutions.

FURTHER RESOLVED, that this Mutual Recognition Arrangement shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the Mutual Recognition Arrangement by a majority of all Council Member Boards, and following collection of a signed Letter of Undertaking from 28 Member Boards, this arrangement will become effective January 1, 2017. Additional jurisdictions may sign the Letter of Undertaking and be considered party to the Arrangement after its effective date.

FURTHER RESOLVED, that, if implemented, Section 3 of the NCARB Certification Requirements set forth in the *NCARB Certification Guidelines* (page 13) be modified to encompass all Mutual Recognition Arrangements in lieu of the NCARB + CALA MRA alone effective January 1, 2017.

“SECTION 3

REQUIREMENTS FOR CERTIFICATION OF AN ARCHITECT REGISTERED IN A CANADIAN FOREIGN JURISDICTION THROUGH AN ESTABLISHED MUTUAL RECOGNITION ARRANGEMENT WITH NCARB

~~To be eligible, an architect must be a citizen or lawful permanent resident of the United States or Canada, and their principal place of practice must be in a jurisdiction that is a current signatory of the Agreement to seek licensure in the other country. They must be licensed and have completed at least 2,000 hours of post-licensure experience practicing in their home country. Architects that were originally licensed in the United States or Canada through a foreign reciprocal registration agreement will not be eligible under this agreement.~~

~~The conditions for a U.S. architect to pursue reciprocal licensure in a Canadian jurisdiction through this Agreement include that they are currently licensed in good standing by one or more NCARB Member Board(s) that is a current signatory to this Agreement, that they hold an active NCARB Certificate, and that they meet the eligibility requirements noted above.~~

~~The conditions for a Canadian architect to pursue reciprocal licensure in a U.S. jurisdiction through this Agreement include that they are currently licensed in good standing by one or more CALA jurisdiction(s) that is a current signatory to this Agreement, that they hold an active NCARB Certificate, and that they meet the eligibility requirements noted above.~~

NCARB enters into Mutual Recognition Arrangements (MRA) with countries based on a thorough review of their regulatory standards including the education, experience, and examination requirements for licensure. U.S. jurisdictions that choose to become signatories to an MRA will recognize an NCARB Certificate issued in accordance with the terms and conditions of the MRA.

Eligibility requirements and conditions for certification are established by each Agreement/Arrangement. The basic provisions include:

- citizenship or lawful permanent residence in a country that is party to the arrangement;
- licensure in good standing in a signatory jurisdiction in the home country;
- a specific period of post-licensure experience in the home country;
- licensure in the home country that was not obtained through any other foreign reciprocal arrangements.

Please refer to the NCARB website for the detailed requirements of each MRA.

Nothing in this section of the *Certification Guidelines* or the individual Mutual Recognition Arrangements precludes an applicant from independently satisfying the education, experience, and examination requirements for licensure in any U.S. or foreign jurisdiction.”

ADVOCATES:

Mutual Recognition Work Group

- Daniel Bennett, *Alabama Member Board Member*
- Jeanne Jackson, *Former Utah Member Board Member*
- Arne Jorgensen, *Wyoming Member Board Member*
- Julie McLaurin, *North Carolina Member Board Member*
- Steven Miller, *Former Arkansas Member Board Member*
- Susan Schaefer-Kliman, *Former Arizona Member Board Member*
- Cheryl Walker, *Former North Carolina Member Board Member*
- Terance White, *Utah Member Board Member*

SPONSORS' STATEMENT OF SUPPORT:

The ability of an architect licensed in a U.S. jurisdiction to lawfully seek and find work abroad depends on their ability to become licensed in that foreign jurisdiction. NCARB Certificate holders have the ability to expand their practices through all of North America due to our long-standing Mutual Recognition Arrangements (MRA) with Canada and Mexico. The 1994 MRA with Canada and its successor arrangement implemented in 2014 have provided the opportunity for hundreds of U.S. architects to become licensed in Canada. We envision the Tri-National MRA between NCARB, CALA, and FCARM, which was implemented in 2013 affording similar opportunities in Mexico for U.S.-licensed architects.

The proposed Mutual Recognition Arrangement between NCARB, the Architects Accreditation Council of Australia (AACA), and the New Zealand Registered Architects Board (NZRAB) presented here further expands the reach of U.S. architects enabling them to establish professional contacts, seek work, and perform services as a registered architect “down under.”

The terms of this Arrangement follow along the lines of our current arrangement with Canada and are strongly founded on accredited education, structured experience, and comprehensive examination; the mainstays of licensure in our U.S. jurisdictions. All three countries also provide for an alternative path to licensure for those without accredited education. Those alternatives are appropriately rigorous and include extended periods of experience prior to licensure. While this arrangement includes those applicants, the focus of the Arrangement is based on the primary and most often utilized pathway.

In late 2014, current and former chairs of NCARB’s Education Committee, Internship Committee, and Examination Committee, along with additional subject-matter experts, were appointed by then-president Dale McKinney to assemble documents and review the requirements for licensure in Australia and New Zealand. Through a substantial comparative analysis, this special review team found a significant correlation between the expected professional competencies for practice and the way they were established and assessed.

The detailed comparative analysis conducted by the review team identified that:

- All 26 NAAB student performance criteria were covered at least once across the AACA/Aula’s range of competencies.
- With one exception, all 96 IDP tasks were covered at least once across the AACA’s seven broad elements and the NZRAB’s 48 performance indicators. (The IDP Task of “Preparing marketing documents that communicate firms’ experience and capabilities” was not covered by New Zealand.)
- All 91 ARE objectives were covered at least once across the AACA’s 42 specific elements and the NZRAB’s 48 performance indicators.

Based on their analysis, the review team found that a rigorous and standardized licensure process is in place in both Australia and New Zealand that parallels NCARB’s processes. And while somewhat different from our own programs, they are confident that a sufficient level of competence is required of the entry-level practitioner.

The review team’s comprehensive review supported a recommendation to the Board to enter into formal negotiations based on the following main principles:

- A single arrangement covering all three countries,
- 6,000 hours (approximately three years) of post-licensure experience in the home country,
- Validation of licensure in good standing from the home authority,
- Citizenship or lawful permanent residence in the home country, and
- Licensure in home country not gained through other foreign reciprocal registration.

The credible standards and consistent expectations for initial licensure developed over many years, supported by strong regulatory procedures, has enabled NCARB, AACA, and NZRAB to move forward together. The 6,000 hours of post-licensure experience in the home country has been mutually agreed to by each country and serves to overcome any perceived differences in the initial registration requirements. In the end, the Arrangement respects each country's well-established, rigorous path to licensure rather than dissecting the individual components.

The Arrangement and the associated Letter of Undertaking are closely related, yet serve two distinct purposes and bind different parties. The Mutual Recognition Arrangement documents the terms of the Arrangement between NCARB, AACA, and NZRAB. The Letter of Undertaking serves as a companion to the Arrangement and outlines the conditions and implementation mechanisms between NCARB and our Member Boards, and between AACA and their jurisdictions. (The NZRAB operates as a single national regulatory authority without sub-jurisdictions.)

Upon completion of the final negotiations, the leaders of NCARB, AACA, and NZRAB signed the Arrangement in February 2016. The NCARB Board of Directors is unanimously supporting Resolution 2016-01 for consideration by our 54 Member Boards at the June 2016 Annual Business Meeting. Once ratified, the collection of individual jurisdiction's signatures to the Letter of Undertaking begins. The Council has until December 31, 2016 to collect signed Letters of Undertaking from a minimum of 28 jurisdictions to move the Arrangement forward. Likewise, AACA has the same timeframe to collect signed Letters from all eight jurisdictions. If successful, the Arrangement becomes effective January 1, 2017.

The complete Arrangement, Letter of Undertaking, and additional supporting documents are available for review in Appendix A. The following additional details regarding the components to licensure in the three countries further supports the Board's decision to sign the formal *Mutual Recognition Arrangement between the NCARB and the AACA and the NZRAB*.

COMPETENCY STANDARDS: The AACA's *National Competency Standards in Architecture*, the NZRAB's *Guide to the Minimum Standards for Initial Registration*, and NCARB's own *Practice Analysis of Architecture* clearly identify the knowledge, skills, and abilities expected of the recently licensed/registered architect to practice independently. While each country may label them slightly differently—knowledge, skills, tasks, elements, performance criteria, outcomes, objectives, performance indicators, etc.—the requirements and expectations are remarkably similar across all three standards. All three standards also structure these expectations in the commonly understood areas of Practice Management, Project Management, Programming/Pre-Design/Design, Project Development/Documentation, and Construction Administration/Observation.

EDUCATION: Each country's primary path to licensure relies on accredited education. As NCARB relies on the National Architectural Accrediting Board (NAAB), the Australian education standard has been jointly developed by the AACA and the Australian Institute of Architects (AIA). Due to a small number of programs, New Zealand utilizes the same standard. All 19 Australian programs and the three New Zealand programs offer an

accredited Master of Architecture degree based on a three-year undergraduate term of study combined with a two-year M.Arch. This single five-year degree path favorably compares to the NAAB-accredited programs offering BArch, M.Arch., and D.Arch. degrees.

Furthermore, the NAAB and the AACA/AuIA are both signatories to the Canberra Accord, which only recognizes those international accrediting agencies that have developed and implemented rigorous and structured standards for evaluating and accrediting professional degrees in architecture. NAAB's 2009 review by EESA evaluators declared that all 160 credit hours of the *NCARB Education Standard* are satisfied and that graduates are considered to have no deficiencies.

EXPERIENCE: Each country requires a structured and monitored period of practical experience. NCARB's IDP requires 3,740 hours of supervised experience documented on-line; AACA requires 3,300 hours of supervised experience recorded in a formal log-book; NZRAB requires 140 weeks of supervised experience compiled on detailed project record forms. These periods approximate two-to-three years of full-time employment. With a significantly smaller number of candidates in the process, the NCARB review team found that requirements for documenting experience and monitoring the work product in Australia and New Zealand are more detailed than that of IDP.

EXAMINATION: Each country utilizes a standardized examination process to assess each candidate's abilities. The greatest departure between the path to licensure in the United States and the path in Australia and New Zealand is evident in the examination. All three examinations are rigorous and reliable; however, the approach is significantly different. NCARB uses the standardized multi-division Architect Registration Examination® (ARE®) to assess competency. The AACA's National Examination Paper (NEP) is a much shorter multiple-choice exam based on any aspect of the *National Competency Standard*. And NZRAB's Case Study process is a highly-detailed dossier and narrative submission of multiple projects to sufficiently cover the required competencies.

ORAL EXAMINATION: In addition to the written components of the assessment process, the path to licensure in Australia and New Zealand includes an oral interview as the final component of the evaluation process. Again, with a smaller candidate pool, both Australia's and New Zealand's processes are more individualized and include greater personal engagement with a team of trained assessors. In Australia, a one-hour interview covering any aspect of the Standard is conducted before two experienced architects and an observer. In New Zealand, the candidates present their Case Studies to two senior architects over the course of three hours. This personal interaction provides the opportunity for the assessors to thoroughly engage with each candidate and is a significant capstone of their respective paths to licensure.

CONTINUING EDUCATION: The majority of architects registered in each country are subject to continuing education requirements for license renewal. Although not universal, 47 U.S. jurisdictions require approximately 12 hours of continuing education for license renewal each year. In Australia, three jurisdictions mandate 20 hours per year while it is

considered optional in the remaining five jurisdictions. New Zealand registered architects are required to accumulate 1,000 points every five years through an individualized assessment of their work.

The complete Arrangement, Letter of Undertaking, and additional supporting documents are available for review in Appendix A.

RESOLUTION 2016-02
Supported by the Council Board of Directors (14-0)

TITLE: *Certification Guidelines* Amendment – Revision of the Alternatives to the Education Requirements for Certification

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors of the Council has determined upon careful consideration that it is advisable and in the best interests of the Council to modify the “Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction” education and experience requirements set forth in the *Certification Guidelines*; and

WHEREAS, a workgroup of NCARB volunteers with long expertise in administering the current alternative program known as the Broadly Experienced Architect (BEA) were convened to revise a previous proposal, which failed in 2015; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards, with such change becoming effective no sooner than January 1, 2017, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to the “Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction,” the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the “Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction” as included in Section 2 of the *Certification Guidelines* (page 12) be revised as indicated below:

“2.2 Alternatives to the Education Requirement

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

- ~~A. Satisfaction of NCARB’s Broadly Experienced Architect (BEA) Program, which permits an applicant with the required years of experience in practicing architecture as defined in the *Legislative Guidelines and Model Law, Model Regulations* gained while holding a registration issued by any U.S. jurisdiction to demonstrate that a combination of education and/or experience in practicing architecture satisfies all of his/her education deficiencies with respect to the NCARB Education Standard set forth in the *Education Guidelines*. The required years are:~~

- Six years for architects who hold a pre-professional degree in architecture awarded by a U.S. regionally accredited institution or the Canadian equivalent, or
- Eight years for architects who hold any other baccalaureate or higher degree, or
- Ten years for architects who do not hold a post-secondary baccalaureate or higher degree.

A. Three (3) years of continuous licensure in any U.S. jurisdiction with no disciplinary action from any jurisdiction;

and

Documentation of experience gained pre-licensure and/or post-licensure.

The experience must be verified either by a supervisor as allowed by the NCARB Intern Development Program or by an architect familiar with the work of the applicant:

1. Architects who hold a four-year bachelor degree in an architecture-related program awarded by a U.S. regionally accredited institution or the Canadian equivalent must document two times (2x) the experience requirement of the NCARB Intern Development Program.

* Bachelor Degree in an Architecture-related Program: The term refers to any baccalaureate degree in an architecture-related program from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits of the quarter-hour equivalent.

For instance these degrees have titles such as Bachelor of Science in Architecture, Bachelor of Science in Architectural Studies, Bachelor of Arts in Architecture, Bachelor of Environmental Design, Bachelor of Architectural Studies, etc. This list is neither all-inclusive nor exhaustive.

The amount of architecturally-defined content in these programs may vary from institution to institution.

2. All other architects (whose highest level of education may be high school, associate degree, unrelated bachelor or master degree, etc.) must:
 - Obtain an Education Evaluation Services for Architects (EESA)* evaluation, for those who have 64 or more semester credit hours of post-secondary education to determine education deficiencies.
 - Document experience as a licensed architect to satisfy subject areas identified as deficient by the EESA report through a portfolio for peer review.

*Architects with less than 64 semester credit hours of post-secondary education do not require an EESA and must satisfy all education deficiencies through an education portfolio.

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

Architects may obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the NCARB Education Standard.

The NCARB Intern Development Program is described in the *IDP Guidelines*. The NCARB Education Standard and the NCARB Broadly Experienced Architect Program ~~are~~ is described in the *Education Guidelines*; These documents ~~which~~ may be revised from time to time by NCARB.

2.3 Alternatives to the Experience Requirement

This alternative shall be available only to those applicants who meet the alternative to the education requirement in accordance with the requirements of Section 2.2.A.2 and 2.2 B.

In lieu of completing the Experience Requirement identified in Section 1.3, NCARB will accept registration by an NCARB Member Board for at least five consecutive years together with a certification by the applicant that his or her experience as a registered architect met the intent of the IDP in each of the experience areas, and verification by one or more other architects that the applicant obtained such experience. This alternative shall not apply to applicants initially registered after January 1, 2011.”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective no sooner than January 1, 2017, and will apply both to applications for certification in process and new applications; if applicants whose applications were in process met all certification requirements that existed prior to the changes referenced herein, they will be eligible for certification.

ADVOCATES:**BEA Alternatives Work Group**

- Terry Allers, *NCARB Secretary*
- Robert Calvani, *New Mexico Member Board Member; Director, Region 6*
- Arne Jorgenson, *Wyoming Member Board Member*
- Alfred Vidaurri, *Director, Region 3*

SPONSORS' STATEMENT OF SUPPORT:

This proposal represents an effort to streamline the alternative to the education requirement for certification while ensuring that each architect has documented the pertinent experience necessary to overcome education deficiencies. Through this program, architects who have been licensed by a jurisdiction without a degree from a NAAB-accredited program are provided with the opportunity to meet the education requirement for certification.

A two-year effort to design new requirements for certification of architects who do not hold a degree in a program accredited by the NAAB to replace the Broadly Experienced Architect (BEA) Program was presented through a resolution at the June 2015 Annual Business Meeting. The resolution was amended; the amended resolution failed to acquire an absolute majority (28 votes) with a 27-26 vote. The Board of Directors' evaluation of the commentary during the voting process and following the effort led President Dennis Ward to appoint a work group of esteemed volunteers knowledgeable of the existing BEA process. The group was charged to design a new approach to revise the program that could be responsive to voiced and written commentary by our Member Boards. The NCARB Board voted to adopt the consensus recommendation of the work group and directed staff to draft this proposed resolution to include the following elements:

1. A minimum of three years of licensure requirement for all applicants through this process
2. Streamlining the program for those with architecture-related degrees by requiring double the experience (IDP) requirements and eliminating the EESA report and peer review
3. Restriction Maintaining the peer review and EESA elements of the program to for those licensees who do not have an architecture-related or pre-professional degree

Applicants for NCARB certification with architecture-related degrees will document their experience online in the six experience areas required by the IDP hours just as licensure candidates do today. The Council anticipates that the applicants will most likely have already documented experience to satisfy the IDP (1x) as most jurisdictions that allow licensure without the accredited degree program still require completion of the IDP. These applicants will be allowed to use pre or post-licensure experience. The costs associated with certification through this method will be greatly reduced as it is electronic, and meetings to conduct peer reviews will no longer be required.

Applicants for NCARB certification who were licensed by one of the jurisdictions that allow licensure with other levels of education that are not four-year bachelor degrees in architecture-related programs will be required to have their education evaluated by the Education Evaluation Services for Architects (EESA) to determine their education deficiencies. *These individuals will then follow the same process as the current BEA Program.* They will be required to assemble a portfolio of their work documenting pre- or post-licensure project experience that clearly indicates how they have overcome their education deficiencies in all areas identified by the EESA. The costs associated with certification through this method will be reduced nominally through operational changes, however, the applicant will still incur substantial time and financial expense through the EESA evaluation and development of their portfolio of work.

The following guiding principles were used in the development of this modified alternative to the education requirement:

1. All U.S. architects must be allowed to participate, regardless of formal education.
2. Any proposal shall recognize the applicant for certification is licensed to practice architecture.
3. Any proposal shall recognize that 16 U.S. jurisdictions allow experience to substitute for education.
4. Any proposal shall lead to a reduction/elimination of financial burdens on the applicant and the Council.

The proposed alternative to the education requirement for certification of a U.S. architect includes a general eligibility requirement; and documentation of experience based on two categories of post-secondary education attained.

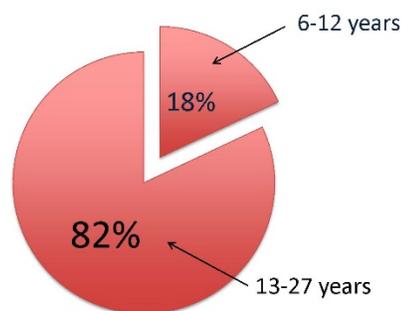
General Eligibility

- ✓ An applicant must complete three (3) years of continuous licensure in any U.S. jurisdiction with no disciplinary action from any jurisdiction.

This requirement for all applicants who do not have an architecture degree in a NAAB-accredited program recognizes:

- That all applicants are practicing architects (guiding principle #2),
- The value of licensed practice to demonstrate competence developed through experience gained pre-licensure that augmented architecture education (guiding principle #3), and
- That three years of practice is a reasonable period of time whereby any disciplinary action could be reported.

Historically, 82 percent of BEA applicants have between 13 and 27 years of licensed practice, well beyond this proposed minimum.

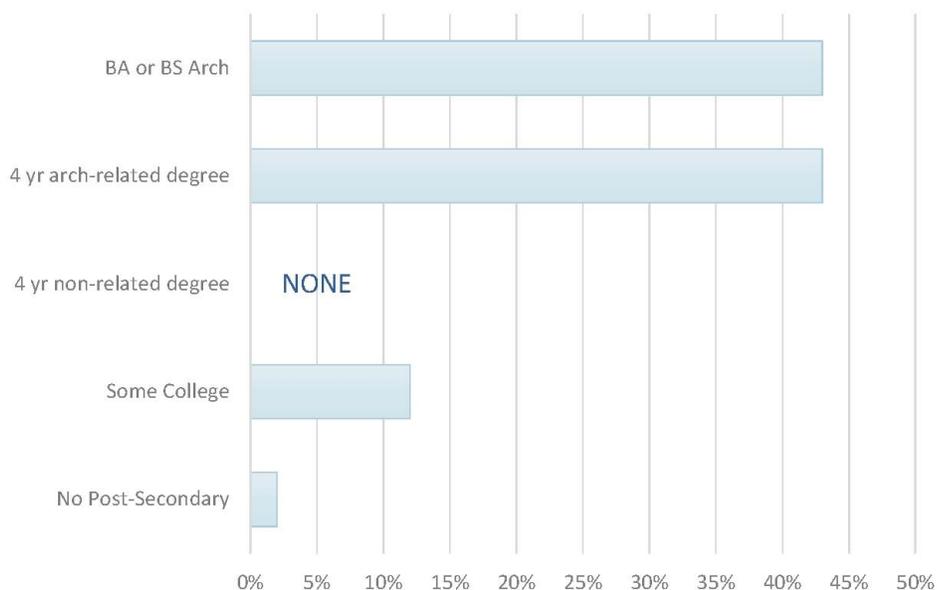


Education: A Four-year Bachelor Degree in an Architecture-related Program

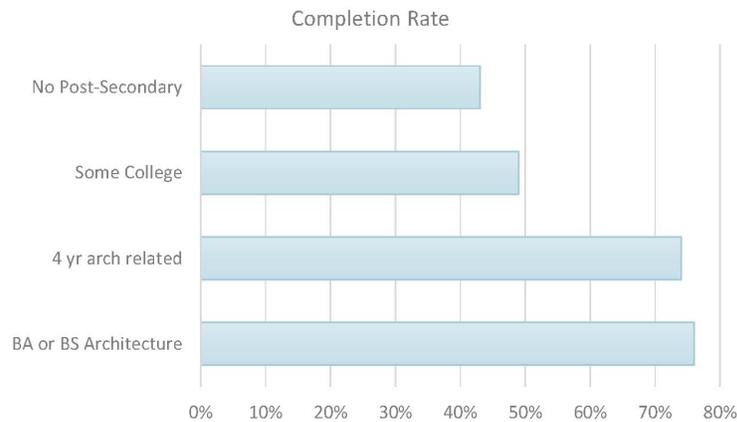
- ✓ Architects with a four-year bachelor degree in an architecture-related program awarded by a U.S. regionally accredited institution or the Canadian equivalent must document two times (2x) the experience requirement of the NCARB Intern Development Program.

This requirement recognizes the following factors relative to architects who have obtained a four-year bachelor degree in an architecture-related program:

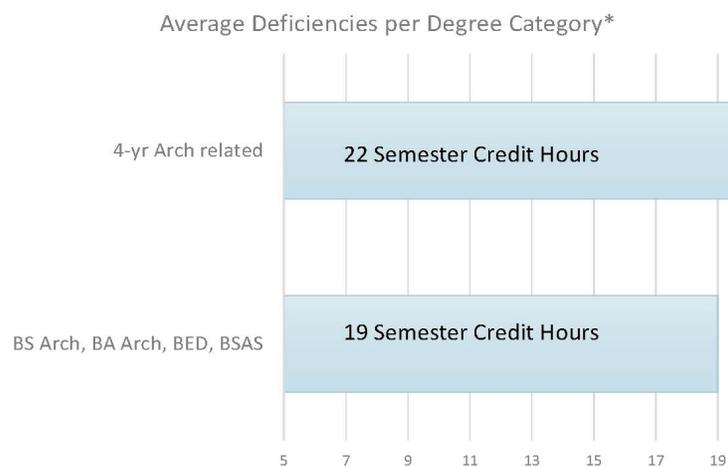
- Architects have completed additional years of experience, required by the licensing board, to augment their level of education prior to initial licensure. (guiding principle #3)
- Historically, 86 percent of applicants for the BEA Program hold a bachelor degree: B.A. or B.S. in Architecture (43 percent) or an architecture-related degree (43 percent).



- The differences between a “pre-professional” degree in architecture and a four-year “architecture-related” degree is increasingly subjective. Jurisdictions typically base their education review on each individual’s completed curriculum of study to determine the number of additional years of experience required for initial licensure.
- Historically, the completion rates of the BEA Program for architects with a B.S. or B.A. in Architecture is 76 percent. The completion rate for architects with a four-year architecture-related degree is nearly identical at 74 percent.



- Today, degree nomenclature has expanded to include many four-year bachelor degrees in architecture-related programs, such as a Bachelor of Environmental Design (BED), Bachelor of Architectural Studies (BAS), etc. All of these architecture-related degrees can lead into a two- or three-year Master of Architecture degree in a NAAB-accredited program, dependent on the individuals’ specific course of study and portfolio.
- Based on a sample of 20 EESA reports per category, the number of semester credit hour deficiencies identified of architects with a B.S. or B.A. degree versus architects with a degree that is architecture-related was found to be insignificant.



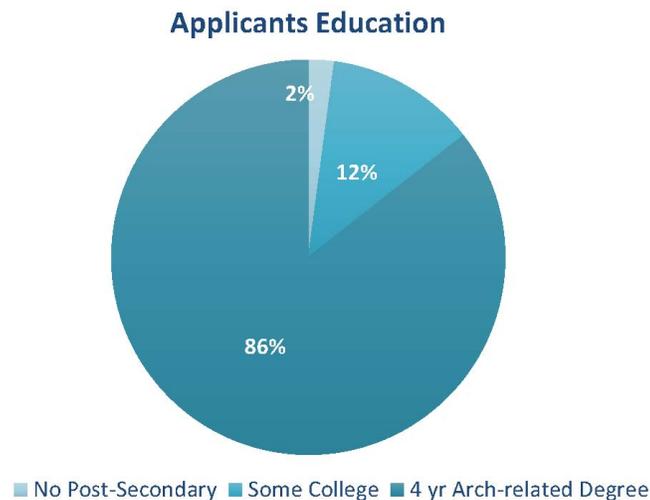
*Base on sample of 20 EESA reports per category

Education: Other than a Four-year Bachelor Degree in an Architecture-related Program

- ✓ Architects who do not hold a four-year bachelor degree in an architecture-related program (high school, associate degree, unrelated bachelor or master degree, etc.) must:
 - Complete an EESA evaluation, if they have more than 64 semester credit hours of post-secondary education.
 - Document experience in a portfolio for peer review through a virtual and semi-automated process.

The following factors are recognized:

- Individual's level of education can vary greatly. Each jurisdiction granting initial licensure to an individual determines the additional experience required prior to granting initial licensure.
- An EESA evaluation, when applicable, will be used to identify specific deficiencies relative to the *NCARB Education Standard*.
- Individuals will demonstrate satisfaction of the education requirement for certification through a portfolio of work reviewed by peers.
- Historically, the number of architects in this category applying for NCARB certification are minimal.



Conclusion

This proposal is inclusive of all architects in pursuit of NCARB certification. It acknowledges those individuals who have obtained their initial license with some level of education other than a bachelor degree in an architecture program accredited by the NAAB through jurisdiction-directed additional practical work experience (guiding principle #1).

This proposal advances the alternative to the education requirement for certification of a U.S. architect (currently the BEA Program) by:

- Recognizing the value of a four-year bachelor degree in architecture education that leads to a degree in a NAAB-accredited program;
- Recognizing the value of practical experience augmenting education;
- Ensuring that each applicant has satisfied education deficiencies through documentation of additional experience through the IDP or submission of an e-portfolio;
- Streamlining the certification requirements for the majority of applicants by utilizing the known and accepted prescriptive requirements of the IDP;
- Encouraging aspiring architects to obtain an architecture degree in a program accredited by NAAB to avoid having to complete additional years of experience pre- and post-licensure, and additional documentation for certification;
- Eliminating the dossier submission and review for the majority of applicants and developing a fair and effective review process for those without an architecture-related degree.
- Maintaining a rigorous, objective, all-inclusive program for architects in pursuit of the NCARB Certificate.

How it Will Work:

This graphic illustrates the proposed alternative to the education requirement to replace the Broadly Experienced Architect (BEA) Program.

Licensed	EESA	IDP		E-Portfolio	Criteria	Reviewed by
3 Years	No	4-year arch-Related degree	2X IDP	No	IDP Tasks	IDP Supervisor
	Yes*	4 year non-related degree or less	E-Portfolio	Yes	Education Standard	Peer Review

• Yes - for applicants with 64 or more semester credit hours who are required to submit an e-portfolio.

Four-year Architecture-related Degree

Architects with at least three years of licensed practice who have a four-year architecture-related bachelor degree will be required to document their experience meeting the requirements of the IDP through the online reporting system—just as aspiring architects currently report their experience. It is important to note that applicants can fulfill the requirements for certification by utilizing pre- or post-licensure experience.

Architects in this category will be required to document two times the requirements of the IDP meaning two times the hours required in each of the six experience areas. Many architects will have already reported IDP experience that was required by the jurisdiction for initial licensure. Reporting experience hours will not be limited by the IDP reporting requirement, which states that individuals may only document experience gained in the previous six months for full credit, and up to five years back for half credit. The ability to utilize experience, pre- or post-licensure, allows the architect greater flexibility in documenting competent performance of the tasks required by the IDP.

The experience must be verified in accordance with the requirements of the IDP. If an architect cannot have the experience verified by the IDP supervisor who observed the competent performance of the required tasks, NCARB will accept verification by an architect known to the individual applicant for a period of no less than one year.

This proposal utilizes a system and process that is already well established and trusted by the NCARB membership while providing the validated evaluation desired by the NCARB Member Boards. In addition, the proposal modifies the alternative to the education requirement in a way that enables the Council to reduce and in many cases eliminate fees associated with the Broadly Experienced Architect (BEA) Program for the majority of applicants ([guiding principle #4](#)).

A Bachelor Degree in an Architecture-related Program is defined as any baccalaureate degree in an architecture-related program from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits of the quarter-hour equivalent:

- The program must include 60 semester credit hours (or the quarter hour equivalent) of coursework in the degree program major.
- The amount of architecturally-defined content in these programs may vary from institution to institution.

Four-year Non-Architecture-related Degree or Less

Applicants with three years of licensed practice who have anything less than a 4-year architecture-related bachelor degree, will be required to submit an e-portfolio of their work experience to satisfy the *NCARB Education Standard*. An EESA will be required for anyone with more than 64 semester credit hours of post-secondary education.

An education e-portfolio template, similar to the current BEA education dossier, will be utilized by the applicant to upload all documentation. The online review process will include trained volunteers and specific criteria for each subject area of the *NCARB Education Standard*. Once a portfolio is submitted, the timeline for the review process is dependent upon reviewer availability, but will have the flexibility to occur year-round. Unlike the current dossier review process that is limited to a committee review occurring only two or three times a year.

Once an ePortfolio is reviewed and approved, the applicant will have met the education requirement for certification.

Financial Impact

FY17 – No Financial Impact

FY18 – Loss of revenue offset by reduction in committee expenses and staff time for a small financial surplus.

FY19 – Loss of revenue offset by reduction in committee expenses and staff time for a small financial surplus.

FY20 – Loss of revenue offset by reduction in committee expenses and staff time for a small financial surplus

RESOLUTION 2016-03
Supported by the Council Board of Directors (14-0)

TITLE: *Certification Guidelines* Amendment – Exam Equivalency for ARE 5.0

SUBMITTED BY: Examination Committee

WHEREAS, the Examination Committee has determined that it is in the best interests of the Council to update the *Certification Guidelines* to reflect modifications to the structure of the Architect Registration Examination as a result of the upcoming release of ARE 5.0; and

WHEREAS, the *Certification Guidelines* contain Appendix C, which is used by NCARB staff to confirm that an architect seeking NCARB certification who completed an older version of the ARE did complete all divisions that are substantially equivalent to the current version of the ARE; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards, with such change becoming effective July 1 following the close of the Council Annual Business Meeting, or such later date identified in the change, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to Appendix C of the *Certification Guidelines*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the first paragraph of Appendix C of the *Certification Guidelines* (page 18) be amended upon the launch of ARE 5.0 to read as follows:

~~“**ARE 4.0 Exam Equivalents**~~

~~Candidates who have passed some divisions but have not passed all divisions of the Architect Registration Examination in accordance with applicable policies before July 1, 2009, shall thereafter be required to pass all remaining divisions of the ARE in accordance with the ARE 4.0 Exam Equivalents identified below.~~

ARE 5.0 Exam Equivalents

Applicants for NCARB certification that completed a previous version of the ARE must have passed examination equivalents equal to those of the current ARE as defined below. Applicants that do not achieve all examination equivalents shall be required to pass the unachieved division(s) identified to meet the examination requirement for the NCARB Certificate.”

ALSO RESOLVED, that the exam equivalencies for ARE 5.0 divisions are defined as follows upon the launch of ARE 5.0 and replace the ARE 4.0 exam equivalencies in Appendix C of the *Certification Guidelines* (page 18):

“Practice Management (ARE 5.0) AND Project Management (ARE 5.0) are satisfied by successfully completing one examination in each of the following FOUR groups:

GROUP 1:

- | | |
|--|-------------|
| 1. Construction Documents & Services (ARE 4.0) | (2008-2018) |
| 2. Construction Documents & Services – ARE 3.1 and prior computer-based versions | (1997-2009) |
| 3. Division I of the ARE | (1983-1996) |
| 4. Professional Examination–Section B, Part IV | (1978-1982) |
| 5. Professional Examination Part IV | (1973-1977) |
| 6. Examination Syllabus H | (1954-1975) |
| 7. Section 6 of the CALE | (1987-1989) |

GROUP 2:

- | | |
|--|-------------|
| 1. Construction Documents & Services (ARE 4.0) | (2008-2018) |
| 2. Building Technology | (1997-2009) |
| 3. Division C of the ARE | (1983-1996) |
| 4. Professional Examination–Section A | (1979-1982) |
| 5. Qualifying Test E and F | (1977-1978) |
| 6. Equivalency Examination III | (1973-1976) |
| 7. Examination Syllabus E | (1954-1975) |
| 8. Section 9 of the CALE | (1987-1989) |

GROUP 3:

- | | |
|---|-------------|
| 1. Programming, Planning & Practice (ARE 4.0) | (2008-2018) |
| 2. Pre-Design | (1997-2009) |
| 3. Division A of the ARE | (1983-1996) |
| 4. Professional Examination–Section B, Parts I and II | (1979-1982) |
| 5. Professional Examination Parts I and II | (1973-1978) |
| 6. Examination Syllabus C | (1954-1975) |
| 7. Section 7 of the CALE | (1987-1989) |

GROUP 4:

- | | |
|--|--------------------------|
| 1. Programming, Planning & Practice (ARE 4.0) | (2008-2018) |
| 2. Site Planning | (1997-2009) ¹ |
| 3. Division B (Written and Graphic) of the ARE | (1988-1996) |
| 4. Division B of the ARE | (1983-1987) |
| 5. Professional Examination–Section A | (1979-1982) |
| 6. Qualifying Test E and F | (1977-1978) |
| 7. Equivalency Examination III | (1973-1976) |
| 8. Examination Syllabus D | (1954-1975) |
| 9. Section 8 of the CALE | (1987-1989) |

Project Planning & Design (ARE 5.0) is satisfied by successfully completing one examination in each of the following SEVEN groups:

GROUP 1:

- | | |
|--|--------------------------|
| 1. Site Planning & Design (ARE 4.0) | (2008-2018) |
| 2. Site Planning | (1997-2009) ¹ |
| 3. Division B (Written and Graphic) of the ARE | (1988-1996) |
| 4. Division B of the ARE | (1983-1987) |
| 5. Professional Examination–Section A | (1979-1982) |
| 6. Qualifying Test E and F | (1977-1978) |

- 7. Equivalency Examination III (1973-1976)
- 8. Examination Syllabus D (1954-1975)
- 9. Section 8 of the CALE (1987-1989)

GROUP 2:

- 1. Building Design & Construction Systems (ARE 4.0) (2008-2018)
- 2. Building Design/Materials & Methods (1997-2009)
- 3. Division H of the ARE (1983-1996)
- 4. Professional Examination–Section B, Part III (1978-1982)
- 5. Qualifying Test C (1978-1982)
- 6. Professional Examination Part III (1973-1977)
- 7. Equivalency Examination II (1974-1976)
- 8. Examination Syllabus F (1954-1975)
- 9. Section 5 of the CALE (1987-1989)

GROUP 3:

- 1. Building Design & Construction Systems (ARE 4.0) (2008-2018)
- 2. Building Technology (1997-2009)²
- 3. Division C of the ARE (1983-1996)
- 4. Professional Examination–Section A (1979-1982)
- 5. Qualifying Test E and F (1977-1978)
- 6. Equivalency Examination III (1973-1976)
- 7. Examination Syllabus E (1954-1975)
- 8. Section 9 of the CALE (1987-1989)

GROUP 4:

- 1. Structural Systems (ARE 4.0) (2008-2018)
- 2. General Structures (1997-2009)
- 3. Division D/F of the ARE (1988-1996)
- 4. Divisions D and F of the ARE (1983-1987)
- 5. Professional Examination–Section B, Part III (1979-1982)
- 6. Qualifying Test B (1977-1982)
- 7. Professional Examination Part III (1973-1978)
- 8. Equivalency Examination II (1973-1976)
- 9. Examination Syllabus G (1954-1975)
- 10. Section 1 of the CALE (1989)
- 11. Sections 1 and 3 of the CALE (1987-1988)

GROUP 5:

- 1. Structural Systems (ARE 4.0) (2008-2018)
- 2. Lateral Forces (1997-2009)
- 3. Division E of the ARE (1983-1996)
- 4. Professional Examination–Section B, Part III (1978-1982)
- 5. Qualifying Test B (1977-1982)
- 6. Professional Examination Part III (1973-1978)
- 7. Equivalency Examination II (1973-1976)
- 8. Examination Syllabus G (1965-1975)
- 9. Section 2 of the CALE (1987-1989)

GROUP 6:

- 1. Building Systems (ARE 4.0) (2008-2018)
- 2. Mechanical & Electrical Systems (1997-2009)
- 3. Division G of the ARE (1983-1996)
- 4. Professional Examination–Section B, Part III (1978-1982)
- 5. Qualifying Test D (1977-1982)
- 6. Professional Examination Part III (1973-1978)
- 7. Equivalency Examination II (1973-1976)
- 8. Examination Syllabus I (1954-1975)
- 9. Section 4 of the CALE (1987-1989)

GROUP 7:

1. Schematic Design (ARE 4.0)	(2008-2018)
2. Building Planning	(1997-2009) ²
3. Division C of the ARE	(1983-1996)
4. Professional Examination–Section A	(1979-1982)
5. Qualifying Test E and F	(1977-1978)
6. Equivalency Examination III	(1973-1976)
7. Examination Syllabus E	(1954-1975)
8. Section 9 of the CALE	(1987-1989)

Project Development & Documentation (ARE 5.0) is satisfied by successfully completing one examination in each of the following SIX groups:

GROUP 1:

1. Construction Documents & Services (ARE 4.0)	(2008-2018)
2. Construction Documents & Services – ARE 3.1 and prior computer-based versions	(1997-2009)
3. Division I of the ARE	(1983-1996)
4. Professional Examination–Section B, Part IV	(1978-1982)
5. Professional Examination Part IV	(1973-1977)
6. Examination Syllabus H	(1954-1975)
7. Section 6 of the CALE	(1987-1989)

GROUP 2:

1. Construction Documents & Services (ARE 4.0)	(2008-2018)
2. Building Technology	(1997-2009)
3. Division C of the ARE	(1983-1996)
4. Professional Examination–Section A	(1979-1982)
5. Qualifying Test E and F	(1977-1978)
6. Equivalency Examination III	(1973-1976)
7. Examination Syllabus E	(1954-1975)
8. Section 9 of the CALE	(1987-1989)

GROUP 3:

1. Building Design & Construction Systems (ARE 4.0)	(2008-2018)
2. Building Design/Materials & Methods	(1997-2009)
3. Division H of the ARE	(1983-1996)
4. Professional Examination–Section B, Part III	(1978-1982)
5. Qualifying Test C	(1978-1982)
6. Professional Examination Part III	(1973-1977)
7. Equivalency Examination II	(1974-1976)
8. Examination Syllabus F	(1954-1975)
9. Section 5 of the CALE	(1987-1989)

GROUP 4:

1. Structural Systems (ARE 4.0)	(2008-2018)
2. General Structures	(1997-2009)
3. Division D/F of the ARE	(1988-1996)
4. Divisions D and F of the ARE	(1983-1987)
5. Professional Examination–Section B, Part III	(1979-1982)
6. Qualifying Test B	(1977-1982)
7. Professional Examination Part III	(1973-1978)
8. Equivalency Examination II	(1973-1976)
9. Examination Syllabus G	(1954-1975)
10. Section 1 of the CALE	(1989)
11. Sections 1 and 3 of the CALE	(1987-1988)

GROUP 5:

1. Structural Systems (ARE 4.0)	(2008-2018)
2. Lateral Forces	(1997-2009)
3. Division E of the ARE	(1983-1996)
4. Professional Examination—Section B, Part III	(1978-1982)
5. Qualifying Test B	(1977-1982)
6. Professional Examination Part III	(1973-1978)
7. Equivalency Examination II	(1973-1976)
8. Examination Syllabus G	(1965-1975)
9. Section 2 of the CALE	(1987-1989)

GROUP 6:

1. Building Systems (ARE 4.0)	(2008-2018)
2. Mechanical & Electrical Systems	(1997-2009)
3. Division G of the ARE	(1983-1996)
4. Professional Examination—Section B, Part III	(1978-1982)
5. Qualifying Test D	(1977-1982)
6. Professional Examination Part III	(1973-1978)
7. Equivalency Examination II	(1973-1976)
8. Examination Syllabus I	(1954-1975)
9. Section 4 of the CALE	(1987-1989)

Construction & Evaluation (ARE 5.0) is satisfied by successfully completing one examination in each of the following TWO groups:**GROUP 1:**

1. Construction Documents & Services (ARE 4.0)	(2008-2018)
2. Construction Documents & Services – ARE 3.1 and prior computer-based versions	(1997-2009)
3. Division I of the ARE	(1983-1996)
4. Professional Examination—Section B, Part IV	(1978-1982)
5. Professional Examination Part IV	(1973-1977)
6. Examination Syllabus H	(1954-1975)
7. Section 6 of the CALE	(1987-1989)

GROUP 2:

1. Construction Documents & Services (ARE 4.0)	(2008-2018)
2. Building Technology	(1997-2009)
3. Division C of the ARE	(1983-1996)
4. Professional Examination—Section A	(1979-1982)
5. Qualifying Test E and F	(1977-1978)
6. Equivalency Examination III	(1973-1976)
7. Examination Syllabus E	(1954-1975)
8. Section 9 of the CALE	(1987-1989)

Programming & Analysis (ARE 5.0) is satisfied by successfully completing one examination in each of the following TWO groups:**GROUP 1:**

1. Programming, Planning & Practice (ARE 4.0)	(2008-2018)
2. Pre-Design	(1997-2009)
3. Division A of the ARE	(1983-1996)
4. Professional Examination—Section B, Parts I and II	(1979-1982)
5. Professional Examination Parts I and II	(1973-1978)
6. Examination Syllabus C	(1954-1975)
7. Section 7 of the CALE	(1987-1989)

GROUP 2:

1. Site Planning & Design (ARE 4.0)	(2008-2018)
2. Site Planning	(1997-2009) ¹
3. Division B (Written and Graphic) of the ARE	(1988-1996)
4. Division B of the ARE	(1983-1987)
5. Professional Examination–Section A	(1979-1982)
6. Qualifying Test E and F	(1977-1978)
7. Equivalency Examination III	(1973-1976)
8. Examination Syllabus D	(1954-1975)
9. Section 8 of the CALE	(1987-1989)

¹ If you hold a professional degree from a NAAB-accredited program, and you passed the four-part Professional Examination between December 1973 and December 1978, and you were registered on or before March 1, 1979, you need not have passed examinations in Site Planning.

² If you hold a professional degree from a NAAB-accredited program, and you passed the four-part Professional Examination between December 1973 and December 1978, and you were registered on or before March 1, 1979, you need not have passed examinations in Building Planning and Building Technology.”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of *Certification Guidelines*, including the Appendices, remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective at the time the Council launches ARE 5.0 in fall 2016 and will apply to all examinations administered from that point forward.

ADVOCATES:

Examination Committee (COE)

- Terance White, *Utah Member Board Member*
- Allen Bacqué, *Louisiana Member Board Member*
- Jon Alan Baker, *California Member Board Member*
- Kristi Beattie, *Missouri recently licensed architect*
- Carole Briggs, *Connecticut Member Board Member*
- Jody Coleman, *Mississippi Member Board Member*
- James Lev, *Former Illinois Member Board Member*
- Julie McLaurin, *North Carolina Member Member*
- Raul Rivera-Ortiz, *Puerto Rico Member Board Member*
- Alfred Vidaurri, *Director, Region 3*

SPONSORS' STATEMENT OF SUPPORT:

The exam equivalents table is a reference document used by NCARB staff to assess the examination history of licensed individuals seeking the NCARB Certificate who have taken a version of the ARE that is older than the current version being administered. The exam equivalents chart is NOT a table to be used to calculate current examination eligibilities for ARE candidates seeking initial licensure.

In most cases, applicants for the NCARB Certificate have completed all divisions of what was the current ARE at their time of licensure. This table allows NCARB to confirm that the applicant's previous examination history is equivalent to the current version of the ARE. In some cases, applicants for the NCARB Certificate are found to have not completed all divisions of what was the current ARE at their time of licensure due to extenuating circumstances granted the individual by the jurisdiction of initial licensure. This equivalents table allows NCARB to identify which current division(s) of the current ARE align to the examination division(s) not previously met at their time of initial licensure.

Updates to the exam equivalents table are necessary whenever the Architect Registration Examination's structure is modified. With the upcoming launch of ARE 5.0, the exam equivalents table must be updated to ensure that future applicants for the NCARB Certificate have an examination history equivalent to that of the then current ARE.

The ARE 5.0 exam equivalents have been developed based on historical exam equivalents and modified to address the transition from ARE 4.0 to ARE 5.0 using the published ARE 5.0 Credit Model. The ARE 5.0 exam equivalents table will serve as the documented record of Architect Registration Examination equivalencies to assess the examination history of licensed individuals seeking the NCARB Certificate. Upon the launch of ARE 5.0, the *Certification Guidelines* will be updated to reflect equivalents equal to ARE 5.0.

RESOLUTION 2016-04
Supported by the Council Board of Directors (14-0)

TITLE: *Certification Guidelines* Amendment – Five-Year Rolling Clock and Rolling Clock Extension Policy Updates

SUBMITTED BY: Examination Committee

WHEREAS, the Examination Committee of the Council has determined upon careful consideration that it is advisable and in the best interests of the Council to maintain the current examination Five-Year Rolling Clock policy and Rolling Clock Extension policies set forth in Appendix B of the *Certification Guidelines* to function unchanged for ARE 5.0; and

WHEREAS, the Examination Committee and the Board of Directors have determined that the current policy language has led to confusion between the expiration of eligibilities to take an exam and the expiration of exams already passed making it advisable and in the best interests of the Council to clarify language in the Rolling Clock Extension Policy; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards, with such change becoming effective at the time specified in this Resolution, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to Appendix B of the *Certification Guidelines*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that examination eligibility expiration, Part D of the section entitled Five-Year Rolling Clock in Appendix B of the *Certification Guidelines*, is wholly a function of Member Board examination policy outlined in the *ARE Guidelines* and not a requirement of NCARB certification, and therefore, part D of the Five-Year Rolling Clock be removed from the *Certification Guidelines*.

FURTHER RESOLVED, that the Five-Year Rolling Clock and Rolling Clock Extension policy for exam validity in Appendix B of the *Certification Guidelines* (page 17) be modified to provide better clarity to all stakeholders to read as follows:

“Five-Year Rolling Clock

For all initial candidates for licensure, Effective January 1, 2006, and subject to certain conditions, a passing grade for any division of the ARE shall be valid for an initial period of five years plus any extensions granted under the rolling clock extension policy, after

which time the division ~~must be retaken~~ will expire unless all divisions have been passed the candidate has completed the ARE.

Applicants for NCARB certification that completed the ARE or were licensed:

- A. Prior to January 1, 2006, will not have any divisions governed by the five-year rolling clock.
- B. Prior to July 1, 2014, will have only divisions passed after January 1, 2006, governed by the five-year rolling clock.
- C. On July 1, 2014 or later, will have all divisions governed by the five-year rolling clock.

Any applicant for NCARB certification that is determined to be deficient in a division of the ARE will have to test and pass that division, or the then current exam equivalents, to earn NCARB certification. Those deficient examinations, standing alone, shall be subject to the five-year rolling clock.

The transitional rules are as follows:

- A. ~~For applicants who have passed all divisions of the ARE by January 1, 2006, regardless of the time taken, such applicants will have passed the ARE.~~
- B. ~~For applicants who have passed one or more but not all divisions of the ARE by January 1, 2006, such applicants will have five years to pass all remaining divisions. A passing grade for any remaining division shall be valid for five years, after which time the division must be retaken if the remaining divisions have not been passed. The five-year period shall commence after January 1, 2006, on the date when the first remaining division is passed. Any division passed prior to January 1, 2006 shall no longer remain valid if all remaining divisions have not been passed by July 1, 2014.~~
- C. ~~For applicants who have passed no divisions of the ARE by January 1, 2006, such applicants shall be governed by the above five-year requirement. The five-year period shall commence on the date when the first passed division is administered.~~
- D. ~~Effective January 1, 2011 and thereafter, the authorization to test of any applicant shall terminate unless the applicant has passed or failed a division of the ARE within a period of five years. This includes the five-year period prior to January 1, 2011. Any applicant whose authorization is so terminated must establish a new eligibility under the then current procedures of a Member Board.~~

Rolling Clock Extension

NCARB may allow a reasonable extension of such period ~~to a division expiration period~~ in circumstances where completion of all divisions ~~the ARE~~ within such ~~five-year period~~ is prevented by the birth or adoption of a child, by a serious medical condition, by active duty in military service, or by other like causes. An applicant may request such an extension by submitting a timely written application and supporting documentation as prescribed by NCARB. Upon proper application NCARB will allow parents of newborn infants or newly adopted children a six-month extension to the end of such ~~five-year~~ division expiration period if the birth or adoption of their child occurs within such ~~five-year~~ rolling clock period.”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of Appendix B of the *Certification Guidelines* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective at the time the Council launches ARE 5.0 in fall 2016 and will apply to all examinations administered from that point forward.

ADVOCATES:

Examination Committee (COE)

- Terance White, *Utah Member Board Member*
- Allen Bacqué, *Louisiana Member Board Member*
- Jon Alan Baker, *California Member Board Member*
- Kristi Beattie, *Missouri recently licensed architect*
- Carole Briggs, *Connecticut Member Board Member*
- Jody Coleman, *Mississippi Member Board Member*
- James Lev, *Former Illinois Member Board Member*
- Julie McLaurin, *North Carolina Member Member*
- Raul Rivera-Ortiz, *Puerto Rico Member Board Member*
- Alfred Vidaurri, *Director, Region 3*

SPONSORS' STATEMENT OF SUPPORT:

The exam eligibility expiration policy, Part D of the current Rolling Clock Policy set forth in Appendix B of the *Certification Guidelines*, is managed by the My Examination candidate management system and is configurable based on each state's requirements. Application of an exam eligibility policy is NOT a requirement for NCARB certification, therefore, such policy language should not be included as part of the *Certification Guidelines*.

This resolution recognizes that the ability for member jurisdictions to establish an exam eligibility policy will be maintained in the My Examination candidate management system as has been the case since My Examination was launched several years ago. This proposed change to the *Certification Guidelines* will move policy language to the *ARE Guidelines*, the policy manual of the ARE, as follows:

Maintaining Exam Eligibility with Your Jurisdiction

You are responsible for maintaining your exam eligibility with your registration board. Because rules vary from board to board and are subject to change, it is important for you to stay informed of your individual registration board's policies and procedures. This includes notifying them of any address changes so they can contact you about eligibility renewals or any other important licensure information.

Most jurisdictions have implemented a test activity requirement to maintain exam eligibilities. Your eligibilities to test may expire if no attempt to test (pass or fail) has been completed within a five-year period. If your state-based eligibility period expires before you successfully complete all divisions of the ARE, you must contact your board of architecture (or NCARB if you were made eligible to take the ARE through a jurisdiction participating in the Direct Registration program) to establish a new eligibility under the then current procedures of the registration board.

The purpose of an eligibility expiration policy, Part D of the current Rolling Clock Policy included in Appendix B of the *Certification Guidelines*, is to ensure inactive candidates are not allowed to maintain active exam eligibilities into perpetuity. Maintenance of abandoned active eligibilities becomes an undue burden on state and system resources. The policy also allows Member Boards to require candidates with expired eligibilities to reapply under their then current application requirements. The ability for each member jurisdiction to establish an eligibility expiration policy will be maintained while removing confusing and inappropriate language from the *Certification Guidelines*.

The proposed change in language to the Five-Year Rolling Clock and Rolling Clock Extension policies does not change the way this policy has been implemented since 2006. The submitted language acts to clarify the policy for all future ARE candidates as well as ensure that all applicants for the NCARB Certificate are appropriately governed by the rolling clock. The modifications to the Rolling Clock Extension policy clarify that each passed division of the ARE is governed by an initial period of validity established by the Five-Year Rolling Clock policy. This initial period of validity can be extended as approved based on the Rolling Clock Extension policy. Multiple extensions to any single division are supported and can be granted based on candidate need.

No changes are proposed to the timeframe of the rolling clock period because recently completed research regarding change within the profession continues to support this timeframe. Although it is understood that not all areas of practice change at the same rate, research informed a recommendation consistent with the current five-year period for multiple divisions of ARE 5.0.

The Examination Committee sees great benefit in maintaining a consistent rolling clock policy across all divisions as well as versions of the ARE with the upcoming transition to ARE 5.0.

RESOLUTION 2016-05
Supported by the Council Board of Directors (14-0)

TITLE: *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option

SUBMITTED BY: Procedures and Documents Committee and Integrated Path Evaluation Committee

WHEREAS, the Council has developed an initiative designed to result in a structured experience for students enrolled in an Integrated Path to Architectural Licensure option that offers the ability to complete the requirements for architectural licensure by the time of graduation, and there are currently fourteen (14) schools that have been accepted into this initiative; and

WHEREAS, students graduating from these programs may choose to obtain licensure in a jurisdiction other than where they complete their architecture degree; and

WHEREAS, the Board of Directors has determined that it is advisable to amend the *NCARB Legislative Guidelines and Model Law/Model Regulations* to include language that would allow students enrolled in an NCARB accepted Integrated Path to Architectural Licensure option within a NAAB-accredited program access to the Architect Registration Examination while they are enrolled in the program; and

WHEREAS, pursuant to the *NCARB Bylaws*, an affirmative vote of a majority of all Council Member Boards is required to pass any resolution other than an amendment to the *Bylaws* or removal of a Member Board from membership; and

WHEREAS, the Council Board of Directors must adopt a resolution recommending applicable changes to the *NCARB Legislative Guidelines and Model Law/Model Regulations* and submit such resolution and changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards create model language in the *NCARB Legislative Guidelines and Model Law/Model Regulations* for the implementation of the Integrated Path to Architectural Licensure program by updating the *Legislative Guidelines and Model Law/Model Regulations*.

FURTHER RESOLVED, that a new Section 100.601 Examination Eligibility be inserted to the *Model Regulations* (page 27) as follows:

“100.601 Examination Eligibility

A. [For the purpose of qualifying for the examination, an applicant shall present satisfactory evidence to the board that he/she:

- i. Holds a professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board (NAAB), or
 - ii. Is a student actively participating in a NCARB-accepted Integrated Path to Architectural Licensure (IPAL) option within a NAAB-accredited professional degree program in architecture, or
 - iii. Has met the education and experience requirements outlined in {insert specific reference to applicable laws/rules}]
- B. The Board will determine applicant eligibility and forward eligibility information to NCARB (or the Board may request NCARB to determine such eligibility subject to its approval thereof). ”

FURTHER RESOLVED, that the existing Section 100.601 of *Model Regulations* (page 27) be renumbered and amended as follows:

“100.60~~2~~¹ Conditions of Examination

~~A. The Board will determine applicant eligibility and forward eligibility information to NCARB (or the board may request NCARB to determine such eligibility subject to its approval thereof).~~

A. The Board will allow applicants to take the ARE at any NCARB-approved test center, whether or not it is located within this state.

B. The Board will accept the ARE results as determined by NCARB and will report the results to the applicant, or the Board may request NCARB to report such results to the applicant.

C. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, the board will investigate the allegation and take appropriate action. Misbehavior may include, without limitation, violation of NCARB’s Guidelines or policies, or an applicant’s confidentiality agreements with respect to the examination.”

FURTHER RESOLVED, that sections 100.602 Appeal and 100.603 Transfer of Scores to and from Other Boards (page 28) of the *Model Regulations* be renumbered as follows:

“~~[100.60~~3~~² Appeal]~~

100.60~~4~~³ Transfer of Scores to and from Other Boards”

FURTHER RESOVLED, that the table of contents of the *Model Regulations* (page 23) be amended as follows:

“Examination

Examination Eligibility 100.601

Conditions of Examination 100.60~~2~~¹

Appeal 100.60~~3~~²

Transfer of Scores to and from Other Boards 100.60~~4~~³”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the *Legislative Guidelines and Model Law/Model Regulations* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these resolutions shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon approval of the resolution by an absolute majority of Member Boards, such changes to the *Legislative Guidelines and Model Law/Model Regulations* shall become effective July 1, 2016.

ADVOCATES:

Integrated Path Evaluation Committee

- Ronald Blich, *Louisiana Member Board Member*
- Nadia Anderson, *Educator, Iowa State University College of Design*
- David Cronrath, *Dean, University of Maryland School of Architecture, Planning & Preservation*
- John Enright, *Educator, Southern California Institute for Architecture*
- Cathe Evans, *North Carolina Member Board Executive*
- Pasqual Gutierrez, *California Member Board Member*
- Norman Millar, *Dean, Woodbury University School of Architecture*
- Amy Perenchio, *NAAB Board of Directors*
- Jeffery Potter, *AIA Past President*
- Anne Smith, *Georgia Member Board Member*
- Bayliss Ward, *Montana Member Board Member; Director, Region 5*

SPONSORS' STATEMENT OF SUPPORT:

In August 2015, the National Council of Architectural Registration Boards (NCARB) accepted proposals from over a dozen architecture schools to implement an NCARB-accepted Integrated Path to Architectural Licensure (IPAL) option within their academic programs accredited by the National Architectural Accrediting Board (NAAB). This initiative was designed to result in a structured experience for students that offers the ability to complete the requirements for architectural licensure at the time of graduation.

The IPAL option in NAAB-accredited programs provides a structured education experience and timeline for a student to complete the requirements of the Intern Development Program (IDP) and afford them the opportunity to take each division of the Architect Registration Examination® (ARE®) before graduation. It is important to note that passing all ARE divisions prior to graduation is not required.

Critical to the successful implementation of these programs is the ability for students (enrolled in these programs offering an IPAL option) to sit for the ARE **prior to completing their NAAB-accredited degree program.**

Currently, only seven (7) jurisdictions have language in their statutes or regulations that would enable access to the ARE to a student enrolled in school. Therefore, the proposed modifications to *Legislative Guidelines/Model Law/Model Regulations* will help guide our Member Boards as they modify their regulations to implement this Integrated Path to Architectural Licensure concept in their jurisdiction.

RESOLUTION 2016-06
Supported by the Council Board of Directors (14-0)

TITLE: *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Addition of Architect Emeritus Status

SUBMITTED BY: Procedures and Documents Committee

WHEREAS, the Procedures and Documents Committee has identified that 41 Member Boards currently provide some sort of emeritus status for registered architects in their jurisdiction; and

WHEREAS, the Procedures and Documents Committee has determined upon careful consideration that it is advisable and in the best interests of the Council to modify the *Legislative Guidelines and Model Law/Model Regulations* to add an “Architect Emeritus” status and address the reinstatement requirements for individuals who would fall in this status; and

WHEREAS, pursuant to the *NCARB Bylaws*, an affirmative vote of a majority of all Council Member Boards is required to pass any resolution other than an amendment to the *Bylaws* or removal of a Member Board from membership; and

WHEREAS, prior to implementing changes to the *Legislative Guidelines and Model Law/Model Regulations*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards add an “architect emeritus” status to the *NCARB Legislative Guidelines and Model Law/Model Regulations* by adding the term and definition to Section 1 – Definitions of Model Law in *Model Law* (page 16) as follows:

“Architect Emeritus.”

Means an honorific title granted to a previously registered architect who has retired from the active practice architecture.”

FURTHER RESOLVED, that Section 4 – Registration Renewal in *Model Law* (page 17) be amended as follows:

SECTION 4 – REGISTRATION RENEWAL

The Board shall mail yearly [**or state other time interval**] to every registered architect an application for renewal of registration. Such application, properly filled out and accompanied by the renewal fee established in accordance with Section 2, shall be returned to the Board on or before the date established by the Board. After review of the facts stated in the general renewal application, the Board shall issue a registration which

shall be valid for one year [or state other time interval]. Any holder of a registration who fails to renew his/her application on or before the prescribed date shall, before again engaging in the practice of architecture within the state, be required to apply for reinstatement, pay the prescribed fee, and, in circumstances deemed appropriate by the Board, be required to be reexamined.

There is hereby created, for registration renewal purposes, a status to be known as "architect emeritus," which shall apply to architects who are retired and not practicing any aspects of Architecture and who are 65 years of age or older or have been registered for a minimum of "10" years [in their state].

[States requiring that each registered architect demonstrate continuing education should include the following] A registered architect must demonstrate completion of annual continuing education activities. The Board shall by regulation describe such activities acceptable to the Board and the documentation of such activities required by the Board. The Board may decline to renew a registration if the architect's continuing education activities do not meet the standards set forth in the Board's regulations."

FURTHER RESOLVED, that new Subsection D be inserted into Section 100.703 Renewal in *Model Regulations* (page 29) and be amended as follows:

(C) Exemptions. An architect shall not be subject to these requirements if:

1. The architect has been granted emeritus or other similar honorific but inactive status by the Board; or
2. The architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the Board other like hardship, then upon the Board's so finding, the architect may be excused from some or all of these requirements.

(D) A registrant who lists his or her occupation as "Retired" or "inactive" on the Board approved renewal form and who further certifies that he or she is no longer practicing shall be exempt from the Continuing Education Hours required. In the event such a person elects to return to active practice, he/she shall document completion of 12 HSW CEH's before returning to active practice. Inactive or retired registrants returning to active practice must report CEH's earned prior to the request to reactivate.

(DE) The Board adopts the forms [at the end of the Model Regulations] as the forms to be used for reporting compliance with these requirements."

FURTHER RESOLVED, that new Section 100.707 Emeritus Status be inserted in the *Model Regulations* (page 28) as follows:

100.707 Emeritus Status

(A) An architect whose registration is in good standing may apply for architect emeritus status if he or she meets the following criteria:

1. The applicant is retired from the active practice of architecture. “Retired” means the architect no longer engages in the active practice of architecture as defined in [point to statute defining the practice of architecture], and
 2. The applicant has been registered for at least “10” years [in their state], or
 3. The applicant is 65 years of age or older.
- (B) An architect who can provide, to the Board’s satisfaction, documentation that they are physically or mentally unable to participate in the active practice of architecture may also apply for architect emeritus status.
- (C) Upon application to the Board, if all requirements are met, the architect shall be granted architect emeritus status.
- (D) An individual granted architect emeritus status may use the title “Architect Emeritus” or “Emeritus Architect” on any letter, title, sign, card or device.
- (E) If an emeritus architect wishes to return to the active practice of architecture, he/she may do so by submitting a current renewal application form, the renewal fee, and documentation of completing the continuing education hours required by regulation.”

FURTHER RESOLVED, that new Section 100.707 Emeritus Status be added to the *Model Regulations* Table of Contents (Page 23) as follows:

“Registration	
Issuance	100.701
Duration	100.702
Renewal	100.703
Not Transferable	100.704
Revocation, Suspension, Cancellation or Non-Renewal of Registration	100.705
Reissuance	100.706
<u>Emeritus Status</u>	<u>100.707”</u>

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the *Legislative Guidelines and Model Law/Model Regulations* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these resolutions shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon approval of the resolution by a majority of all Council Member Boards, such changes to the *Legislative Guidelines and Model Law/Model Regulations* shall become effective July 1, 2016.

Advocates:

Procedures and Documents Committee

- John Cardone, *Louisiana Member Board Member; Region 3 Chair*
- Terry Allers, *NCARB Secretary*
- Ricky Engebretson, *North Dakota Member Board Member; Region 5 Chair*
- Charles Kirk, *New Jersey Member Board Executive*
- Amy Kobe, *Ohio Member Board Executive*
- Douglas McCauley, *California Member Board Executive*
- James Oschwald, *New Mexico Member Board Member; Region 6 Chair*
- Jenny Owen, *Mississippi Member Board Executive; Region 3 Executive*
- Stephen Schreiber, *Massachusetts Member Board Member; Region 1 Chair*
- Gina Spaulding, *Nevada Member Board Executive; Region 6 Executive*
- Kenneth VanTine, *Michigan Member Board Member; Region 4 Chair*
- Albert Zaccone, *New Jersey Member Board Member; Region 2 Chair*

SPONSORS' STATEMENT OF SUPPORT:

Charged with studying the merits of establishing an “Architect Emeritus” status in *Legislative Guidelines and Model Law/Model Regulations* and upon researching the laws and rules of the 54 NCARB Member Boards, the Procedures and Documents Committee determined that 41 jurisdictions define or address an architect emeritus status. Understanding that a vast majority of the membership address emeritus status in their statutes, the Procedures and Documents Committee concluded that it was appropriate to address architect emeritus in the *NCARB Model Law/Model Regulations*. The committee believes that regulations addressing architect emeritus is a best practice and bestows upon retired architects a well-deserved title.

While the language and requirements varied slightly throughout those jurisdictions, the committee identified numerous commonalities in requirements among the 41 jurisdictions.

Those commonalities include:

- provisions for having to be RETIRED and not engaging in the practice of architecture
- provisions for an AGE and/or registration requirement
- exemptions from continuing education requirement
- provisions for reinstatement should the architect wish to return to practice
- provisions about the required use of title

By incorporating commonalities identified in the regulations of 41 Member Boards into *NCARB Model Law*, the committee is seeking to provide the remaining jurisdictions with a guide for adopting regulations that are consistent with best practices in the U.S. jurisdictions responsible for regulating the practice of architecture.

RESOLUTION 2016-07
Supported by the Council Board of Directors (14-0)

TITLE: *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment –
Reference to Military-Trained Applicants

SUBMITTED BY: Procedures and Documents Committee

WHEREAS, the Procedures and Documents Committee has determined upon careful consideration that it is advisable and in the best interests of the Council to modify the *NCARB Legislative Guidelines and Model Law/Model Regulations* to incorporate registration requirements for military personnel based on a White House initiative granting returning military service men and women credit toward professional licensing requirements for their service; and

WHEREAS, pursuant to the *NCARB Bylaws*, an affirmative vote of a majority of all Council Member Boards is required to pass any resolution other than an amendment to the *Bylaws* or removal of a Member Board from membership; and

WHEREAS, prior to implementing the changes to the *NCARB Legislative Guidelines and Model Law/Model Regulations*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards create a section in the *NCARB Legislative Guidelines and Model Law/Model Regulations* to address the licensure of military-trained applicants by amending sections of the *Model Law and Model Regulations*.

FURTHER RESOLVED, that new Section 3A – Registration of Military Personnel be inserted into *Model Law* (page 17) as follows:

“SECTION 3A – REGISTRATION OF MILITARY PERSONNEL

The board may, upon presentation of satisfactory evidence by an applicant for licensure, accept education, training, or service completed by an individual as a member of any branch of the military toward the qualifications to receive their license. The board shall promulgate rules to implement this section.”

FURTHER RESOLVED, that new Sections 100.401-100.405 be inserted into *Model Regulations* (page 27) as follows:

“[Registration Standards for Military Personnel]

[100.401 Initial Registration Standards – Military Personnel

To be granted registration other than pursuant to 100.501, an applicant must meet the requirements set forth in 100.401-100.405.

- (A) In evaluating qualifications, the Board may, prior to reaching its decision, require the applicant to substantiate his/her qualifications.
- (B) Other experience may be substituted for the registration requirements set forth in 100.403 only insofar as the Board considers it to be equivalent to or better than such requirements. The burden shall be on the applicant to show by clear and convincing evidence the equivalency or better of such other experience.

100.402 Good Character – Military Personnel

An applicant must be of good character as verified to the Board by employers or by honorable discharge evidenced by copy of military discharge document (DD 214).

100.403 Education – Military Personnel

An applicant must meet the Education Requirements as accepted by the Board from time to time.

100.404 Training – Military Personnel

An applicant must meet the Training Requirements as accepted by the Board from time to time. The Board may accept “professional training while in active duty” as it deems acceptable and in keeping with the Training Requirements set forth by the National Council of Architectural Registration Boards.

100.405 Examination – Military Personnel

An applicant must have passed the Examination in accordance with the NCARB pass/fail standards current at the time the applicant took the Examination, all as accepted by the Board from time to time.]”

FURTHER RESOLVED, that Sections 100.401 - 402 in *Model Regulation* (page 27) be amended as follows:

“RECIPROCAL REGISTRATION

100.401~~501~~ Registration of NCARB Certificate Holders

An applicant who holds a current and valid certification issued by NCARB and submits satisfactory evidence of such certification to the Board shall be registered without the necessity of complying with the provisions of 100.301-305 or 100.401 - 405 if he/she:

- (A) holds a current and valid registration as an architect issued by a registration authority of the United States or Canada, and submits satisfactory evidence of such registration to the Board, and
- (B) files his/her application with the Board, upon a form prescribed by the Board, containing such information satisfactory to the Board concerning the applicant, as the Board considers pertinent, and pays the applicable fee established by the Board.

~~100.402~~502 [Insert any other reciprocity provisions desired and permitted by statute.]”

FURTHER RESOLVED, that new Section 100.203 be inserted in *Model Regulation* (page 26) by moving current *Model Regulation* Section 100.501 (page 27) as follows:

“APPLICATION FOR REGISTRATION

100.201 Submission of Application

Every individual seeking a registration shall submit an application to the Board on a form prescribed by the Board, accompanied by [a photograph and] the filing fee [cross-reference to 100.107].

100.202 Refund of Fee

The Board, in its discretion and if otherwise allowed by law, may return the application fee paid by any applicant whose application has been rejected. No refund of the application fee shall be returned to any applicant who takes any portion of the Examination or who voluntarily withdraws after his/her application has been approved.

~~100.501~~203 **Appeals**

[Insert any references to applicable law providing for administrative or judicial review of the Board’s decisions respecting applicants.]”

FURTHER RESOLVED, that Section 100.501 Appeals in *Model Regulations* (page 27) be deleted:

“APPEALS

~~100.501~~

~~[Insert any references to applicable law providing for administrative or judicial review of the Board’s decisions respecting applicants.]”~~

FURTHER RESOLVED, that the table of contents in *Model Regulations* (page 23) be amended and renumbered as follows:

“Applicant for Registration	
Submission of Application	100.201
Refund of Fee	100.202
<u>Appeals</u>	<u>100.203</u>

Registration Standards

Initial Registration Standards	100.301
Good Character	100.302
Education	100.303
Training	100.304
Examination	100.305

Registration Standards for Military Personnel

<u>Initial Registration Standards for Military Personnel</u>	<u>100.401</u>
<u>Good Character for Military Personnel</u>	<u>100.402</u>
<u>Education for Military Personnel</u>	<u>100.403</u>
<u>Training for Military Personnel</u>	<u>100.404</u>
<u>Examination for Military Personnel</u>	<u>100.405</u>

Reciprocal Registration

Registration of NCARB Certificate Holders	100.401 501
[Insert any other reciprocity provisions desired and permitted by statute.]	100.402 502

Appeals

[References to applicable law providing for administrative or judicial review]	100.501 "
---	----------------------

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the *NCARB Legislative Guidelines and Model Law/Model Regulations* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by a majority of all of the Council Member Boards, such changes will become effective July 1, 2016.

Advocates:

Procedures and Documents Committee

- John Cardone, *Louisiana Member Board Member; Region 3 Chair*
- Terry Allers, *NCARB Secretary*
- Ricky Engebretson, *North Dakota Member Board Member; Region 5 Chair*
- Charles Kirk, *New Jersey Member Board Executive*
- Amy Kobe, *Ohio Member Board Executive*
- Douglas McCauley, *California Member Board Executive*
- James Oswald, *New Mexico Member Board Member; Region 6 Chair*
- Jenny Owen, *Mississippi Member Board Executive; Region 3 Executive*

- Stephen Schreiber, *Massachusetts Member Board Member; Region 1 Chair*
- Gina Spaulding, *Nevada Member Board Executive; Region 6 Executive*
- Kenneth VanTine, *Michigan Member Board Member; Region 4 Chair*
- Albert Zaccone, *New Jersey Member Board Member; Region 2 Chair*

SPONSORS' STATEMENT OF SUPPORT:

Based on the implementation of a White House initiative to support returning military service men and women seeking to enter/re-enter the workforce, the Procedures and Documents (P&C) Committee recognizes the need for model laws and model regulations addressing licensure requirements pertaining to military personnel. The P&D Committee also recognizes the need to support the licensure of architects who are properly trained, educated, and have passed the Architect Registration Examination® (ARE®). Therefore, the P&D Committee sought to gain an understanding of the process of training and licensing architects who work for the military. It should be noted that the P&D Committee was able to find one program run by the military that is accredited by the National Architectural Accrediting Board. Individuals who do not attend a specific military school accredited by the NAAB must obtain their degree prior to or during their enlistment.

The P&D Committee sought the advice of recruiters for the path of an applicant who might want to pursue an architecture license through a commitment to military service, and none could advise as to how it would be done. Additionally, a formal training process for architects in the military, matching the current NCARB Architectural Experience Program (AXP), does not exist.

Construction projects designed for the military are done by private architects and engineers employed on multiple award contracts through the federal government. It was also noted that the use of the term “architect” by the military does not receive the scrutiny typically employed by the regulatory body.

Therefore, care must be taken to ensure that individuals who are coming from the military will meet the education, experience, and examination requirements for licensure. Currently 34 of NCARB’s member jurisdictions have adopted legislation addressing the licensure requirements for members of the military. It is the P&D Committee’s belief that the proposed *Model Law and Model Regulation* will ensure that proper processes are followed by the remaining jurisdictions.

It should be noted that the national initiative that was undertaken in 2012 to assist military service men and women returning to the job force also addressed the licensing of military spouses. Such legislation was designed to make it easier for military spouse’s licenses to transfer as members of the military move from state to state. After careful consideration, the P&D Committee felt it was inappropriate to address military spouse licensure requirements in the *NCARB Legislative Guidelines and Model Law/Model Regulations*. Rather, the P&D Committee felt as though the *NCARB Legislative Guidelines and Model Law/Model Regulations* should only pertain to individual requirements for licensure.

RESOLUTION 2016-08
Supported by the Council Board of Directors (13-0-1)

TITLE: *NCARB Legislative Guidelines and Model Law/Model Regulations and Certification Guidelines Amendments* – Updating the name of the Intern Development Program

SUBMITTED BY: Board of Directors

WHEREAS, the Board of Directors accepted the recommendation of the Future Title Task Force that the titles “architect” and “emeritus architect” (or some similar derivation of “architect” describing one no longer in active practice) should be the only regulated titles used by those who have satisfied the three “E’s” of licensure: Education, Experience, and Examination in April 2015; and

WHEREAS, the Board of Directors has determined that in support of this recommendation, to rename the Intern Development Program to the Architectural Experience Program and to update all references to the program name in the *Certification Guidelines* and *NCARB Legislative Guidelines and Model Law/Model Regulations*; and

WHEREAS, requirements for Council certification and *NCARB Legislative Guidelines and Model Law/Model Regulations* may only be changed by an absolute majority vote of the Council Member Boards, with such change becoming effective July 1 following the close of the Council Annual Business Meeting, and with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to the requirements for Council certification in the *Certification Guidelines* and *NCARB Legislative Guidelines and Model Law/Model Regulations*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards amend the requirements for certification in the *Certification Guidelines* and *NCARB Legislative Guidelines and Model Law/Model Regulations* to reflect the new name of the Intern Development Program as approved by the Board of Directors.

FURTHER RESOLVED, that Section III Qualifications for Registration Under State Procedure in *Legislative Guidelines* (page 8) be amended as follows:

- “C If the state wishes to invest its state board with discretion to reject or take disciplinary action against an applicant who is not of “good moral character,” the statute should specify only the aspects of the applicant’s background germane to the inquiry, such as

- (i) conviction for commission of a felony;
- (ii) misstatement or misrepresentation of fact or other misconduct in connection with seeking registration, including without limitation misconduct involving violation of applicable rules protecting the integrity of the architect licensing process such as the Architect Registration Examination or the ~~Intern Development~~ Architectural Experience Program (AXP), formerly known as the Intern Development Program (IDP);”

FURTHER RESOLVED, that definition of Training Requirements in Section 100.006 Terms Defined Herein in the *Model Regulations* (page 25) be amended to reflect the new name of the Intern Development Program as follows:

“Training Requirements

The Architectural Experience Program (AXP), formerly known as the Intern Development Program (IDP), training requirements established from time to time by NCARB for certification by NCARB, as accepted by the Board from time to time.”

FURTHER RESOLVED, that the title and text of “Changes to the *NCARB Education Standard* and IDP” in the *Certification Guidelines* (page 10) be amended to reflect the new name of the Intern Development Program as follows:

“Changes to the *NCARB Education Standard* and the ~~IDP~~AXP

A change in the *NCARB Education Standard* or the ~~IDP~~AXP becomes effective on the date of the change as described in a notice given to all Member Boards, at which time such change shall also be posted on NCARB’s website. The effective date shall be a minimum of 60 days after the date of such notice. Any change in the *NCARB Education Standard* and the ~~IDP~~AXP applies both to Records in process and new Records. An existing Record holder who has satisfied the *NCARB Education Standard* and/or the ~~IDP~~AXP prior to the effective date of the change shall be treated as having satisfied either or both.”

FURTHER RESOLVED, that Section 1, “Requirements for Certification of an Architect Registered in a U.S. Jurisdiction,” Subsection 1.3 “Experience Requirement” in the *Certification Guidelines* (page 11) be amended as follows:

“1.3 Experience Requirement

You must have completed the ~~Intern Development Program (IDP)~~ Architectural Experience Program (AXP). To begin participation in the ~~IDP~~AXP, an applicant shall have established an NCARB Record and met all requirements for eligibility listed in the ~~IDP~~AXP *Guidelines*, which may be revised from time to time by NCARB.

The ~~IDP~~AXP *Guidelines* describes the specific experience requirements including eligibility to begin participation in the ~~IDP~~AXP, experience settings, categories, areas, hour minimums and maximums, timely reporting and verification of experience, and the like.

For additional information, please refer to the ~~IDP~~AXP *Guidelines*.

The Reporting Requirements identified in the ~~IDP~~AXP *Guidelines* do not apply to architects registered in the United States or Canada or to architects credentialed by a foreign registration authority pursuing NCARB certification.”

FURTHER RESOLVED, that Section 2, “Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction,” Subsection 2.3 “Alternatives to Experience Requirement” in the *Certification Guidelines* (page 12) be amended as follows:

“2.3 Alternatives to the Experience Requirement

In lieu of completing the Experience Requirement identified in Section 1.3, NCARB will accept registration by an NCARB Member Board for at least five consecutive years together with a certification by the applicant that his or her experience as a registered architect met the intent of the ~~IDP~~AXP in each of the experience areas, and verification by one or more other architects that the applicant obtained such experience. This alternative shall not apply to applicants initially registered after January 1, 2011.”

FURTHER RESOLVED, that the NCARB Board of Directors shall be empowered and authorized to make any additional corresponding changes to the *Certification Guidelines* and *Legislative Guidelines and Model Law/Model Regulations* solely for the purpose of changing any references to the Intern Development Program or abbreviations thereof to the Architectural Experience Program or abbreviations thereof, regardless of whether such changes are expressly set forth in these Resolutions or if such changes are made necessary by amendments to the *Certification Guidelines* and *Legislative Guidelines and Model Law/Model Regulations* made concurrently with these Resolutions; and

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the *Certification Guidelines* and *Legislative Guidelines and Model Law/Model Regulations* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by a majority of all of the Council Member Boards, such changes will become effective July 1, 2016.

ADVOCATES:

Future Title Task Force

- Blakely Dunn, *NCARB Past President*
- Rick Engebretson, *North Dakota Member Board Member; Region 5 Chair*
- Kingsley Glasgow, *Arkansas Member Board Executive*
- Dale McKinney, *NCARB Past President*
- Anne Smith, *Georgia Member Board Member*
- Scott Veazey, *NCARB Past President*
- Bayliss Ward, *Montana Member Board Member; Region 5 Director*
- Tyler Ashworth, *Former AIAS President*
- Tamarah Begay, *New Mexico recently licensed architect*
- Jennifer Blevins, *Texas architect*
- Westin Conahan, *AIAS Past President*
- Suni Dillard, *Massachusetts licensure candidate*
- Shannon French, *2013 Intern Think Tank Member*
- Haley Gipe, *California licensure candidate*
- Damon Leverett, *American Institute of Architects Staff*
- Jeffrey Pastva, *Pennsylvania architect*

SPONSORS' STATEMENT OF SUPPORT:

In April 2015, the NCARB Board of Directors accepted the recommendation of the Future Title Task Force that the titles “architect” and “emeritus architect” (or some similar derivation of “architect” describing one no longer in active practice) should be the only regulated titles used by those who have satisfied the three “E’s” of licensure: Education, Experience, and Examination. To that end, it was agreed that the use of the term “intern” or any derivation of it should be removed from NCARB’s nomenclature.

The Future Title Task Force was empaneled in FY15 by President Dale McKinney to respond to a groundswell of resistance from some individuals educated and experienced in the profession of architecture regarding the appropriateness of the title “intern” or “intern architect” or “architectural intern” to describe those working in the field of architecture, but who have not yet achieved licensure. The resistance has many roots, including a perceived lack of respect by peers, allied professionals, and clients; as well as a perceived lack of respect for level of professional achievement they have achieved, short of licensure.

As part of a year-long effort to remove the use of the term “intern,” the Board of Directors voted in December 2015 to rename NCARB’s **Intern Development Program**, more commonly known as the IDP. Effective June 29, 2016, the new name of the program will be the **NCARB Architectural Experience Program (AXP)**.

The Board of Directors is aware that many Member Boards reference the Intern Development Program (IDP) in their statutes and regulations. In response to this concern, Council staff consulted with legal counsel as to an artful way to reference the new title that would not require an immediate change within your guiding documents. The recommended qualifier, “formerly known as the Intern Development Program (IDP),” has been incorporated into this proposal to address that.

Titling of the Intern Development Program (IDP), which omits the use of the word “intern” is a logical operational step that required a Board vote to amend the *IDP Guidelines*. We solicited suggestions for a new title from our Member Boards at our 2015 Annual Business Meeting, Internship Committee, Intern Think Tank, Architect Licensing Advisors, visitors to our booth at the AIA National Convention, our own staff, and through a final call for suggestions to all Member Board Members and Member Board Executives at the end of October.

The Board of Directors considered the following important factors leading to the new name:

1. The program name should be recognizable to the public.
 - a. Currently, the Intern Development Program name is only recognized by individuals directly connected with the profession. An Intern Development Program could describe any “internship” program.
 - b. The program defines *experience requirements*.
 - c. The program is required for *licensure as an architect*.
 - d. The program does not *develop* architects.
2. The Architect Registration Examination® (ARE®) identifies *what* and *who* the examination is for. It is NCARB’s only program that the public can recognize its purpose by title.

NCARB’s new program name, **Architectural Experience Program (AXP)**, identifies proudly that it is a program about architectural experience. It aligns most closely with typical nomenclature used by Member Boards’ requirements—education, experience, and examination.

RESOLUTION 2016-09
Supported by the Council Board of Directors (13-0-1)

TITLE: *NCARB Bylaws* Amendment – Updating Name of Internship Committee

SUBMITTED BY: Board of Directors

WHEREAS, the Board of Directors accepted the recommendation of the Future Title Task Force that the titles “architect” and “emeritus architect” (or some similar derivation of “architect” describing one no longer in active practice) should be the only regulated titles used by those who have satisfied the three “E’s” of licensure: Education, Experience, and Examination in April 2015; and

WHEREAS, the Board of Directors has determined that in support of this recommendation, to update the name of the Internship Committee to the Experience Committee in the *NCARB Bylaws*; and

WHEREAS, the *NCARB Bylaws* may only be changed by an affirmative vote of the two-thirds of Council Member Boards; and

WHEREAS, prior to implementing the changes to the *Bylaws*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards amend Article XII, Section 5, Subsection B (page 9) in *NCARB Bylaws* to update the name of the Internship Committee to the Experience Committee and to reflect the new name of the Intern Development Program as follows:

“B. ~~Internship~~ Experience Committee: The Committee shall assess and recommend updates to the Council Board of Directors with respect to the ~~Intern Development~~ Architectural Experience Program for use by Member Boards.

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the *NCARB Bylaws* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an affirmative vote of two-thirds of the Council Member Boards, such changes will become effective July 1, 2016.

ADVOCATES:

Future Title Task Force

- Blakely Dunn, *NCARB Past President*
- Rick Engebretson, *North Dakota Member Board Member; Region 5 Chair*
- Kingsley Glasgow, *Arkansas Member Board Executive*
- Dale McKinney, *NCARB Past President*
- Anne Smith, *Georgia Member Board Member*
- Scott Veazey, *NCARB Past President*
- Bayliss Ward, *Montana Member Board Member; Region 5 Director*
- Tyler Ashworth, *Former AIAS President*
- Tamarah Begay, *New Mexico recently licensed architect*
- Jennifer Blevins, *Texas architect*
- Westin Conahan, *AIAS Past President*
- Suni Dillard, *Massachusetts licensure candidate*
- Shannon French, *2013 Intern Think Tank Member*
- Haley Gipe, *California licensure candidate*
- Damon Leverett, *American Institute of Architects Staff*
- Jeffrey Pastva, *Pennsylvania architect*

SPONSORS' STATEMENT OF SUPPORT:

In April 2015, the NCARB Board of Directors accepted the recommendation of the Future Title Task Force that the titles “architect” and emeritus architect (or some similar derivation of ‘architect’ describing one no longer in active practice) should be the only regulated titles used by those who have satisfied the three “E’s” of licensure: Education, Experience, and Examination. To that end, it was agreed that the use of the term “intern” or any derivation of it should be removed from NCARB’s nomenclature. The staff through the CEO was directed to develop and implement a sunset plan, which included the use of the word “intern” within NCARB’s own programs and communications.

NCARB immediately responded by renaming the Internship + Education Directorate to the Experience + Education Directorate. Additionally, the Board of Directors voted in December 2015 to rename NCARB’s **Intern Development Program**, more commonly known as the **IDP**. Effective June 29, 2016, the new name of the program will be the **NCARB Architectural Experience Program (AXP)**. These efforts, while the change focused on the term intern and internship, truly reflect which of the “3 E’s” is being represented—Experience.

NCARB’s three program policy committees, established in the *Bylaws*, have historically been named the *Education Committee*, the *Examination Committee*, and the *Internship Committee*. Member Boards’ typically require what is referred to as the “3 E’s—Education, Experience, and Examination” for licensure.

This resolution is presented to rename the **Internship Committee** to the **Experience Committee**, therefore aligning the policy committee which oversees the experience requirements name with the other two program policy committees.

RESOLUTION 2016-10

Opposed by the Council Board of Directors (3-10-1)

TITLE: *Certification Guidelines* Amendment – Approval of Changes to Program Requirements for the Intern Development Program*

SUBMITTED BY: Region 6

WHEREAS, the members of Region 6 have identified that the *Certification Guidelines* require modification to reflect changes in the manner in which changes to the Intern Development Program may be approved and implemented; and

WHEREAS, pursuant to the *NCARB Bylaws*, an affirmative vote of a majority of all Member Boards is required to pass any resolution other than an amendment to the *Bylaws* or removal of a Member Board from membership; and

WHEREAS, this resolution recommending the change in the manner of approval and implementation of changes to the Intern Development Program and corresponding changes to the *Certification Guidelines*, must be submitted to the NCARB Member Boards for approval.

NOW, THEREFORE IT IS HEREBY:

RESOLVED, that programmatic changes to the Intern Development Program* Requirements may only be implemented upon a majority vote of the Member Boards, and administrative changes may be implemented by the Board of Directors.

FURTHER RESOLVED, that the paragraphs following the heading “NCARB CERTIFICATION REQUIREMENTS” set forth on page 10 of the *Certification Guidelines* be amended to read as follows:

“NCARB CERTIFICATION REQUIREMENTS

The following requirements for NCARB certification may only be changed by an absolute majority vote of the NCARB Member Boards. Such change becomes effective July 1 following the close of the Annual Business Meeting, or such later date identified in the change and applies both to applications for certification in process and new applications. If applicants whose applications were in process met all certification requirements that existed prior to the change, they will be eligible for certification. Applicants that fail to complete the NCARB certification process within five years will not be considered “in process” and will be required to satisfy current certification requirements.

Changes to the *NCARB Education Standard* and the IDP

A change in the *NCARB Education Standard* ~~or the IDP~~ shall be approved by NCARB’s Board of Directors and will become effective on the date of the change as described in a notice given to all Member Boards, at which time such change shall also be posted on NCARB’s website. The effective date shall be a minimum of 60 days after the date of such

notice. Any change in the *NCARB Education Standard* and the IDP applies both to Records in process and new Records. An existing Record holder who has satisfied the *NCARB Education Standard* and/or the IDP prior to the effective date of the change shall be treated as having satisfied either or both.

Changes to the NCARB Intern Development Program (IDP)

Programmatic changes to the IDP requirements as recommended by the NCARB Board of Directors may only be changed by an absolute majority vote of the NCARB Member Boards. Such change becomes effective July 1 following the close of the Annual Business Meeting, or such later date identified in the change and applies both to applications for certification in process and new applications. Changes to address administrative application of the IDP requirements may be implemented upon the majority vote of the NCARB Board of Directors.”

FURTHER RESOLVED, that upon the approval of the changes to the *Certification Guidelines* by a majority of all Council Member Boards, such changes will become effective July 1, 2016.

ADVOCATES:

- Jim Oschwald, *New Mexico Member Board Member, Region 6 Chair*
- Doug Sams, *Oregon Member Board Member*

SPONSORS' STATEMENT OF SUPPORT:

NCARB members are the legally constituted architectural registration boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

The core mission of each architectural registration board is to protect the health, safety, and welfare of its citizens through the regulation of the practice of architecture. Each jurisdiction is charged with ensuring that current and future architects meet the requirements set forth in statutes and rules, as established by its legislature. In general, each jurisdiction has established educational, experience, and testing requirements to confirm that applicants for licensure are competent to achieve the core mission values. As board members, entrusted by our jurisdiction to safeguard our citizens, we assert that our voices must be heard through the voting process not only when advocating for improvements in licensure, but also when programmatic changes are being proposed to program requirements that affect achieving our core mission. It is generally acknowledged that the NCARB Intern Development Program* is the recognized program to document the experience component of licensure that each of the Member Boards require, and that NCARB is the organization best positioned to administer the program efficiently and effectively for the Member Boards. Member Boards, however, must be active and responsible for the content of this program to be entrusted and accountable to their constituents. Therefore, the Member Board Members of WCARB are proposing Resolution 2016-10 “Approval of Changes to Program Requirements for the Intern Development Program” for consideration by the full body of Member Boards at the 2016 Annual Business meeting. Resolution 2016-10 requires a

majority vote of Member Boards for implementation of any programmatic changes to the current IDP (AXP) program as we collectively move forward.

In 2009, NCARB Resolution 2009-04 *Handbook for Interns and Architects* Amendment – Transfer the Intern Development Program Requirements to the *IDP Guidelines* was presented by the NCARB Board of Directors to the Member Boards and was approved unanimously at the Annual Meeting. The statement of support noted that like the ARE, the IDP content should align with the findings of the practice analysis, and therefore like the ARE the IDP should be promptly updated and revised as practice changes over time implying time is of the essence for both programs. As we have experienced, the scale of time for the analysis, development, and final approval of changes to either the ARE or the IDP is years not days, which allows Member Boards to have an active and informed voice into those discussions and, when relevant, the responsibility of voting to implement the changes desired. Therefore, we believe it is time and appropriate to return the authority for programmatic revisions to the IDP to the Member Boards.

What this Resolution does:

- Returns the responsibility and accountability for authorizing programmatic changes to the IDP (AXP) to the Member Boards by voting through the resolution process.
- Provides a voice for each Member Board to ensure a holistic approach to program changes/improvements.
- Encourages open communication, transparency, and engagement with and between Member Boards, Regions, and the NCARB Board of Directors and staff.

What this Resolution does not do:

- Hinder the NCARB Board of Directors or NCARB staff from providing leadership and advocacy for program improvements.
- Hinder the NCARB Board of Directors or NCARB staff from making administrative changes for the effective and efficient implementation of IDP/AXP.
- Slow the boat. This resolution is not a statement on the speed of change. It is a statement on the accountability of Member Boards to vet the content of change and to build a consensus for implementation.

Region 6 recommends that programmatic changes proposed by the NCARB Board of Directors, NCARB staff, NCARB committees, or Member Boards to the IDP objectives and requirements be adopted and implemented by a majority vote of the Member Boards. We believe the ultimate responsibility and accountability for authorizing programmatic changes to the IDP (AXP) lies with the Member Boards. Generally, time is not of the essence and revisions to IDP can await the needed discussion, debate, and revisions that the Member Boards bring to the Regional and Annual Business Meetings.

Region 6 proposes that either the NCARB Board of Directors or perhaps the Procedures and Documents Committee, by virtue of its charge, and the fact that it is made up of members of the jurisdictions, appointed by the NCARB President/Chair of the Board, has the proper

authority to determine if changes are administrative, and should be handled administratively, or programmatic and should be voted on by the body of the membership.

*The Architectural Experience Program, formerly known as the Intern Development Program or IDP.

STATEMENT OF OPPOSITION:

The NCARB Board of Directors voted against a statement of support, the vote being 3 in favor, 10 opposed, and 1 abstention.

While the Board of Directors has been authorized by a previous vote of the membership to make decisions and take action in the best interest of the Council, it does not do so without first undertaking a rigidly structured vetting process to inform and obtain feedback from the membership. In addition, the board has adhered to a defacto vote process requesting pro/con position statements from the member boards.

Further, the Board believes that this proposed resolution will unnecessarily hold the Council back from acting in a timely and responsive manner regarding opportunities and challenges related to evolving the experience program.

The key points made by opponents to the resolution are:

- The Board of Directors has solicited feedback and carefully reviewed written comments as well as the tally of pro and con positions as part of its deliberations before amending the *IDP Guidelines*.
- No change has occurred without a majority/consensus of Member Boards favoring the change.
- The Board has used a 90-day period for comments based on a matrix showing frequency of Member Board meetings, concluding a critical mass of Member Boards meet in a 90-day period and that most Boards have the authority to convene additional meetings if necessary. The 90-day period extended written policy from 60 days.
- The Board has augmented the comment period with an additional 30 days for virtual meeting feedback via teleconference.
- Most recently, per feedback from the MBE Workshop in March 2016, the comment period will be expanded to a full 120 days for written comments and pro/con position statements.
- The authority to amend the *IDP Guidelines* was moved from the membership to the Board to allow for more efficiency in adopting changes while incorporating a feedback process to assure Member Board input.
- Member Boards have been given summaries of all feedback information to promote transparency.
- Member Boards are always provided the rationale for proposed changes.

- Proposed changes are also vetted by the Internship Committee and Internship Advisory Committee.
- Moving the authority to amend the *Guidelines* back to the membership for “substantive programmatic change” dilutes the representative governance model utilized by the Council, and the board strongly disagrees with the resolution statement of support that the resolution will **NOT** serve to unnecessarily limit the future agility of the Council.
- The Council enjoys enhanced credibility and increased programmatic engagement due to its more agile culture.

The majority of the Board believes its current process provides a strong voice for its members while effectively employing the appropriate level of governance by the Board of Directors.

MUTUAL RECOGNITION ARRANGEMENT
between the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
and the
ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA
and the
NEW ZEALAND REGISTERED ARCHITECTS BOARD
as executed

10 February 2016

The National Council of Architectural Registration Boards (NCARB)
representing the architectural licensing boards of the 50 United States,
the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Architects Accreditation Council of Australia (AACA)
representing the architectural licensing boards of the eight states and territories of Australia.

AND

The New Zealand Registered Architects Board (NZRAB)
representing the registered architects of New Zealand.

*This **Mutual Recognition Arrangement** has been designed to recognize the professional credentials of architects licensed/registered in the U.S., Australia, and New Zealand and to support their mobility by creating the opportunity to practice beyond their borders. More specifically, the purpose of this Arrangement is to facilitate the registration of an architect licensed in a participating U.S. jurisdiction as an Australian architect or New Zealand architect; and the licensing of an Australian architect or New Zealand architect as an architect in a U.S. jurisdiction that has agreed to participate in the Arrangement.*

WHEREAS, NCARB establishes model regulations for the profession of architecture and promulgates recommended national standards for education, experience, and examination for initial licensure and continuing education standards for license renewal to the 54 Member Boards; as well as establishing the education, experience, and examination requirements for the *NCARB Certificate* in support of reciprocal licensure within the United States;

WHEREAS, AACA advocates, coordinates, and facilitates the development of national standards of competency for the profession of architecture through education, practical experience, and examination requirements for initial licensure and license renewal for all eight Australian State and Territory Registration Boards;

WHEREAS, NZRAB, as established by an act of the New Zealand Parliament, or its statutory successor, holds the statutory authority to determine the minimum education qualifications, work experience requirements, and assessment procedures for initial registration and license renewal as a registered architect in New Zealand, as well as the responsibility to register, monitor, and discipline all architects registered in New Zealand;

WHEREAS, NCARB and the AACA previously ratified Mutual Recognition Agreements in 1973, 1983, and 2006 that were never fully realized; NCARB, the AACA, and the Architects Education and Registration Board of New Zealand (AERB/NZ) ratified separate Practice in a Host Nation Agreements in 2002 that were never fully implemented; and the AERB/NZ no longer exists and has been statutorily replaced by the NZRAB; and NCARB, AACA, and the NZRAB declare all former Agreements no longer exist or are terminated;

WHEREAS, the NCARB Member Boards, the Australian State and Territory Boards, and the NZRAB are empowered by statutes to regulate the profession of architecture in their respective jurisdictions, including establishing education, experience, and examination/assessment requirements for licensure/registration and license/registration renewal;

WHEREAS, the standards, protocols, and procedures required for entry to the practice of architecture within the United States, Australia, and New Zealand have benefitted from many years of effort by NCARB, AACA, and NZRAB;

WHEREAS, NCARB and the AACA are the lead organizations recognized by their individual state and territory registration authorities and the NZRAB has the necessary statutory authority for the negotiation of mutual recognition arrangements for architects with similar foreign authorities;

WHEREAS, accepting there are differences between the systems in place in United States, Australia, and New Zealand, nonetheless there is significant and substantial equivalence between the regulatory systems for licensure/registration and recognition of the privilege and obligations of architects registered to practice in the United States, Australia, and New Zealand;

WHEREAS, NCARB, AACA, and NZRAB are recognized by the profession as mature and sophisticated facilitators of licensure to which the utmost full faith and credit should be accorded and desire to support reciprocal licensure/registration in the host country of architects who have been licensed/registered in their home country;

WHEREAS, any architect actively engaging or seeking to engage in the practice of architecture in any United States jurisdiction, Australian jurisdiction, or New Zealand must obtain the authorization to practice from the jurisdiction, must comply with all practice requirements of the jurisdiction, and is subject to all governing legislation and regulations of the jurisdiction;

NOW THEREFORE, NCARB, AACA, and NZRAB agree as follows:

1. PARTIES TO THE ARRANGEMENT

Any NCARB Member Board and any Australian State or Territory Board may become a party to the provisions of this Arrangement by submitting a signed *Letter of Undertaking* to the responsible negotiating representative. The *Letter of Undertaking* is incorporated herewith and includes the binding requirements for the implementation of this Arrangement by each individual signatory jurisdiction. The *Letters of Undertaking* shall be distributed, collected, and maintained by NCARB, AACA, and NZRAB respectively. NCARB and AACA each shall promptly notify the others in writing of all individual signatories. Each NCARB Member Board and each Australian State or Territory Board that executes a *Letter of Undertaking*, and which has not withdrawn from this Arrangement, as well as NCARB, AACA, and NZRAB once they sign this Arrangement below, shall be known as a “Party to this Arrangement.”

2. ELIGIBILITY REQUIREMENTS

1. Architects who are able to benefit from the provisions of this Arrangement must be citizens respectively of the United States, Australia, or New Zealand or have lawful permanent residency status in that country as their home country in order to seek licensure/registration in one or the other countries serving as the host country under this Arrangement.
2. Architects shall not be required to establish citizenship or permanent residency status in the host country in which they seek licensure/registration under this Arrangement.
3. Architects must be licensed/registered in a jurisdiction of their home country and must have completed at least 6,000 hours of post-licensure/registration experience practicing as a registered architect in their home country as demonstrated through the provision of proof of current and valid licensure in good standing from the jurisdictional licensing authority and a declaration signed by the applicant attesting to the experience.
4. Notwithstanding items 1, 2, and 3 above, Architects who have become licensed/registered in their home country by means of a foreign reciprocal licensing agreement/arrangement are not eligible under this Arrangement.

3. CONDITIONS

A U.S. Architect to AACA Jurisdiction

Upon application, those Australian State and Territory Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdiction any U.S. architect who:

1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current *NCARB Certificate*, and
3. has been issued an *AACA Statement*, and
4. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a Party to this Arrangement.

B U.S. Architect to NZRAB

Upon application, the NZRAB agrees to register as an architect in New Zealand any U.S. architect who:

1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current *NCARB Certificate*, and
3. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a Party to this Arrangement.

C Australian Architect to NCARB Jurisdiction

Upon application, NCARB shall issue an *NCARB Certificate* to any Australian Registered Architect licensed/registered in one or more AACA jurisdiction(s) meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdiction any Australian Registered Architect who:

1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current *AACA Statement*, and
3. has been issued an *NCARB Certificate*, and
4. is currently licensed/registered in good standing by one or more Australian State and Territory Board(s) that is a Party to this Arrangement.

D New Zealand Architect to NCARB Jurisdiction

Upon application, NCARB shall issue an *NCARB Certificate* to any New Zealand Registered Architect licensed/registered by the NZRAB meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdictions any New Zealand Registered Architect who:

1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current *NCARB Certificate*, and
3. is currently licensed/registered in good standing by the NZRAB.

4. MONITORING COMMITTEE

A Monitoring Committee is hereby established to monitor the performance of all signatories who have agreed to be bound by the terms and conditions of this Arrangement to assure the effective and efficient implementation of this Arrangement.

The Monitoring Committee shall be comprised of no more than five individuals appointed by NCARB, no more than five individuals appointed by AACA, and no more than five individuals appointed by NZRAB. The Monitoring Committee shall convene at least one meeting (by phone, video conference, or in person) in each calendar year, and more frequently if circumstances so require.

5. LIMITATIONS

Nothing in this Arrangement limits the ability of an NCARB Member Board, Australian State or Territory Board, or the NZRAB to refuse to license/register an architect or impose terms, conditions or restrictions on his/her license/registration as a result of complaints or disciplinary or criminal proceedings relating to the competency, conduct, or character of that architect where such action is considered necessary to protect the public interest.

Nothing in this Arrangement limits the ability of NCARB, AACA, NZRAB or any individual state or territory registration board to seek appropriate verification of any matter pertaining to the foregoing or the eligibility of an applicant under this Arrangement.

6. AMENDMENT

This Arrangement may only be amended with the written consent of NCARB, AACA, and NZRAB. Any such amendment will be submitted to each NCARB jurisdiction and AACA jurisdiction, who may re-affirm their respective assent to this Arrangement as so amended or may withdraw as a Party to this Arrangement.

7. NO ASSIGNMENT

No Party can assign their rights under this Arrangement without the prior written consent of NCARB, AACA, and NZRAB.

The Parties agree that a reference to an individual State or Territory Board includes a reference to any entity, board or regulator that assumes the role and responsibility to regulate an architect registered by that individual State or Territory Board under the relevant legislation, and that a restructure of an individual Board will not be deemed an assignment under this Arrangement.

8. WITHDRAWAL

Any NCARB Member Board, Australian State or Territory Board, or the NZRAB may withdraw from this Arrangement with 90-days written notice given respectively to the responsible negotiating representative. NCARB, AACA, and NZRAB shall each promptly notify the other in writing of all withdrawals.

In the event of withdrawal, all licenses/registrations and any *NCARB Certificate* granted to architects pursuant to this Arrangement shall remain valid as long as all registration and renewal obligations are maintained and all other generally applicable licensure requirements are met or unless registration is revoked for cause.

9. TERMINATION

NCARB, AACA, or NZRAB may invoke termination of this Arrangement with 90-days written notice to the other parties. This Arrangement shall also terminate if more than one-half of the respective NCARB Member Boards or any Australian State and Territory Board or the NZRAB cease to be Parties to this Arrangement.

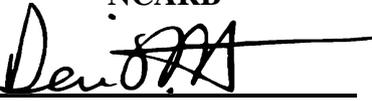
In the event of termination, all licenses/registrations granted pursuant to this Arrangement prior to the effective termination date shall remain valid as long as all registration and renewal obligations are maintained and all other generally applicable licensure requirements are met or unless registration is revoked for cause.

10. ENTRY INTO FORCE

This Arrangement shall come into force at such time as more than one-half of all NCARB Member Boards and all Australian State and Territory Boards have become Party to this Arrangement and the NZRAB has become party to this Arrangement so long as such condition is met on or before December 31, 2016, or as mutually extended by the NCARB, AACA, or NZRAB Board of Directors.

SIGNATURES

NCARB


 President Dennis Ward

AACA


 President Richard Thorp

NZRAB

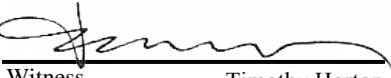

 Chair Warwick Bell


 CEO Mike Armstrong


 CEO Kate Doyle

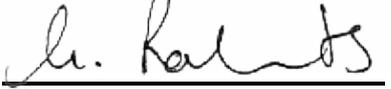

 CEO Paul Jackman

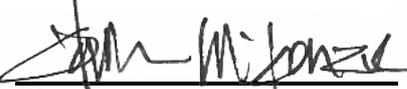

 Witness Kristine Harding

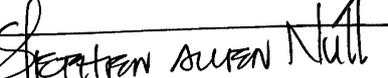

 Witness Timothy Horton


 Witness Pip Cheshire


 Witness Dale McKinney


 Witness Nadine Roberts


 Witness Callum McKenzie


 Witness Stephen Nutt
 30 January 2016


 Witness Mae Cruz
 8 February 2016


 Witness Christina van Bohemen
 10 February 2016

Letter of Undertaking
with respect to the

MUTUAL RECOGNITION ARRANGEMENT
between the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
and the
ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA
and the
NEW ZEALAND REGISTERED ARCHITECTS BOARD

The National Council of Architectural Registration Boards (NCARB)
representing the architectural licensing boards of the 50 United States,
the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Architects Accreditation Council of Australia (AACA)
representing the architectural licensing boards of the eight states and territories of Australia.

AND

The New Zealand Registered Architects Board (NZRAB)
representing the registered architects of New Zealand.

WHEREAS, NCARB, AACA, and NZRAB have agreed to and signed a Mutual Recognition Arrangement (Arrangement) dated 10 February 2016, ratified by the architectural licensing authorities represented by NCARB, the architectural licensing authorities represented by AACA, and the NZRAB.

NOW THEREFORE, this *Letter of Undertaking* shall be signed, without modification, by each individual licensing/registration authority wishing to participate in the Arrangement.

The undersigned licensing/registration authority, having the authority to register or license persons as Architects within its jurisdiction, wishes to become a signatory to the Arrangement by virtue of this *Letter of Undertaking*. In doing so, the licensing/registration authority agrees to and acknowledges the following:

1. The terms used in this *Letter of Undertaking* shall have the same meaning as defined in the Arrangement between NCARB, AACA, and NZRAB dated 10 February 2016.
2. The undersigned individual has the authority to sign on behalf of the licensing/registration authority.

Letter of Undertaking

MRA between NCARB, AACA, and NZRAB

3. As a signatory to the Arrangement, the undersigned licensing/registration authority will adhere to the fundamental principles of the Arrangement and agrees to accept the *Letter of Good Standing* provided by the home licensing/registration authority and the applicant's personal *Declaration of Professional Experience* as satisfying the eligibility requirements for licensing/registration as set forth in the Arrangement.

4. The undersigned licensing/registration authority will not impose any additional education, experience, or examination requirements, or require the applicant to provide education transcripts, experience verifications, examination scores, or government identification numbers (including, but not limited to, Social Security Numbers or social insurance numbers). However, the host licensing/registration authority may impose familiarity with local laws and other local requirements that also apply to all domestic applicants seeking reciprocal licensure.

5. In keeping with the above, the undersigned licensing/registration authority agrees that it will accept for licensure/registration to practice architecture in its jurisdiction a licensed/registered architect who holds a valid and current NCARB Certificate that has been issued in accordance with the Arrangement and satisfies all conditions outlined within the Arrangement.

IN WITNESS WHEREOF, the licensing/registration authority named below has caused the duly authorized person, on its behalf, to execute and deliver this *Letter of Undertaking*.

Entered into on _____, 201__.

By: _____
Name of Licensing/Registration Authority

Name of duly authorized individual and title

Signature

Copy of Mutual Recognition Arrangement attached

Declaration of Professional Experience
with respect to the

MUTUAL RECOGNITION ARRANGEMENT
between the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
and the
ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA
and the
NEW ZEALAND REGISTERED ARCHITECTS BOARD

I, [***NAME OF ARCHITECT***], declare and affirm that:

I am a citizen or hold permanent residency status in [***UNITED STATES or AUSTRALIA or NEW ZEALAND***];

I am a licensed/registered architect, and currently a licensee/registrant in good standing with the [***NAME OF LICENSING AUTHORITY***];

I was licensed on [***MONTH / DAY / YEAR***] with the [***NAME OF LICENSING AUTHORITY***] who will separately be confirming that I am in good standing with that Authority, and I did not obtain licensure in that jurisdiction by means of a foreign reciprocal licensing agreement/arrangement or a Broadly Experienced Foreign Architect program;

- I have completed a minimum of 6,000 hours of post-licensure experience as an architect engaged in the lawful practice of architecture in my home country;
- I meet all of the eligibility requirements of the Mutual Recognition Arrangement for reciprocal licensing between NCARB, AACA, and NZRAB; and
- I understand that upon licensure/registration, I must comply with all practice requirements of the host jurisdiction and will be subject to all governing legislation and regulations of the host jurisdiction.

NO I have/had a disciplinary action registered against me by a licensing authority (circle one)

YES *If yes, submit the summary findings and official action of the licensing authority, as well as any further explanation necessary with this form.*

The host licensing authority has the right to request further details with respect to all disciplinary actions.

I affirm that the above statements are accurate and true to the best of my knowledge and belief.

Name of Architect (print)

Signature

Date

RECOMMENDED POSITIONS ON NCARB RESOLUTIONS

Resolution 2016-01**Support**
Mutual Recognition Arrangement with Australia and New Zealand

Resolution 2016-02**Support**
Certification Guidelines Amendment – Revision of the Alternatives to the Education Requirements for Certification

Resolution 2016-03**Support**
Certification Guidelines Amendment – Exam Equivalency for ARE 5.0

Resolution 2016-04**Support**
Certification Guidelines Amendment – Five-Year Rolling Clock and Rolling Clock Extension Policy Updates

Resolution 2016-05**Support**
NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option

Resolution 2016-06**Support**
NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Addition of Architect Emeritus Status

Resolution 2016-07**Support**
NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Reference to Military-Trained Applicants

Resolution 2016-08**Support**
NCARB Legislative Guidelines and Model Law/Model Regulations and Certification Guidelines Amendment – Updating the Name of the Intern Development Program

Resolution 2016-09**Support**
NCARB Bylaws Amendment – Updating Name of Internship Committee

Resolution 2016-10**Support**
Certification Guidelines Amendment – Approval of Changes to Program Requirements for the Intern Development Program

Fiscal Year 17 NCARB Board of Directors

Candidates for Office

March, 2016

Second Vice President Candidate

David L. Hoffman

February 4, 2016

To: NCARB Member Board Members and Executives

Re: Candidacy for Second Vice President
National Council of Architectural Registration Boards

All,

Thirty five years ago NCARB's significance to me was as a vehicle to facilitate licensure through reciprocity in states where our clients were expanding their businesses. I became a Certificate Holder with no other expectations than that one goal. Since those early practice years, the Council has flowered into a foundation organization that underpins all that is critical to our profession's existence. Today, the Council touches us beginning with high school graduation, continuing through college, licensure and on to regulating our practice as licensed professionals, a lifetime impact. Today, the Council is the controlling agency, or plays a significant role in: 1) Intern record establishment and maintenance, 2) development and improvement of the Architecture Experience Program (AXP), 3) development, administering and dissemination of the cyclical Practice Analysis, 4) development, administration and regulation of the ARE, 5) participation in the preparation of NAAB accreditation criteria and participating in accreditations, 6) maintenance and optimization of all Council Records and Certifications, 6) verification and reciprocity facilitation for Certificate Holders, 7) evaluation of non-traditional path Certificate candidates, 8) Member Board assistance and facilitation (transmittal of records, disciplinary monitoring, model law development, legislative assistance, candidate evaluation), 9) regulation representation among our collateral organizations, 10) national representation on international regulatory matters, 11) collection and dissemination of the profession's statistics and, 12) evolution of professional continuing education. This is an important list: For the continuation of our profession, these are not optional activities. All other roles that we play as designers, business people and community members are predicated on the success of NCARB fulfilling these responsibilities; NCARB makes it possible. NCARB, its Member Boards, Staff and Volunteers all have worked hard, in concert, to keep this public protection machine working effectively.

An informal goal of the Board of Directors is to try to maintain continuity and management focus from year to year as Directors and Officers turn over. This encourages the Board to remain focused on issues that by their nature usually span several years and allow Member Boards the time to understand, provide input and decide in an unhurried manner on the Council's direction. I endorse this approach and will continue to work collaboratively with the Board and Staff addressing the Council's challenges.

In the foreseeable future I anticipate the Council will be presented with several significant challenges, some on-going, some new:

Regulation and licensing questioned: With the Supreme Court's North Carolina Board of Dental Examiner's decision, there likely will be efforts in some jurisdictions to revisit professional licensing legislation to reduce perceived regulation. I endorse our current preparatory efforts toward this challenge.

Expansion of the value of the Certificate: Working from the feedback from President Ward's charge to each of the committees, there are many quality, actionable ideas that need to be implemented.

Strategic Plan evaluation and re-assessment: This working document has served well and is still relevant, however, much has changed since 2010 and its provisions should be re-visited and any gaps addressed.

Continuing evolution of the path to licensure: While substantial changes have been made in the eligibility to take the exam, the AXP duration and the structure of the ARE (5.0), the next step is refinement and correction based on the feedback from these changes.

Member Board interactive services and data base integration: A major part of the Strategic Plan, this is an on-going refinement and facilitation process that will be undergoing continual change.

AXP continuing development: Traditionally, the focus has been on interns; there now needs to be efforts made to improve the program through Mentor training and, possibly credentialing.

Preparation for the next Practice Analysis: Drawing from the (positive) experience of the last Practice Analysis, planning needs to start for the next cycle, if only to the extent of evaluating the timing and formulation.

Evaluation and re-assessment of the NAAB accreditation process: Concurrent with the potential restructuring of ACSA/NAAB and in the context of the current economic and regulatory climate, the existing accreditation process, team structure and visit schedule(s) should be re-evaluated.

Expansion and development of international cooperation and regulation: Tri-lateral discussions with Australia and New Zealand have culminated in a Mutual Recognition Arrangement to be placed before the membership in June. Going forward similar opportunities and arrangements should be pursued; the Certificate is a perfect credential for United States Architects in this context.

Continuing support of ARE 4.0 and transition to ARE 5.0: Feedback from ARE 5.0 testing will begin the normal iterative process of test refinement that must always take place with the initial roll out of new exams.

From above, it should be evident that I feel NCARB is probably the most germane of the Architecture related professional organizations. The Council's responsibilities and challenges are significant and form the foundation for the perpetuation of the Profession. I feel that it is critical we maintain momentum on all fronts . The Council is blessed with bright, motivated, intelligent staff, a great CEO and a super important mandate. With these concerns and motivations in mind, I announce my Candidacy for NCARB Second Vice President. I welcome any questions or comments you may have and look forward to discussing these issues in more detail with you at the Regional Summit in March and the National Conference in June.

Thank you for your time, interest and hopefully, your support.



DAVE HOFFMAN, NCARB, FAIA, CDP, CRX
NCARB Treasurer
316 304 4402 dhoffman@lk-architecture .com

DAVID L. HOFFMAN, NCARB, FAIA, CDP, CRX

Candidate for Second Vice President,
National Council of Architectural Registration Boards



PRACTICE: LK Architecture, Inc.
Senior Vice President and Principal (1978 – Present)
123 person Architecture, Engineering, Landscape
Architecture and Interiors firm founded in 1967 practicing
nationally, based in Wichita, KS

EDUCATION: Iowa State University: Bachelor of Arts in Architecture
Wichita State University: Graduate Studies in Business
Administration

CERTIFICATES/REGISTRATIONS:

National Council of Architectural Registration Boards: Certificate
Holder since 1980

State Registrations: Alaska, Arizona, California, Colorado,
Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas,
Maryland, Massachusetts, Michigan, Minnesota, Montana,
Nebraska, Nevada, New Mexico, Ohio, Oregon, Pennsylvania,
Rhode Island, Texas, Utah, Virginia, Washington, Wyoming
and Washington D.C.

NCARB SERVICE:

Treasurer: 2015 - 2016
Region 5 Director: 2012 – 2014
Board Liaison:
Practice Analysis Task Force: 2012
Intern Development Program: 2013
BEA/BEFA Committee: 2014
Public Director Task Force: 2015
Board Audit Committee: 2014-2016
ARE Item Writing: Site Planning & Design
Chair: 2012
Committee Member 2007 - 2012
NAAB ARC Regulatory Conference
Task Force: 2007
Region 5 Chair: 2011
Regional Leadership Committee: 2011
Region 5 Vice-Chair: 2008-2011
Member Board Member:
Kansas: 2006 – Present
NCARB representative on NAAB Accreditation
Teams:
Texas Tech: 2010
Norwich University: 2011
Southern California Institute of
Architecture (SCI-Arc): 2012
Rhode Island School of Design: 2013
Istanbul Technical University: 2014
Princeton University: 2015
Architect Licensing Advisor: 2013 – Present
IDP Mentor: On-going

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS:

Appointed Architect Member: 2006 – Present
Board Chair: 2010 - 2011
Chair: Architects, Landscape Architects,
Geologists Committee: 2007
Chair & Member of Complaint Committee
Chair & Member: Statute Revision Committee:
2010 – Present
Chair: Legislative Committee: 2009
Chair: Code Officials Guide: 2014 - 2016

AMERICAN INSTITUTE OF ARCHITECTS:

Richard Upjohn Fellow, 1993
Elevated to Institute Fellowship: 1993
Central States Regional Director: 1990 - 1993
(Iowa, Nebraska, Missouri, Kansas, Oklahoma)
Computer Aided Practice Task Force: 1994
Practice Management Professional Interest Area
Committee: 1995 - 1996
Chair: 1998
Vice-Chair: 1997
Lifelong Learning Committee: 1992 – 1994
AIA/Continuing Education System Steering
Committee
Architect's Handbook of Professional Practice,
Editorial Review Committees:
12th Edition: 1992 – 1994
13th Edition: 1997 – 2000
14th Edition: 2005 – 2007
Article Reviewer: 2000 – 2010

National Convention Program Selection
Committee: 1994 – 1995
Architectural Graphic Standards, Electronic
Edition Review Group and Beta Test:
1995 and 1997
Board Liaison: Society of Architectural
Administrators (SAA): 1992
AIA Liaison to American Consulting Engineers
Council:
Peer Review Committee: 1994 - 2010
Peer Review Trainer: 1999 – 2011
Gold Medal/Architecture Firm Award Advisory
Jury: 1999
College of Fellows Regional Representative –
Central States: 2006 – 2012
AIA representative on NAAB Accreditation
Teams:
Iowa State University: 1996
Kansas State University (Observer):
1997

**AMERICAN INSTITUTE OF ARCHITECTS,
KANSAS:**

President: 1988
Vice-President: 1987
Secretary: 1986
Treasurer: 1985
Director: 1983-84
Blox Leadership Program Mentor: 2012 -
Present
Kansas Disaster Assessment Response Team –
2000 - Present
A.R.E. Preparation Lecturer: Contract
Documents: 1990 - 1998
Chair: Professional Development/Continuing
Education Committee: 1996 – 2000
Chair: Fellowship Committee: 2001 - 2011
AIA Wichita Section: President, Vice-President,
Secretary, Treasurer

UNIVERSITY ADVISORY ACTIVITIES:

Department of Architecture, School of Design,
University of Kansas: Advisory Board:
Board Member: 2011 – Present
Guest Lecturer: 2013 – Present
School of Architecture and Urban Planning,
University of Kansas: Advisory Board
Board Member: 1992 – 2010
Chair: 1995 – 1996
Department of Architecture, Kansas State
University: Advisory Board
Board Member: 1988 – 1992

Department of Architecture, Iowa State
University: Advisory Board
Board Member: 1997 – 2000
Secretary: 1998

**OTHER PROFESSIONAL AND CIVIC
SERVICE:**

Nebraska Firm of the Year Award Jury: 1995
American Council of Engineering Companies:
Peer Review Program:
Peer Reviewer for six firms: 1995 - 2011
Liaison between AIA and ACEC
International Council of Shopping Centers:
Member: 1995 – Present
Certified Design, Development and
Construction Professional (CDP):
2009-Present
Certified Retail Property
Executive (CRX): 2009 - Present
Wichita/Sedgwick County Arts and Humanities
Council
Public Arts Advisory Board, City of Wichita
Central Branch YMCA:
Advisory Board: 1994 – 2000
Wichita Area Chamber of Commerce: 1987 -
Present

AWARDS:

AIA, Kansas Henry W. Schirmer Distinguished
Service Award - 1995

Treasurer Candidate

Terry L. Allers



ALLERS ASSOCIATES ARCHITECTS, PC

822 Central Avenue | Suite 320 | Fort Dodge, IA 50501
Telephone 515.573.2377 | www.allersarchitects.com



Terry L. Allers
NCARB, AIA

Candidacy for
Treasurer of the National Council of Architectural Registration Boards

1913 North Seventh Street
Fort Dodge, Iowa 50501
515-573-2300
allerst@allersarchitects.com
515-570-2825 (mobile)

Re: Officers
Member Board Members
Member Board Executives

Dear Friends:

Ten years ago I began my service to the Council when I was appointed to the BEA Committee. Since then I have been on several other committees and had the privilege to be a part of several NAAB visiting teams. For the past year it has been my honor to serve as Secretary on the NCARB Board of Directors and because of this position I have been on the Executive Committee. For the past two years I have been on the Audit Committee which has given me the opportunity to become more familiar with the financial aspects of the Council and has provided excellent preparation to become Treasurer of the NCARB Board.

You may remember that one of the initiatives that I wanted NCARB to consider while campaigning for Secretary is a program to train IDP Supervisors. With your support, the support of the Board of Directors and NCARB staff, that initiative is being seriously considered and we are working on a way to implement a training program that may include HSW continuing education hours.

I am also excited about how the Council is moving forward with many proposed new initiatives resulting from your valuable efforts. A few highlights include:

- Moving forward with the development of ARE 5.0 with planned testing in March.
- There are fourteen schools of architecture who are currently working on programs that will allow pre-graduation ARE access to participants in an integrated path to licensure programs.
- The Board of Directors has been considering a new BEA program and has given you, our members, the opportunity for further input during this past year after much discussion by NCARB jurisdictions at the MBE workshop and Committee Summit. The Board is planning to present more information at the Regional Meeting and present the final version in the form of a resolution to our members at the Annual Meeting in June to be voted on.
- The Architectural Experience Program (formerly known as the Intern Development Program) is a name change due to the task force's recommendation and the board's decision to no longer utilize the word intern in NCARB programs. We are currently working on the changes necessary in our Model Law which will be presented in a resolution at the Annual Meeting.

As you can see there are multiple programs that, due to the level of commitment and engagement of our volunteers, are now being considered by your NCARB board. I am blessed to have been the Board Secretary during this exciting time for our organization and I view my new role as Treasurer, with the help of staff, as critical in measuring the Council's financial health and reporting the financial impact of each of our programs to the Board. With your assistance there is more important work for us to do together. I would be extremely honored to represent each of you by continuing my service to NCARB as your Treasurer.

Therefore after careful thought and consideration, and after discussing my intentions with many of you, my friends and colleagues in NCARB, it is with great anticipation and excitement that I announce my candidacy for Treasurer of the NCARB Board of Directors. I am ready to hear from each of you and engage in a conversation of how together we can continue to make this a great organization of member board members. I look forward to our discussions in the coming weeks.

It is only with your support and guidance that I will have the honor to represent you on the NCARB Board of Directors.

With kindest personal regards,

Terry L. Allers, NCARB, AIA
NCARB Board Secretary



Terry L. Allers
NCARB, AIA

Candidate for
Treasurer
National Council of
Architectural
Registration Boards

1913 North Seventh Street
Fort Dodge, Iowa 50501
515-573-2300
allerst@allersarchitects.com

NCARB Service

NCARB Secretary of NCARB Board 2015
NCARB P & D Committee 2015
NCARB BEA Sub-Committee 2015
NCARB Region 4 Director 2013,2014
NCARB Committee on Examination 2014
NCARB Audit Committee 2014, 2015
NCARB/NAAB 2015 Procedures Task Force
NCARB Awards Jury 2013
NCARB Region 4 Vice Chair 2012
NCARB Region 4 Treasurer 2011
BEA Committee 2007, 2008, 2009, 2010, 2011
NCARB Education Committee 2012
NAAB Accreditation Team Pool, having served
on Accreditation Visits in 2010, 2011, 2012 and
selected to Chair a Team in 2013
IDP Mentor

Iowa Architectural Examining Board

Board Member serving three 3-year terms
Chairperson 2007, 2012, 2013; Vice Chair 2010,
2011
Code Definition Task Force 2009

AIA Iowa Chapter

Board of Directors 1993, 1994, 1995
Professional Development Committee Chair
Architecture in the Schools Task Force
AIA Citizen Architect 2012 - 2015

Iowa Architectural Foundation

Board of Directors 1998 to 2004
President 2004
Community Design Committee 2002 to present
CDC Event Co-chair for four communities
Endowment Committee 2005

Community

Fort Dodge Municipal Housing Agency

Board of Directors for 26 years
Chairman 1990, 1994/1995, 1998, 2002,
2005/2006, & 2011/2012

Education Bachelor of Architecture, 1970
Iowa State University

Practice Allers Associates Architects, PC
President (1979 to present)
37 year-old, 6-person firm practicing in
health care facilities, educational institutions,
worship facilities, financial institutions, and
commercial office projects

Registration Iowa
Minnesota
NCARB Certification since 1974

Good Shepherd Lutheran Church

Chairman 5 terms, Elder 4 terms, and SS Teacher 9 years

Trinity Regional Health Foundation Board of Directors

Member 1998 - 2004
President 2003 & 2004

Fort Dodge Chamber of Commerce/Growth Alliance

Catalyst Award 2012 for Leadership in Service to Community
Member 1986 to present
Board Member 2000 to 2005
Chamber Ambassador 2001 to present
Vice President of Membership Services 2000 to 2004
'Small Business of the Year' Award to
Allers Associates Architects, PC 2000
Image Committee 2007 to 2010, 2012 to present
Fall Fest Committee for 10 years

Citizens Community Credit Union Board of Directors

2007 to present
Chair 2010, 2014, 2015

Historic Vincent House Advisory Committee

Board Member 1999 to present

National Council on Youth Leadership (NCYL)

North Central Iowa Chapter

Charter Board Member and Secretary 1993 to 2008

Fort Dodge YMCA

Board of Directors 1983 to 1989
President 1986 to 1987

Fort Dodge YMCA Foundation

Current Board Member 2000 to present

Main Street Fort Dodge

Board Member 1990 to 1999
Design Committee Chair 1990 to 1999
1992 Project of the Year State Award - Building Survey

Sertoma Service Club

Member since 1980
President 2004, 2005
Five terms on the Board of Directors

Donated Design for Veterans Memorial Park

Habitat for Humanity

Donated Design for Four Homes for Fort Dodge

Fort Dodge Development Corporation

Board Member 2012 to present

Awards

Iowa Chapter AIA Design Award 1993
Metal Architecture Renovation of the Year 1995
Chamber of Commerce Catalyst Award 2012



Member Board Executive Director Candidates

Kingsley J. Glasgow

Amy M. Kobe



ARKANSAS STATE BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, AND INTERIOR DESIGNERS

101 East Capitol Avenue
Suite 110
Little Rock, AR 72201-3822
Tel: 501-682-3171
Fax: 501-682-3172

Email: asbalaid@arkansas.gov

<http://www.asbalaid.arkansas.gov>

GOVERNOR

Asa Hutchinson

BOARD MEMBERS

Brooks Jackson, Jr., AIA
President
Architect Member
Little Rock, AR

Ronald F. Shelby, AIA
Vice President
Architect Member
Rogers, AR

William M. Hall, ASLA
Secretary/Treasurer
Landscape Architect Member
Jonesboro, AR

Shirley Boldon-Bruce
Public Member
Little Rock, AR

David M. French, AIA
Architect Member
Hot Springs, AR

George J. Krennerich III, AIA
Architect Member
Jonesboro, AR

Suzanne W. Laffoon, ASID
Registered Interior Designer Member
Searcy, AR

Rajesh Mehta
Public Member
Little Rock, AR

Lowell A. Wetherbee, Jr., AIA/NCARB
Architect Member
Bentonville, AR

BOARD STAFF

Kingsley Johnson Glasgow
Executive Director

Shana W. Bryant
Board Administrator

Terra N. Alexander
Executive Assistant

February 15, 2016

To: Ms. Maria Brown, Chair, MBE Committee; MBE Committee Members; and Member Board Executives

Dear Esteemed Colleagues:

It has been my distinct honor and privilege to serve as your ambassador for the past year. While we are now entering the second half of the council's fiscal year, my service continues to provide invaluable insight into NCARB's current business model and leadership structure. As you are aware, my second term will draw to a close on June 30, 2016; without a doubt, more challenging and exciting work remains.

Many of you have heard me express strong support for the unique perspective that our community provides. As NCARB becomes increasingly agile, its voice has never been more critical in shaping future council initiatives and policy decisions. I remain committed to assuring that your interests are represented during these formative discussions.

In addition, our community has witnessed its highest level of staff turnover in almost a decade. In response to this challenge and with the support of President Ward and the board, I am excited to have started a series of MBE Engagement Sessions. These sessions are tailored to allow for small-group discussions and exchanges of best practices. The first in a series of three sessions has already been completed to great reviews. Meeting opportunities like these sessions are critical to the support and connection of our colleagues.

I am excited to formally announce my candidacy to serve a third and final term as MBE director. I ask for your support and your vote in the upcoming election. As always, feel free to reach out at any time! I wish each of you safe travels to Savannah, Georgia.

Cordially yours,

Kingsley Johnson Glasgow



Contact Information

101 East Capitol Avenue
Suite 110
Little Rock, AR 72201-3822
501-682-3171
501-772-8937 (mobile)
kingsley.glasgow@arkansas.gov

Kingsley Johnson Glasgow, of Little Rock, Arkansas, is the executive director of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers. The board oversees the examination, registration, education, and professional regulation of architects, landscape architects, and registered interior designers.

As the current Member Board Executive Director on the NCARB Board of Directors, Glasgow represents the executive and administrative heads of the 54 U.S. architecture registration boards that are members of NCARB. He has volunteered for NCARB committees and task forces since 2008, serving as member and/or chair of the Member Board Executives Committee, the Procedures and Documents Committee, the Public Policy Task Force, Broadly Experienced Architect Committee, Future Title Task Force and the Interior Architecture Task Force.

Education

High School: Arkansas Baptist High School, Little Rock, Arkansas
University: Bachelor of Arts in Communications, Minor in Business Administration
University of the Ozarks, Clarksville, Arkansas, 2000; Magna Cum Laude

Employment History

2008 - Present Executive Director, Arkansas State Board of Architects, Landscape Architects, and Interior Designers

2006 - 2008 Executive Director, Arkansas State Board of Architects

2004 - 2006 Senior Policy Advisor for Economic Development and Technology, State of Arkansas, Office of the Governor

2002 - 2004 Senior Account Consultant, Clear Channel Worldwide

2000 - 2002 Chief Operating Officer, iCreative Marketing and Political Consultants

NCARB Service

Member Board Executive Director, NCARB Board of Directors, 2014 - 2016
Member, NCARB Broadly Experienced Architect Committee, 2015 - 2016
Member, NCARB Member Board Executives Committee, 2015 - 2016
Member, NCARB Audit Committee, 2014 - 2015
Member, NCARB Future Title Task Force, 2014 - 2015
Chair, NCARB Procedures and Documents Committee, 2013 - 2014
Member, NCARB Procedures and Documents Committee, 2012 - 2013
Chair, NCARB Member Board Executives Committee, 2011 - 2012
Chair, NCARB Member Board Executives Committee, 2010 - 2011
Member, NCARB Member Board Executives Committee, 2009 - 2010
Member, NCARB Public Policy Task Force, 2008 - 2009
Member, NCARB Interior Architecture Task Force, 2007 - 2008

Presenter, NCARB MBE Engagement Sessions, 2016
Moderator, NCARB MBE Workshop, 2010, 2011
Presenter, Member Board Executives/Member Board Chairs Workshop, 2010
Speaker, University of Arkansas, Fay Jones School of Architecture annually since 2010

NCARB Awards

President's Medal for Distinguished Service - 2014 Annual Meeting, Philadelphia, PA



arc.ohio.gov

Ohio Architects Board Ohio Landscape Architects Board

77 South High Street, 16th Floor Columbus, Ohio 43215-6108 (614) 466-2316

February 15, 2016

Dear Fellow Member Board Executives:

I am pleased to announce my candidacy for Member Board Executive on the NCARB Board of Directors.

As the Executive Director of the Ohio Architects Board, I have been actively involved in NCARB since my appointment in October 2004. Just a few short weeks after my arrival, I found myself at my first MBE meeting and was graciously welcomed by my new colleagues.

Since then, I have served on numerous NCARB committees, including the Licensure Task Force, which conceived the Integrated Path to Licensure, IDP, Procedures & Documents, and the MBE Committee. Now I feel I am ready for a new challenge, MBE on the NCARB Board of Directors.

Should I be selected to serve, you can be assured that I will bring to the position all of the knowledge and experience I have acquired over these past twelve years. I will always be open to "blue sky" discussions and new ideas, but will not hesitate to question concepts not well-grounded, or which could have an adverse impact on Member Boards, Architects or exam candidates.

My candidacy has the full support of the members of the Ohio Architects Board, and I can assure you that I will do everything possible to serve in the most professional, thoughtful manner possible.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Amy Kobe". The signature is written in a cursive, flowing style.

Amy M. Kobe, Hon AIA



Amy M. Kobe, Hon AIA

Amy Kobe is Executive Director of the Ohio Architects Board and the Ohio Landscape Architects Board. With extensive leadership experience in both the government and non-profit sectors, she has served on numerous NCARB and CLARB committees as well as a leader of numerous non-profit organizations.

Education

MA, Ohio University, Political Science/Public Administration
BA, Miami University, American Studies

Experience

Ohio Architects Board, 2004—Present: Executive Director
American Institute of Architects, 1998-2004: Executive Director
Upper Arlington City Schools, 1996-1998: Job Coach, Substitute Teacher
ADVO, Inc., Columbus, Ohio, 1987-1994: Senior Advertising Representative
Easter Seal Society, Newark, Ohio, 1985-1986: Executive Director
American Red Cross, Newark, Ohio, 1984-1985: Program Director
Ohio State University, Newark, Ohio, 1982-1983: Lecturer, Political Science
State of Ohio, Columbus, Ohio, 1980-1981: Social Program Developer
Licking Co. Dept. of Human Services, 1977-1980: Intake Worker

NCARB/CLARB Committee Service

NCARB Procedures and Documents Committee (P&D), 2015-16
CLARB Regulating Welfare Task Force, 2014-2016
NCARB Licensure Task Force, 2014-2016
CLARB Board of Directors, MBE Observer, 2012-2013
NCARB IDP Advisory Committee, 2012-13
CLARB Member Board Executives, 2011-2013
NCARB Internship Committee, 2011-12
CLARB Social Media Ambassadors, 2010-2012
NCARB Committee on Credentials, 2010-12
NCARB Member Board Executives Committee, 2009-11
CLARB Communications Committee, 2009-2011

Awards/Certification

American Institute of Architects, Washington, DC—Honorary AIA
AIA Ohio—Presidential Citation
AIA Columbus—Outstanding Service Award
AIA Columbus—President's Award
AIA National Continuing Education Committee—Distinguished Service Award
CLARB—President's Award
Council of Architectural Component Executives—President's Award
American Society of Association Executives—Certified Association Executive (Retired)
Leadership Tomorrow, Newark, Ohio—Inaugural class graduate
NCARB—President's Award

Amy M. Kobe, Hon AIA, *continued*

Awards/Certifications

American Institute of Architects, Washington, DC—Honorary AIA

American Society of Association Executives—Certified Association Executive (Retired)

AIA Columbus—Outstanding Service Award

AIA Columbus—President's Award

AIA National Continuing Education Committee—Distinguished Service Award

AIA Ohio—Presidential Citation

CLARB—President's Award

Council of Architectural Component Executives—President's Award

Leadership Tomorrow, Newark, Ohio—Inaugural class graduate

NCARB—President's Award

Public Director Candidate

John Cardone, Jr.



John Cardone, Jr
City Administrator
Lake Charles, La. 70605
jcardone@cityoflc.us

Candidate for Public Director
National Council of Architectural Registration Boards

To: Officers
Member Board Members
Member Board Executives

Re: Candidacy for Public Director
National Council of Architectural Registration Boards

Dear NCARB Friends,

In 2002 I was appointed to serve on the Louisiana Board as the first Public Member. During this time I have been involved at the Regional level and have served as Secretary, Treasurer, Vice-Chair and currently serve as Chair of Region 3.

During this time I have also been actively involved on several NCARB Committees which has given me the opportunity to learn and have a better understanding of the goals and objectives of this great Organization. I was appointed and served on the NCARB Committee on Education 2006-2007, Public Members Task Force 2014-2015, 2015-2016, Internship Committee and Internship Advisory Committee 2014-2015, Procedures and Documents 2010, 2011, 2012, 2013-2014, Chair 2015-2016 and Regional Leadership 2015-2016.

I am very excited about the direction of the Council and the many new initiatives that are being pursued. Recently, I had the opportunity to work and visit with many of you at the Regional Leadership Committee in Savannah, Georgia and the Committee Summit in Phoenix, Arizona. Both events were very productive and as we navigated through many issues such as the value of the Certificate, the development of ARE 5.0, and the Integrated Path to Licensure it provided me considerable insight into the vision and future direction of NCARB. The success and progress of NCARB is due to the dedication and effective leadership and I am proud to have been given the opportunity to participate in these endeavors.

This past year in response to the passage of Resolution 2015-03: A Bylaw Amendment modified the qualifications to elect a Public Director on the Council Board of Directors. The Resolution requires that the candidate for election as the Public Director be currently serving as a public or consumer member on a Member Board. It is with great excitement and enthusiasm that I announce my candidacy for the Public Directors position on the NCARB Board of Directors.

Serving has been very rewarding and I look forward to the challenges and opportunities ahead. It would be an honor and privilege to have the opportunity to represent you as the Public Director on the NCARB Board of Directors. I am committed and will continue to work towards the goals and objectives which are so important to us and respectfully ask for your consideration and support in the upcoming election. Please feel free to contact me at (337) 491-1381 or E-mail me at jcardone@cityoflc.us.

Sincerely,

S:2: 9



John Cardone, Jr
3917 St. Philippe Dr.
Lake Charles, La. 70605
(337) 478-8056
Jcardone@cityoOc.us

Profession: City Administrator
Lake Charles, Louisiana
Responsible for the Management and General Operations of the City

Education: Louisiana State University
College of Business Administration – Bachelor of Science

NCARB Service: Regional Leadership Committee - 2015-2016
Procedures and Documents Committee (Chair) - 2015-2016
Public Members Task Force - 2015-2016
Internship Committee - 2014-2015
Internship Advisory Committee - 2014-2015
Public Members Task Force - 2014-2015
Procedures and Documents - 2013-2014
Procedures and Documents - 2012 - 2013
Procedures and Documents -2011- 2012
Procedures and Documents - 2010 -2011
Committee on Education - 2006-2007

SC/NCARB Service: Regional Chair - 2015-2016
Regional Vice-Chair –2013, 2014
Regional Treasurer –2011, 2012
Regional Secretary –2010

LSBAE: Board Member -2002 -Present
Board President –2006-2007, 2014-2015
Board Secretary –2005-2006, 2012-2013
Complaint Review Committee(CRC)-2004-2008,2012,2013,2014,2015

Community and Professional Service:

- IMCAL (Imperial Calcasieu Regional & Development Commission) 2007-2016
- IMCAL Executive Committee 2011-2016, Board Secretary 2013, Chair 2015
- MPO (Metropolitan Planning Organization) Technical Advisory Committee 2003-2016
- United Way for Southwest Louisiana
- Christmas in April (Rebuilding Together) - Member and Chairman,
- Board of Councilors, Christus St. Patrick Hospital
- Community Advisory Council - Christus St. Patrick Hospital
- American Heart Association – Company Leader
- Our Lady Queen of Heaven Parish Council and Chairman
- Parish Building Committee
- Parish Finance Committee
- Consolata Cemetery Board of Directors
- Team Green, Clean City, Beach Sweep and Recycling Program
- American Public Works Association
- Code Enforcement Association 1987, 1990 second Vice President
- Restoration of Central School - Arts and Humanities
- Emergency Management Institute – National Incident Management Systems
- Emergency Management Institute – National Response Plan
- Emergency Management Institute – Homeland Security/Emergency Preparedness
- Emergency Management Institute – Advance Incident Command Systems
- Building Plan Examiner, Building Code Analyst, Legal Aspects of Code Administration

REVIEW AND POSSIBLE ACTION ON 2016/17 INTRA-DEPARTMENTAL CONTRACT WITH OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE) DEVELOPMENT

The Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES) is charged with providing professional psychometric services to DCA boards and bureaus, which include all aspects of the examination validation process (i.e., occupational analyses, examination development, test scoring and statistical analyses, and national examination reviews).

The Board's current Intra-Departmental Contract with OPES for development of the California Supplemental Examination will expire on June 30, 2016. A new contract (attached) is needed for fiscal year (FY) 2016/17 for continued examination development.

The Board is asked to review and take action on the new contract with OPES for examination development for FY 2016/17.

Attachment:

Intra-Departmental Contract with OPES for FY 2016/17

INTRA-DEPARTMENTAL CONTRACT

CONTRACT NUMBER IAC #70607	AMENDMENT NUMBER
--------------------------------------	------------------

- This Contract is entered into between the Board/Bureau/Divisions named below
 REQUESTING BOARD/BUREAU/DIVISION'S NAME
California Architects Board (Board)
 PROVIDING BOARD/BUREAU/DIVISION'S NAME
Office of Professional Examination Services (OPES)
- The term of this Contract is: **July 1, 2016 through June 30, 2017**
- The maximum amount of this Contract is: **\$63,942**
- The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Contract:

**California Supplemental Exam
Written Examination Development**

Exhibit A – Scope of Work	1 Page
• Attachment I - Project Plan	2 Pages
• Attachment II - Roles and Responsibilities	3 Pages
Exhibit B – Budget Detail and Payment Provisions	1 Page
• Attachment I - Cost Sheets	4 Pages
Exhibit C – General Terms and Conditions	1 Page
Exhibit D – Special Terms and Conditions	1 Page

IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

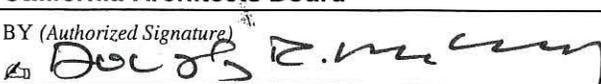
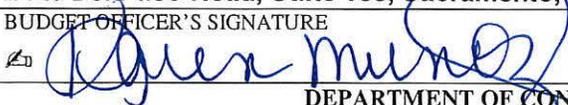
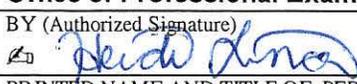
DEPARTMENT OF CONSUMER AFFAIRS	Department of Consumer Affairs Contracts Unit Use Only
REQUESTING BOARD/BUREAU/DIVISION'S NAME California Architects Board	
BY (Authorized Signature)  DATE SIGNED 4-6-16	
PRINTED NAME AND TITLE OF PERSON SIGNING Douglas R. McCauley, Executive Officer	
ADDRESS 2420 Del Paso Road, Suite 105, Sacramento, CA 95834	
BUDGET OFFICER'S SIGNATURE  DATE SIGNED 4/8/16	
DEPARTMENT OF CONSUMER AFFAIRS	
PROVIDING BOARD/BUREAU/DIVISION'S NAME Office of Professional Examination Services	
BY (Authorized Signature)  DATE SIGNED 3/29/16	
PRINTED NAME AND TITLE OF PERSON SIGNING Heidi Lincer, Chief	
ADDRESS 2420 Del Paso Road, Suite 265 Sacramento, CA 95834	
BUDGET OFFICER'S SIGNATURE  DATE SIGNED 4/13/16	

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:

Develop new items/graphics for the California Architects Board (Board) California Supplemental Examination (CSE), review existing items/graphics, construct two forms of the CSE, and establish passing scores for each new form.

2. Board agrees to provide the following services:

See attached: I. Project Plan
II. Roles and Responsibilities

3. The project representatives during the term of this agreement will be:

Requesting Board:

Name Douglas R. McCauley
Phone: (916) 574-7220
Fax: (916) 575-7283

Office of Professional Examination Services:

Name: Heidi Lincer
Phone: (916) 575-7240
Fax: (916) 419-1697

Direct all agreement inquiries to:

Department of Consumer Affairs Contracts Unit:

Address: 1625 N. Market Street, Suite #S-103
Sacramento, CA 95834
Phone: (916) 574-7277
Fax: (916) 574-8658

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70607 PROJECT PLAN <i>for</i> CALIFORNIA ARCHITECTS BOARD CALIFORNIA SUPPLEMENTAL EXAM WRITTEN EXAMINATION DEVELOPMENT FISCAL YEAR 2016-17		
Project Objectives:	<i>Develop new items for the California Architects Board California Supplemental Exam (CSE) and establish the passing scores for two new forms.</i>	
Proposed Completion Date:	June 30, 2017	
Board Contact:	Marccus Reinhardt (916) 575-7212	
OPES Contact:	Raul Villanueva (916) 575-7240	
MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
Spring 2017 Exam Development		
1. Item Writing Workshop (General) > Recruit for a 2-day workshop > Conduct workshop > Develop item bank	July 21-22, 2016	Board OPES OPES
2. Item Writing Workshop (General) > Recruit for a 2-day workshop > Conduct workshop > Develop item bank	Aug. 4-5, 2016	Board OPES OPES
3. Item Review Workshop (General) > Recruit for a 2-day workshop > Conduct workshop > Revise item bank	Aug. 18-19, 2016	Board OPES OPES
4. Item Review Workshop (Project) > Recruit for a 2-day workshop > Conduct workshop > Revise item bank	Sept. 9-10, 2016	Board OPES OPES
5. Item Review Workshop (General/Project) > Recruit for a 2-day workshop > Conduct workshop > Revise item bank	Sept. 22-23, 2016	Board OPES OPES
6. CBC Update for Item Bank Workshop > Recruit for a 2-day workshop > Conduct workshop > Develop examination	Oct. 13-14, 2016	Board OPES OPES
7. Exam Construction Workshop > Recruit for a 2-day workshop > Conduct workshop > Analyze SME Feedback > Revise exam as necessary	Oct. 28-29, 2016	Board OPES OPES OPES

8. Passing Score Workshop > Recruit for a 2-day workshop > Conduct workshop > Develop passing score	Nov 18-19, 2016	Board OPES OPES
9. Exam Production: Convert Exam to PSI > Edit review of final CSE items > Finalize Candidate Information Bulletin (CIB) document > Finalize graphics for exam > Submit exam to PSI for launch > PSI launch of exam	Jan 2017 March 2017	OPES OPES Board OPES OPES
Fall 2017 Exam Development		
10. Item Writing Workshop (General) > Recruit for a 2-day workshop > Conduct workshop > Develop item bank	Jan. 19-20, 2017	Board OPES OPES
11. Item Writing Workshop (General) > Recruit for a 2-day workshop > Conduct workshop > Develop item bank	Feb 9-10, 2017	Board OPES OPES
12. Item Review Workshop (General) > Recruit for a 2-day workshop > Conduct workshop > Revise item bank	Feb 24-25, 2017	Board OPES OPES
13. Item Review Workshop (Project) > Recruit for a 2-day workshop > Conduct workshop > Revise item bank	Mar 9-10, 2017	Board OPES OPES
14. Item Review Workshop (General/Project) > Recruit for a 2-day workshop > Conduct workshop > Revise item bank	Mar 23-24, 2017	Board OPES OPES
15. Exam Construction Workshop > Recruit for a 2-day workshop > Conduct workshop > Develop examination	Apr 7-8, 2017	Board OPES OPES
16. Passing Score Workshop > Recruit for a 2-day workshop > Conduct workshop > Analyze SME Feedback > Revise exam as necessary	Apr 28-29, 2017	Board OPES OPES OPES
17. Exam Production: Convert Exam to PSI > Edit review of final CSE items > Finalize Candidate Information Bulletin (CIB) document > Finalize graphics for exam > Submit exam to PSI for launch > PSI launch of exam	June 2017	OPES OPES Board OPES OPES

**INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70607
ROLES AND RESPONSIBILITIES
for
CALIFORNIA ARCHITECTS BOARD
CALIFORNIA SUPPLEMENTAL EXAM
WRITTEN EXAMINATION DEVELOPMENT
FISCAL YEAR 2016-17**

INTRODUCTION

The purpose of licensing examinations is to identify persons who possess the minimum knowledge and experience necessary to perform tasks on the job safely and competently. The content of the examination should be based upon the results of an occupational analysis of practice so that the examination assesses the most critical competencies of the job.

The examination development process requires approximately 150 Architects to serve as expert consultants. In licensure examination development work, expert consultants are known as subject matter experts (SMEs). Eight to ten SMEs are needed for each workshop. The SMEs in each workshop should be unique to ensure objectivity in all aspects of examination development.

Graphics selection and modification, item writing, item review, examination construction, and passing score processes are included in examination development services to be provided.

ROLE OF THE BOARD

The primary role of the California Architects Board is to recruit a representative sample of SMEs for development of the examination.

The selection of SMEs critically affects the quality and defensibility of an examination program. The SMEs selected to participate in an examination development workshop panel should:

- Reflect the profession in terms of geographical location, practice specialty area, ethnicity, and gender
- Be currently working in the field and have up-to-date skills
- Maintain a current license in good standing that is not retired nor inactive

Additionally, roughly half of the SMEs in each workshop should have received their license within the past five years to ensure entry-level perspective is maintained.

In addition, the Board has the ultimate responsibility for acquiring any reference materials to be used by the SMEs to develop examination items.

Due to potential conflict of interest, undue influence, and/or security considerations, board members, committee members, and instructors shall not serve as SMEs for, nor participate in, any aspect of licensure exam development or administration, pursuant to DCA Policy OPES 11-01.

Following each workshop, OPES and Board staff will review the performance of each SME to determine those who should be invited back. Board agrees to recruit SMEs in such a manner as to build a competent pool of representative, productive participants

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The Office of Professional Examination Services (OPES) will use a content validation strategy to link the examination to the results of an occupational analysis of practice. During the workshops, OPES will work with California Architects Board (Board) and the SMEs to select graphics, develop items, review items, construct examinations, and establish passing scores.

SECURITY

OPES has implemented a variety of controls to ensure the integrity, security, and appropriate level of confidentiality of licensure exam programs. These controls vary according to the sensitivity of the information, and will include restricting and/or prohibiting certain items, such as electronic devices, when conducting exam-related workshops.

SMEs are required to provide valid identification, allow for personal belongings to be secured in the reception area during workshops, and sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensing exam material and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure exam workshops. In addition, any person who subverts or attempts to subvert any licensing exam will face serious consequences which may include loss of licensure and/or criminal charges, per Business and Professions Code section 123.

OPES will notify the Board if any subject matter expert during a workshop violates policy or whose presence is disruptive. OPES reserves the right to immediately dismiss any subject matter expert whose presence poses a security risk. OPES will take steps to manage disruptive behavior; however if said behavior persists and/or prevents other SMEs from completing their tasks, OPES may dismiss the person from the workshop.

SUMMARY OF EVENTS

- Board recruits panels of SMEs to serve as item writers.
- OPES works with SMEs to develop items.
- Board recruits panels of SMEs to serve as item reviewers. The reviewers should be different SMEs than the item writers.
- OPES works with SMEs to review items. Final revisions are made to the items and the bank of new items is submitted to Board.
- Board recruits panels of SMEs to participate in workshops for exam construction.
- OPES works with the SMEs to select items from item bank of new and existing items and constructs the examination forms.
- Board recruits panels of SMEs all of whom are licensed five years or less, to serve as judges in the passing score workshops. The passing score SMEs must be different SMEs than the item writers or item reviewers to ensure objectivity of the passing score ratings.
- OPES works with SMEs to establish the passing score. OPES analyzes the ratings and prepares reports of findings.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. For services satisfactorily rendered and upon receipt and approval of the invoices, California Architects Board (Board) agrees to compensate the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.
- B. Invoices shall include the agreement number and shall be submitted on a quarterly basis for the cost of services completed as identified in Exhibit B, Attachment I; any related travel expenses will be billed as actuals. Signed/approved invoices from the Board will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

Douglas R. McCauley
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
- C. The Board will reimburse OPES for the partial performance (e.g. workshop preparation, rescheduling) of any services provided by OPES if the board/bureau does not demonstrate in good faith their roles/responsibilities as defined by Attachment II – Roles and Responsibilities.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Agreement and OPES shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to OPES to reflect the reduced amount.

3. Payment

- A. Costs for this Agreement shall be computed in accordance with State Administrative Manual Sections 8752 and 8752.1.
- B. Nothing herein contained shall preclude advance payments pursuant to Article 1, Chapter 3, Part 1, Division 3, Title 2 of the Government Code of the State of California.

4. Cost

- A. Costs for this Agreement shall be subject to any collective bargaining agreements negotiated in Fiscal Year 2000/2001 or thereafter.

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70607

CALIFORNIA ARCHITECTS BOARD

**CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT COSTS**

FISCAL YEAR 2016-17

Spring 2017 Development

1.	Item Writing Workshop (General)	\$ 3,306
2.	Item Writing Workshop (General)	\$ 3,306
3.	Item Review Workshop (General)	\$ 3,642
4.	Item Review Workshop (Project)	\$ 3,842
5.	Item Review Workshop (General/Project)	\$ 3,642
6.	CBC Update for Item Bank Workshop	\$ 3,642
7.	Exam Construction Workshop	\$ 3,842
8.	Passing Score Workshop	\$ 3,506
9.	Exam Production: Convert Exam to PSI	\$ 2,616
	Administrative Costs	\$ 2,280
	Spring 2016 Development Subtotal	\$33,624

Index/PCA/Object Code 0600/06000/427.10

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70607
CALIFORNIA ARCHITECTS BOARD
CALIFORNIA SUPPLEMENTAL EXAM
EXAMINATION DEVELOPMENT COSTS
FISCAL YEAR 2016-17

	Test Validation Staff				Editor		Support Staff		Totals	GRAND TOTAL
	\$60		Overtime \$85		\$56		\$43			
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost		
Spring 2017 Development										
1. Item Writing Workshop (General)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340					\$ 1,300	
Develop item bank	16	\$ 960							\$ 960	
										\$ 3,306
2. Item Writing Workshop (General)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340					\$ 1,300	
Develop item bank	16	\$ 960							\$ 960	
										\$ 3,306
3. Item Review Workshop (General)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340	6	\$ 336			\$ 1,636	
Revise item bank	16	\$ 960							\$ 960	
										\$ 3,642
4. Item Review Workshop (Project)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	8	\$ 480	12	\$ 1,020	6	\$ 336			\$ 1,836	
Revise item bank	16	\$ 960							\$ 960	
										\$ 3,842
5. Item Review Workshop (General/Project)										
Prepare for 2-day item review workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340	6	\$ 336			\$ 1,636	
Revise item bank	16	\$ 960							\$ 960	
										\$ 3,642
6. CBC Update for Item Bank Workshop										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340	6	\$ 336			\$ 1,636	
Develop examination	16	\$ 960							\$ 960	
										\$ 3,642
7. Exam Construction Workshop										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	8	\$ 480	12	\$ 1,020	6	\$ 336			\$ 1,836	
Develop examination	16	\$ 960							\$ 960	
										\$ 3,842
8. Passing Score Workshop										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	8	\$ 480	12	\$ 1,020					\$ 1,500	
Develop passing score	16	\$ 960							\$ 960	
										\$ 3,506
9. Exam Production: Convert Exams to PSI										
Edit/Review of final CSE Form	30	\$ 1,800			6	\$ 336			\$ 2,136	
Submit exam to PSI for launch	8	\$ 480							\$ 480	
										\$ 2,616
Administrative Support										
Technical oversight (20 hours @ \$63/hour)									\$ 1,260	
Cost oversight (20 hours @ \$51/hour)									\$ 1,020	
										\$ 2,280
Spring 2017 Development SUBTOTAL	398	\$ 23,880	56	\$ 4,760	36	\$ 2,016	16	\$ 688	\$ 31,344	\$ 33,624

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70607

CALIFORNIA ARCHITECTS BOARD

**CALIFORNIA SUPPLEMENTAL EXAMINATION
WRITTEN EXAMINATION DEVELOPMENT COSTS**

FISCAL YEAR 2016-17

Fall 2017 Development

10.	Item Writing Workshop (General)	\$ 3,306
11.	Item Writing Workshop (General)	\$ 3,306
12.	Item Review Workshop (General)	\$ 3,842
13.	Item Review Workshop (Project)	\$ 3,642
14.	Item Review Workshop (General/Project)	\$ 3,642
15.	Exam Construction Workshop	\$ 3,842
16.	Passing Score Workshop	\$ 3,842
17.	Exam Production: Convert Exam to PSI	\$ 2,616
	Administrative Costs	\$ 2,280
	Fall 2017 Development Subtotal	\$30,318
	IAC GRAND TOTAL	\$63,942

Index/PCA/Object Code 0600/06000/427.10

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #70607
CALIFORNIA ARCHITECTS BOARD
CALIFORNIA SUPPLEMENTAL EXAM
EXAMINATION DEVELOPMENT COSTS
FISCAL YEAR 2016-17

	Test Validation Staff				Editor		Support Staff		Totals	GRAND TOTAL
	\$60		Overtime \$85		\$56		\$43			
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost		
Fall 2017 Development										
10. Item Writing Workshop (General)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340					\$ 1,300	
Develop item bank	16	\$ 960							\$ 960	
										\$ 3,306
11. Item Writing Workshop (General)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340					\$ 1,300	
Develop item bank	16	\$ 960							\$ 960	
										\$ 3,306
12. Item Review Workshop (General)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	8	\$ 480	12	\$ 1,020	6	\$ 336			\$ 1,836	
Revise item bank	16	\$ 960							\$ 960	
										\$ 3,842
13. Item Review Workshop (Project)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340	6	\$ 336			\$ 1,636	
Revise item bank	16	\$ 960							\$ 960	
										\$ 3,642
14. Item Review Workshop (General/Project)										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	16	\$ 960	4	\$ 340	6	\$ 336			\$ 1,636	
Revise item bank	16	\$ 960							\$ 960	
										\$ 3,642
15. Exam Construction Workshop										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	8	\$ 480	12	\$ 1,020	6	\$ 336			\$ 1,836	
Update item bank	16	\$ 960							\$ 960	
										\$ 3,842
16. Passing Score Workshop										
Prepare for 2-day workshop	16	\$ 960					2	\$ 86	\$ 1,046	
Conduct workshop	8	\$ 480	12	\$ 1,020	6	\$ 336			\$ 1,836	
Revise exam as necessary	16	\$ 960							\$ 960	
										\$ 3,842
17. Exam Production: Convert Exams to PSI										
Edit/Review of final CSE Form	30	\$ 1,800			6	\$ 336			\$ 2,136	
Submit exam to PSI for launch	8	\$ 480							\$ 480	
										\$ 2,616
Administrative Support										
Technical oversight (20 hours @ \$63/hour)									\$ 1,260	
Cost oversight (20 hours @ \$51/hour)									\$ 1,020	
										\$ 2,280
Fall 2017 Development SUBTOTAL	350	\$ 21,000	52	\$ 4,420	36	\$ 2,016	14	\$ 602	\$ 30,318	\$ 30,318
TOTAL	748	\$ 44,880	108	\$ 9,180	72	\$ 4,032	30	\$ 1,290	\$ 61,662	\$ 63,942

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

This Contract is not valid until signed by both parties.

2. **Payment:**

Costs for this Contract shall be computed in accordance with State Administrative Manual Section 8752 and 8752.1.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Mutual Cooperation**

The Office of Professional Examination Services (OPES) is entering into a partnership where mutual cooperation is the overriding principle.

2. **Evaluation**

The OPES and the California Architects Board (Board) reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to the agreement as necessary to ensure a high quality examination program. This may affect the cost of the analysis.

3. **Examination Criteria**

The primary responsibility of OPES is to develop examinations that are psychometrically sound, legally defensible and job related.

4. **Good Faith Agreement**

In good faith, OPES believes the project steps accurately describe the work to be performed and that the costs are reasonable. This agreement will remain in effect until the work is completed.

REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT

1. Update on REC April 28, 2016 Meeting
2. Review and Possible Action on Architect Consultant Contract for Fiscal Years 2016/17 Through 2018/19
3. Discuss and Possible Action on Recommendation on SB 1132 (Galgiani) [Intern Title] and The American Institute of Architects, California Council's (AIACC) Architect-in-Training Title Change Proposal

UPDATE ON REC APRIL 28, 2016 MEETING

The REC met on April 28, 2016 in Sacramento and via teleconference. Attached is the notice of the meeting. Committee Chair, Matthew McGuinness, will provide an update on the meeting.

Attachment:

April 28, 2016 Notice of Meeting



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF MEETING MODIFIED

REGULATORY AND ENFORCEMENT COMMITTEE

April 28, 2016
11:00 a.m. to 3:00 p.m.
(or until completion of business)
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 574-7220

The California Architects Board (Board) will hold a Regulatory and Enforcement Committee (REC) meeting, as noted above, and via teleconference at the following locations:

Robert De Pietro	Michael Merino
Frank De Pietro and Sons	AECOM
825 Colorado Boulevard, Suite 114	999 Town and Country Road
Los Angeles, CA 90041	Orange, CA 92868

The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see reverse or you may contact Kristin Walker at (916) 575-7203.

AGENDA

- A. Call to Order/Roll Call/Establishment of Quorum
- B. Public Comment on Items Not on Agenda
(The REC may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)
- C. Review and Approve November 5, 2015 REC Meeting Summary Report
- D. Enforcement Program Update

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

(Continued on Reverse)

- E. Discuss and Possible Recommendation Regarding Senate Bill 1132 (Galgiani) and The American Institute of Architects, California Council's (AIACC) Architect-in-Training Title Change Proposal
- F. Discuss and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Identify and Pursue Needed Statutory and Regulatory Changes so Laws and Regulations are Consistent with Current Architectural Practice to Promote Public Health, Safety, and Welfare
- G. Update and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Pursue Methods to Obtain Multiple Collection Mechanisms to Secure Unpaid Citation Penalties
- H. Update and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Pursue Recruitment of Additional Architect Consultant to Ensure Continuity and Effectiveness in Board's Enforcement Program
- I. Discuss and Possible Recommendation Regarding 2015-2016 Strategic Plan Objective to Monitor AIACC Legislation Requiring Architect of Record to Perform Mandatory Construction Observation to Promote Consumer Protection
- J. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the REC Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the REC are open to the public.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the REC prior to the REC taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the REC, but the REC Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the REC to discuss items not on the agenda; however, the REC can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 11125.7(a)].

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Kristin Walker at (916) 575-7203, emailing kristin.walker@dca.ca.gov, or sending a written request to the Board. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5510.15)

REVIEW AND POSSIBLE ACTION ON ARCHITECT CONSULTANT CONTRACT FOR FISCAL YEARS 2016/17 THROUGH 2018/19

One of the current architect consultant contracts expires on June 30, 2016 (the other contract expires on January 31, 2017). A Request for Proposal (RFP) for architect consultant services for the next three fiscal years (2016/17 through 2018/19) was released on March 9, 2016, and advertised on the Department of General Services' (DGS) website. One proposal was received by the April 6, 2016 filing deadline.

The RFP Evaluation Committee, consisting of Doug McCauley, Enforcement Officer; Justin Sotelo, Program Manager; and Sonja Ruffin, Enforcement Analyst, evaluated the proposal and awarded technical points based on selection criteria detailed in the RFP. The proposal received an overall technical score of 30 or more points from the first phase evaluation and qualified to proceed to the second phase of the evaluation, the oral interview. On April 21, 2016, an Evaluation Committee interviewed the successful candidate and awarded technical points based on selection criteria contained in the RFP. Robert L. Carter was selected as the awardee of the contract. The evaluation and interview were managed by the Department of Consumer Affairs (DCA) Contracts Unit.

The Notice of Intent to Award announcing the consultant selected was posted, as required by law, in the Board's office on April 21, 2016. The DCA Contracts Unit prepared a contract which will be forwarded to DGS for approval.

At this meeting, the Board is asked to review and take action on the attached architect consultant contract in anticipation of DGS' approval.

Attachment:

Architect Consultant Contract (pending DGS approval)

EXHIBIT A – SCOPE OF WORK

SCOPE OF WORK

1. The Contractor shall provide the Department of Consumer Affairs (DCA), California Architects Board (CAB) with architect consultant services as described herein.
2. The services shall be performed at CAB, located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834 and any off-site location, determined by the CAB Executive Officer.
3. The Contractor shall provide services during the normal business hours of Monday through Friday from 8:00 a.m. to 5:00 p.m., except for state holidays. At the request of the CAB Executive Officer, the architect consultant may be required to work outside of normal business hours. Hours worked outside of normal business hours will be paid at the same hourly rate as normal business hours, in accordance with Exhibit B-1, Cost Sheet.
4. The project coordinators during the term of this agreement will be:

Department of Consumer Affairs
California Architects Board
Name: Sonja Ruffin
Phone: (916) 575-7207
Fax: (916) 575-7283
Email: sonja.ruffin@dca.ca.gov

Robert L. Carter, Architect
Name: Robert L. Carter
Phone: (916) 801-2015
Email: carters@pacbell.net

Direct all agreement inquiries to:

Department of Consumers Affairs
Attention: Dennis Sellers
Address: 1625 N. Market Blvd., Suite S-103
Sacramento, CA 95834
Phone: (916) 574-7290
Fax: (916) 574-8658
Email: dennis.sellers@dca.ca.gov

Robert L. Carter, Architect
Name: Robert L. Carter
Address: 2748 Wrendale Way
Sacramento, CA 95821
Phone: (916) 801-2015
Email: carters@pacbell.net

5. The Contractor shall provide to the CAB complaint evaluation and professional technical expertise to assist its Enforcement Program as described herein:
 - A. Complaint Analysis Respond to, analyze and resolve the more technical consumer complaints concerning deceptive, incompetent, or negligence acts of licensed or unlicensed persons. Meet with investigators and help plan investigations. Mediate complaints between architects and clients when technical issues are involved.
 - B. Disciplinary Actions Assist in the development of disciplinary cases, prepare reports of findings to CAB, and testify as an expert witness on behalf of CAB. Meet with Deputy Attorney Generals and help prepare disciplinary cases.
 - C. Technical Inquiries Respond to technical inquiries from the public, profession, and building officials throughout the State by telephone, in person, or in writing.
 - D. Analysis and Research Analyze and research issues and trends affecting consumer protection. Make recommendations to the CAB Executive Officer and CAB staff regarding conclusions.

- E. Building and Planning Department Contact Participate in the Building and Planning Department Contact Program. Directly contact each building and planning department in the State during the term of the contract. Keep building and planning officials updated concerning the regulation of the practice of architecture. Approximately thirty percent (30%) of the time specified in the contract is to be spent in the Building and Planning Department Contact Program. This includes email and telephone contacts. (Typically each year the architect consultant has met with more than 200 building and planning officials throughout the State.)
- F. Education and Public Relations Assist in CAB's and DCA's consumer education programs; provide update training on architectural licensing matters to other members of the profession; appear at conferences, seminars, etc. to provide information on CAB's rules; and draft newsletter articles, press releases, and bulletins on matters concerning technical and professional issues. Assist in training investigators from the DCA's Division of Investigation.
- G. Board Consultation Provide input to CAB on matters requiring technical expertise, provide technical review of complaints to enforcement staff and committee members, and assist the development of rules and regulations.
- H. Training Attend training courses, classes and seminars, as required and approved by the CAB Executive Officer. Time attending such courses, classes, and seminars will be billed at the same hourly rate as contracted.
- I. Travel Travel as required and approved by the CAB Executive Officer throughout the State will be reimbursed. This travel may include travel to conduct seminars; meeting with building and planning officials; testify at hearings; attending committee and Board meetings; and attending training courses and classes. Travel time shall only include time en route. Travel will be billed at the same hourly rate as contracted and in accordance with Exhibit B-1, Contractor's Cost Proposal. Travel time/expenses spent traveling to/from the Sacramento CAB Office will not be reimbursed. Reimbursement for approved travel (i.e., transportation, meals, accommodations, related expenses, etc.) shall be paid in accordance with the California Department of Human Resources rules and regulations.
- J. Working Conditions The architect consultant will perform work in CAB's office in Sacramento in the Enforcement Program as required by the CAB Executive Officer. The architect consultant will not be allowed to use subcontractors or assign work to others in lieu of his/her direct consultant services. All support staff, equipment, and supplies needed to perform these duties will be supplied by CAB.



Part 2: PROPOSED METHODS & PROCEDURES

2.1 Summary Understanding of Purpose and Scope:

To fulfill its legislative mandate to protect the public health, safety, and welfare of Californians, the California Architects Board (CAB) examines, licenses, and regulates those who practice architecture in California. To better ensure fair and judicious enforcement of the laws governing the practice of architecture, the CAB identified the need for in-house professional technical expertise to assist CAB staff in responding to consumer complaints and in taking appropriate action to enforce the provisions of the Architects Practice Act. Thus, the CAB began contracting for the consulting services of practicing, licensed architects to provide this needed assistance and expertise.

The in-house Architect Consultant position was created to provide the CAB and staff with the following services:

- Professional technical expert review and evaluation of complaints and knowledgeable responses to technical, practice-related inquiries from the public, building officials, attorneys and the profession;
- Technical complaint evaluation based on a practical understanding of architectural practice, the Architects Practice Act, and the applicable standards of professional care;
- Professional liaison with building officials throughout the State to keep them aware of the provisions of the Architects Practice Act and assist them in their application of the requirements;
- Education and training on the practice of architecture and the “real world” applications of the Architects Practice Act for CAB staff, building officials, Department of Consumer Affairs investigators, Office of the Attorney General, the public, and the profession; and
- Expert witness services and testimony on behalf of the CAB at administrative / disciplinary hearings and criminal proceedings.

Part 2 of this proposal was prepared and is presented with the above-stated understanding of the CAB needs and expectations of an Architect Consultant. Each task element in the Scope of Work (as defined in paragraph 5 of RFP Exhibit A) is addressed to demonstrate my understanding of each; based on my personal professional experience gained in practice and while serving as a consultant to the California Architects Board.



Enforcement Staff, the Executive Officer, and CAB legal counsel as necessary, a recommended action can be taken that is a supportable, documentable, consistent, and objective application of the Architects Practice Act.

Relevant Complaint Analysis Experience: From January 1997 through February 2016, I have reviewed, investigated, analyzed, and written findings of fact on over 700 complaint cases filed with the California Architects Board. I have also consulted with CAB Enforcement staff and the other Architect Consultant on many of their cases during their investigations. The services of DOI investigators have been coordinated on at least three cases.

B. Disciplinary Actions:

I advocate using a collaborative approach when developing final findings of fact in a complaint case to assure they are presented in a clear, concisely-written form. If the findings of fact cannot be successfully argued and defended before the Enforcement staff, they will not hold up to scrutiny by the CAB Executive Officer, an opposing attorney, or an Administrative Law Judge. This collaborative approach leads to greater success when referring cases to the Attorney General and assisting the Deputy in pursuit of disciplinary actions by violators of the Architects Practice Act.

Relevant Disciplinary Actions Experience: As a CAB Architect Consultant, I have assisted Deputy Attorneys General representing the people of California in preparation of at least 17 CAB cases for administrative hearing. I served as an expert witness in nine of these hearings in addition to sitting as assistant to the DAG.

Of the ±700 complaint cases that I have investigated and prepared findings of fact since 1997, 679 (97%) have received “final” closing action by the CAB as of February 2016. The remaining cases are currently in the process of closure. The closed complaint cases where I was the responsible Architect Consultant break down into the following categories of actions taken:

Accusation	29	4.4%
Citation	106	15.6%
Notice of Warning	170	25.0%
No Violation	197	29.0%
Non-Jurisdictional	58	8.5%
Miscellaneous*	119	17.5%
Total “Finalized”:	679	100.0%

* Includes: Cease and Desist, Insufficient Evidence, Mediated, Withdrawn and Deleted



C. Technical Inquiries:

Phone calls and emailed inquiries seeking answers to practice related questions are a part of the CAB daily activities. As the in-house licensee, the Architect Consultant takes an active role in responding to them. Knowledge of the technical aspects of the practice, as well as the business and regulatory aspects of practice, are essential to providing effective responses. In addition to inquiries from the public, I respond to calls from building officials, candidates, licensees, and attorneys representing licensees forming new business entities. To effectively respond to these inquiries, I apply similar techniques described in step 2 of the Complaint Analysis approach to ascertain the “real” question and the circumstances prompting it.

Relevant Technical Inquiries Experience: During tenure as an Architect Consultant, I have, on average, responded to +24 technical inquiries per month. I have received many expressions of gratitude from consumers, building officials, contractors, attorneys, and licensees for the information and assistance provided to them in response to their inquiries.

D. Analysis and Research:

As a consultant to the CAB, an architect has the opportunity to see how the profession is viewed by the consuming public and how architects relate to the public. It is possible to see ways the consumer could be better protected and the profession can be more responsive providing services.

Relevant Analysis and Research Experience: Several years ago, the CAB Architect Consultants found that the regulations governing architectural business names were not responsive to current professional practice and that the regulation establishing “agreements of association” between licensed and unlicensed persons was not working as originally intended. We recommended changes to the Executive Officer. Working in concert with him, the American Institute of Architects/California Council (AIA/CC), affected stakeholders, the CAB staff, and legal counsel, we crafted a regulatory proposal that would better serve the public and the profession. In 2008, the proposed changes to California Code of Regulations (CCR) sections 134 & 135 and Business & Professions Code (BPC) 5535 were adopted and chaptered as part of the Architects Practice Act.

We concurrently developed and implemented a new statutory provision requiring licensees to inform the CAB of the name and address of the business entity through which they provide architectural services. This provision provides better consumer information about licensees and is very appropriate for current architectural practice.



E. Building and Planning Department Contact:

Supporting building officials and the staff of planning and building departments is a key role of the Architect Consultants. These regulatory officials are “on the front-line” in the enforcement of the Architects Practice Act; therefore, I reaffirm my commitment to continue the outreach provided by the CAB Building Official Contact Program through increased personal contacts with individual departments and related association chapters.

Relevant Building and Planning Department Contact Experience: Through personal contacts, telephone conversations, emailed inquiries, ICC chapter seminars, and participation at the CALBO annual business meetings, I have been actively involved the past sixteen years in the CAB Building Official Contact Program with training sessions throughout the State. Two of the largest such sessions were for the joint Orange Empire and LA Basin ICC Chapters meeting in Anaheim, CA, with over 70 attendees, and for the County Building Officials Association of California (CBOAC) ABM in Santa Rosa and Sacramento, CA, with over 50 attendees each.

F. Education and Public Relations:

Each time phone or email inquiries are answered, the Architect Consultant is providing both education and public relations on behalf of the CAB. This is an important role of the position, and I commit myself to providing clear and concise information to those seeking it. During the course of any given day in the CAB office, I spend 10-15% of my time educating the public including complainants, contractors, attorneys, licensees, DOI investigators, and CAB staff.

Relevant Education and Public Relations Experience: Upon first arriving in Sacramento in 1981, I taught “Descriptive Geometry/Introduction to CADD” for seven semesters as an adjunct professor in the Engineering Department at California State University – Sacramento.

In December 2006, I presented two topics at a privately-sponsored seminar on “Legal Issues for California Architects” that was held in Walnut Creek, CA. The topics were “Introduction to the CAB & the Architects Practice Act” and “Regulation of the Practice.” The invitation was extended to the CAB, and the Executive Officer selected me to prepare and present the topics.

I have represented the CAB at public hearings during the regulatory development process described in D. above, at CALBO annual business meetings, and at International Code Council (ICC) chapter meetings in Ventura, Solano, Orange, Los Angeles, and Monterey Counties. I have authored and technically edited several articles for the CAB quarterly newsletter. A previous Architect Consultant and I developed and presented an



Enforcement staff training seminar titled "Introduction to Architecture." Presentations have taken place in a local architectural office to familiarize CAB enforcement staff with the practice, the people, and their work environment.

In 2012, my associate Architect Consultant and I developed and presented a program for licensees titled "Staying Out of Hot Water" that we have presented to the AIA / East Bay and the AIA / San Diego Chapters two times each.

G. Board Consultation:

The primary reasons for the existence of CAB Architect Consultants are to provide technical, practice-related input to the Board and to provide review and recommendations to CAB enforcement staff on complaints. I will continue to attend and participate in board and committee meetings, as requested by the Executive Officer.

Relevant Board Consultation Experience: In addition to the related task experiences previously described, I have participated in Regulatory and Enforcement Committee (REC) meetings and have actively worked with CAB staff and AIA/CC staff on revisions to regulations related to firm registration, architectural business names, disclosure policy, and agreements of association. I have presented and provided input to the CAB on these issues on behalf of the REC.

H. Training:

I will most definitely be an available and willing participant in any training programs that the Executive Officer might deem appropriate for me to better serve the Board and CAB staff. The training of consultants is important, but the consultants' training of the CAB staff is also important. By better understanding the profession, CAB staff can better serve candidates, licensees, and the general public.

I. Travel:

Travel throughout the State to conduct seminars, to meet with building officials, to testify at hearings, and to attend CAB board and committee meetings is a "given" requirement for an Architect Consultant. I have been, and will continue to be, available to travel as requested by the CAB and the Executive Officer. I maintain my commitment to travel on CAB business as necessary and find that my location in Sacramento makes this relatively easy. I hope that travel restrictions may be eased, so we can increase our outreach, especially to building officials.



Relevant Travel Experience: During my tenure as an Architect Consultant, I have traveled throughout the state to visit building officials and to attend CAB and committee meetings: to southern California on five occasions, the Bay Area twice, and the Central Coast twice to act as an expert witness in CAB proceedings before Administrative Law Judges. I have also traveled to Monterey, Milpitas, Vallejo, Anaheim, San Dimas, San Luis Obispo, Santa Rosa, and Ventura to conduct training seminars for chapter meetings of building officials' associations.

J. Working Conditions:

The work-station, equipment, and staff resources in the CAB office enhance my ability to work with staff and perform the tasks CAB requires. The physical, in-house presence of an architect has proven to be a valuable asset to the delivery of effective CAB services to the public and the profession, especially in responding to technical inquiries.

I propose to continue my commitment to the CAB as my primary client, and that includes primary access to my time. I propose to schedule "regular" office hours to maximize my availability and to provide effective, in-house support to the CAB. Over the course of my current service to the CAB, I have generally been in-house 3 to 4 days per week when not traveling on CAB assignments. Since I am a locally-based consulting architect, I can be flexible with time and available on a "call-in" or "standby" basis if a critical situation presents itself.

End of Text for Part 2: Proposed Methods & Procedures
Attachments follow.



2.2 Summary of Qualifications and Experience:

Business Name:

ROBERT L. CARTER, ARCHITECT Certified Small Business (Micro) Supplier #1751271
architectural consulting
2748 Wrendale Way
Sacramento, CA 95821
916 / 801-2015

Education:

Bachelor of Architecture, 1970
California State Polytechnic University, San Luis Obispo

Professional Registration:

California Architect License #C-07929 issued April 5, 1974 and current through July 31, 2017 with no complaints or derogatory information on file with the California Architects Board.

Professional Affiliations:

Member of American Institute of Architects, from 1974 to Present

- Board of Directors, AIA / San Joaquin Chapter, 1976-1981
- Board of Directors, AIA / Central Valley Chapter, 1986-1988 serving as President in 1988
- Chair, Joint AIACC & AGCC Liaison Committee, 1990
- Chair, AIACC Schools Committee – OLA Contract Task Force, 1991

Member of International Council of Building Officials, from 2001 to Present

Professional Experience Narrative:

Career has focused on projects for institutional and public sector clients, including K-12 school districts, community colleges, financial institutions, agencies of City, County and State government, and Federal agencies including the US Air Force, the US Postal Service, the United States Courts and Region 9 of the US General Services Administration.

Projects have ranged in complexity from a 2,500 square foot bachelor's residence to a 750,000 square foot Federal Courthouse in downtown Sacramento, CA. Since being licensed in 1974, I have been responsible for the design and construction of over 2 million square feet of public and private sector facilities representing capital investments exceeding \$375,000,000.00 in today's dollars.

Professional Work Experience:

07/70 thru 09/74:

Project Designer for Schoenwald, Thomas, Harris, Bode & Blayney, Architects & Engineers (STHBB) in Fresno, CA. A ±25-person multi-disciplinary



firm with a broad-based public sector clientele, including various K-12 school districts, State Center Community College District, and local governmental agencies. Was campus designer for the Reedley College campus of SCCC.

10/74 thru 11/81:

Project Architect with Edwin S. Darden Associates, Architecture & Planning in Fresno CA. The ±8 person architecture firm had a broad-based public sector clientele for K-12 schools, financial institutions, and governmental agencies. Projects included high-design custom residential projects for select clients, as well as the adaptive re-use of a 1920's era "high rise" for use by the county health department.

12/81 thru 12/96:

Principal Architect (12/81 thru 12/85) & Corporate Vice-President (01/86 thru 10/96) with Nacht & Lewis Architect, Inc. (NLA) in Sacramento, CA. A ±35 person architectural firm with a broad-based public sector clientele, including K-12 school districts, county, state, and federal agencies. Schools, county jails, postal facilities, and justice complexes were the mainstays of my practice in the firm.

01/97 thru Present:

Principal Architect & Sole Proprietor of Robert L. Carter, Architect in Sacramento, CA. A sole-proprietor, certified Small Business (Micro) enterprise providing consulting architectural services to clients such as:

- Nacht & Lewis Architects, Inc.: Historical design consultant on the Folsom Rail Yards Redevelopment Project in 1997.
- Administrative Office of the United States Courts (AOC) in Washington, D. C.: Co-author of the architectural components and lecturer for a three-module training program titled "Managing a Capital Construction Project" that was presented to Federal judges and GSA project managers in Portland, Las Vegas, Reno, Long Beach, and Sacramento.
- California Architects Board: Architect Consultant to the Board since January 1997 to present. Serving first under an interim consulting contract, then under three-year consultant contracts competitively awarded in July 1998, 2001, 2004, 2007, 2010 and 2013.

Since January 1997, I have investigated, reviewed, analyzed, and written findings of fact on over 700 complaint cases filed with the California Architects Board.

EXHIBIT B – BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

A. For services satisfactorily rendered, and upon receipt and approval of the invoices, the State agrees to compensate the Contractor for actual expenditures incurred in accordance with the rates specified herein, which is attached hereto and made a part of this Agreement.

Invoices shall include the Agreement Number and shall be submitted in triplicate not more frequently than monthly in arrears to:

California Architects Board
 Agreement Number 0000000000000000000000001263
 2420 Del Paso Road, Suite 105
 Sacramento, CA 95834

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

3. Prompt Payment Clause

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with section 927.

4. Cost Breakdown

Contractor will charge at an hourly rate of \$80.00. Contractor’s Cost Proposal is hereby attached and marked Exhibit B-1.

Fiscal Year	\$80.00 Hourly Rate x 1400 Hours Per Fiscal Year	Expense Compensation	Total Per Fiscal Year
2016/2017 (7/1/2016 – 6/30/2017)	\$112,000.00	\$6,000.00	\$118,000.00
2017/2018 (7/1/2017 – 6/30/2018)	\$112,000.00	\$6,000.00	\$118,000.00
2018/2019 (7/1/2018 – 6/30/2019)	\$112,000.00	\$6,000.00	\$118,000.00
Total Contract Amount			\$354,000.00

5. Payment Criteria

The architect consultant shall be reimbursed for his/her services monthly, based on the number of hours worked, and for any approved travel, training, registration, membership, and related expenses as determined by CAB. The invoice shall be submitted in triplicate and include the contract number, detail of the tasks performed, hours and time period of service and amount due. [The State shall retain ten percent (10%) out of each payment pending satisfactory completion of the contract or upon satisfactory completion of separate and distinct tasks as provided in section 10379 of the Public Contract Code.] The Contractor must invoice the DCA, CAB to obtain the 10% withheld payment after completing each task/project as outlined herein.

6. Expense Compensation

The architect consultant will be paid in accordance with Business and Professions Code, Section 5528(a) and (b). \$6,000.00 per fiscal year will be allocated to reimburse expenses incurred at the request of the CAB Executive Officer for applicable expenses such as the International Conference of Building Officials (ICBO); California Building Officials (CALBO); CALBO Annual Business Meeting Registration; ICBO Annual Business Session; American Institute of Architects; California Council (AIACC). Reimbursed expenses will also include the following:

- travel expenses
- training fees
- organizational dues
- membership dues
- registration fees
- related expenses

EXHIBIT B-1 COST PROPOSAL
Attachment 8

Robert L. Carter, Architect

Proposer's Name

RFP No. CAB-16-1

The compensation to perform the tasks of the architect consultant for the California Architects Board (CAB), including performance of duties at 2420 Del Paso Road in Sacramento, off-site, and in travel mode on behalf of the CAB, is proposed as follows:

Duration: July 1, 2016 or upon approval through June 30, 2019

Hourly Rate: \$ 80.00 per hour (not to exceed \$80)

Annual Proposal Amount: \$ 112,000.00 (Hourly Rate x 1,400 estimated hours)

Annual Expenses
(Travel, Training, Etc.) \$ 6,000.00

Subtotal \$ 118,000.00

Total Proposal Amount: \$ 354,000.00 (Subtotal x 3 Years)

I shall be reimbursed for my services monthly, based on the number of hours worked. I understand I will be paid in arrears within 30-45 days of receipt of an approved invoice and the state shall retain ten percent (10%) out of each payment pending satisfactory completion of the contract or upon satisfactory completion of separate and distinct tasks as provided in section 10379 of the Public Contract Code. I shall also be reimbursed for any approved travel, training, registration, membership, and related expenses as determined by CAB. All approved travel will be reimbursed at the exempt travel rates in accordance with the California Code of Regulations Title 2, Chapter 3, Article 2, section 599.619. I shall not be reimbursed for my travel to and from CAB, 2420 Del Paso Road in Sacramento, from my home or business office.

SMALL BUSINESS Yes X No _____

DVBE Yes _____ No X

Certification No. 1751271



Signature

March 31, 2016
Date

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. ASSIGNMENT: This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. AUDIT: Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. INDEMNIFICATION: Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. DISPUTES: Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. TERMINATION FOR CAUSE: The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

8. INDEPENDENT CONTRACTOR: Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. RECYCLING CERTIFICATION: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE: During the performance of this Agreement, Contractor and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Contractor and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 307 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS: Time is of the essence in this Agreement.

13. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

a. The Government Code Chapter on Antitrust claims contains the following definitions:

1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.

2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)

b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER:

If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

EXHIBIT D – SPECIAL TERMS AND CONDITIONS

1. LIABILITY FOR NONCONFORMING WORK:

The Contractor will be fully responsible for ensuring that the completed work conforms to the agreed upon terms. If nonconformity is discovered prior to the Contractor's deadline, the Contractor will be given a reasonable opportunity to cure the nonconformity. If the nonconformity is discovered after the deadline for the completion of project, the State, in its sole discretion, may use any reasonable means to cure the nonconformity. The Contractor shall be responsible for reimbursing the State for any additional expenses incurred to cure such defects.

2. SETTLEMENT OF DISPUTES:

In the event of a dispute, Contractor shall file a "Notice of Dispute" with Department of Consumer Affairs, Director or his/her designee within ten (10) days of discovery of the problem. Within ten (10) days, the Director or his/her designee shall meet with the Contractor and Project Manager for purposes of resolving the dispute. The decision of the Director or his/her designee shall be final.

In the event of a dispute, the language contained within this agreement shall prevail over any other language including that of the proposal.

3. AGENCY LIABILITY:

The Contractor warrants by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this Agreement without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

4. IMPRACTICABILITY OF PERFORMANCE:

This Contract may be suspended or cancelled, without notice at the option of the Contractor, if the Contractor's or State's premises or equipment is destroyed by fire or other catastrophe, or so substantially damaged that it is impractical to continue service, or in the event the Contractor is unable to render service as a result of any action by any governmental authority.

5. LICENSES AND PERMITS:

The Contractor shall be an individual or firm licensed to do business in California and shall obtain at his/her expense all license(s) and permit(s) required by law for accomplishing any work required in connection with this Contract.

In the event any license(s) and/or permits(s) expire at any time during the term of this Contract, Contractor agrees to provide the State a copy of the renewed license(s) and/or permit(s) within 30 days following the expiration date. In the event the Contractor fails to keep in effect at all times all required license(s) and permits(s), the State may, in addition to any other remedies it may have, terminate this Contract upon occurrence of such event.

EXHIBIT E – ADDITIONAL TERMS AND CONDITIONS

1. **RIGHT TO TERMINATE:** The State reserves the right to terminate this Contract subject to 30 days written notice. Contractor may submit a written request to terminate this agreement only if the State should substantially fail to perform its responsibilities as provided herein.

However, the agreement can be immediately terminated for cause. The term “for cause” shall mean that the Contractor fails to meet the terms, conditions, and/or responsibilities of the contract. In this instance, the contract termination shall be effective as of the date indicated on the State’s notification to the Contractor.

2. **LIABILITY FOR LOSS AND DAMAGES:** Any damages by the Contractor to the State’s facility including equipment, furniture, materials or other State property will be repaired or replaced by the Contractor to the satisfaction of the State at no cost to the State. The State may, at its option, repair any such damage and deduct the cost thereof from any sum due Contractor under this Contract.
3. **CONFIDENTIALITY OF DATA:** No reports, information, inventions, improvements, discoveries, or data obtained, repaired, assembled, or developed by the Contractor pursuant to this Contract shall be released, published, or made available to any person (except to the State) without prior written approval from the State.

Contractor by acceptance of this Contract is subject to all of the requirements of California Civil Code sections 1798, et seq., regarding the collections, maintenance, and disclosure of personal and confidential information about individuals.

4. **EXCISE TAX:** The State of California is exempt from Federal Excise Taxes, and no payment will be made for any taxes levied on employees’ wages. The State will pay for any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this agreement. California may pay any applicable sales or use tax imposed by another state.
5. **DISABLED VETERAN BUSINESS ENTERPRISE (DVBE):** The State has determined that the DVBE participation goals for this Contract are exempt.
6. **EVALUATION OF CONTRACTOR:** Performance of the Contractor under this agreement will be evaluated. The evaluation shall be prepared on Contract/Contractor Evaluation Sheet, Std. 4 and maintained in the Agreement file. For consultant agreements, a copy of the evaluation will be sent to the Department of General Services, Office of Legal Services, if it is negative and over \$5,000.00.
7. **TRAVEL EXPENSES:** All travel will be reimbursed at the exempt travel rates in accordance with the California Code of Regulations Title 2, Chapter 3, Article 2, section 599.619.

DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION ON SB 1132 (GALGIANI) [INTERN TITLE] AND THE AMERICAN INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL'S (AIACC) ARCHITECT-IN-TRAINING TITLE CHANGE PROPOSAL

The California Architects Board's 2015-2016 Strategic Plan contains an objective to monitor National Council of Architectural Registration Boards' (NCARB) action on titling for interns to ensure appropriate consumer protection (Comprehensive History – Attachment 1). However, the focus of this objective has shifted to The American Institute of Architects, California Council's (AIACC) request for a special title ("architectural intern") and subsequent legislation (Senate Bill [SB] 1132 [Galgiani]) for the title "architect-in-training" (Attachments 2 and 3).

AIACC has indicated that the purpose of SB 1132 is to: provide a means with which to formally recognize those committed to becoming California licensed architects; potentially streamline the licensure process; and promote licensure. At its April 28, 2016 meeting, the Regulatory and Enforcement Committee (REC) reviewed and discussed SB 1132 (Galgiani), as well as AIACC's "Architect-in-Training Title Change Proposal" (Attachment 4). The REC voted to recommend to the Board that it oppose SB 1132 without prejudice because the members felt it is premature and has not been sufficiently justified at this time. Some of the concerns raised by the Committee members were the: 1) existence of a specific problem has not been sufficiently demonstrated; 2) potential for consumer confusion; 3) workload and enforcement impact on the Board; and 4) possibility that only a small percentage of individuals would actually use the title.

Prior to the REC meeting, staff met with AIACC representative Kurt Cooknick on April 19, 2016 in an effort to gather additional information regarding AIACC's legislation and the title change proposal. Staff provided Mr. Cooknick with a list of questions (Attachment 5) that had been posed to AIACC at previous Board and REC meetings. He indicated that AIACC's goal was to have a parallel effort on this matter wherein program details could be jointly developed and accordingly AIACC would not be submitting additional material for the REC's consideration at its April 28, 2016 meeting.

A key issue in this discussion is the action at the national level. Currently, 28 NCARB member boards allow some sort of paraprofessional title, including four that allow "architect-in-training." NCARB convened a group to study the issue of titles in the profession. NCARB's Board of Directors unanimously accepted the report of the Future Title Task Force at its April 2015 meeting. In the statement regarding the findings, NCARB notes:

The final report of the Task Force recommends a simple solution: restrict the role of regulation to the title "architect," which should only apply to licensed individuals. The Task Force recommended that any title held by those pursuing licensure does not need to be regulated. In other words, it is recommended that NCARB discontinue the use of the word intern, intern-architect, or any other regulatory "title" describing those pursuing licensure. Further, architect emeritus is an acceptable term because it identifies those who have obtained a license but are no longer practicing, thus providing appropriate notice to the public. The rationale behind these simple but far-reaching recommendations is based on the role of the licensing board community. Their responsibility is to assure that the public is not misled by titles, and that a title assures the person is qualified to protect the public's health, safety, and welfare. Further, the Task Force

asserted that as long as a person is not wrongly using a title to pursue or support clients, the licensure process does not need to address anything beyond the use of the title “architect.”

Following the April 28, 2016 REC meeting, staff was informed that the Arizona State Board of Technical Registration has repealed the “architect-in-training” title effective August 6, 2016. Staff also found that the Puerto Rico Board of Examiners of Architects and Landscape Architects has experienced consumer protection issues related to its “architect-in-training” certification. Specifically, the following statement was included in the 2015 NCARB Annual Report: “The board continued to receive complaints regarding the illegal practice of interns who are offering architecture services independently and contracting directly with the public, in violation of the Practice Act. The current Practice Act requires the board certifies interns as ‘architects in training.’ This seems to confuse the public, because clients mistake this certification to mean that the board has authorized the individual to practice independently.”

This matter has been before the Board and the REC a number of times. At its March 2016 meeting, the Board voted to table the issue of creating a special title for candidates for licensure until the REC has received and considered a comprehensive proposal from AIACC. A list of all of the meetings and the approved motions is reflected in Attachment 1.

SB 1132 has passed the Senate Business, Professions, and Economic Development Committee and Senate Appropriations Committee, as well as the Senate floor (AIACC letter of support – Attachment 6). As part of the established fiscal review process, the Department of Consumer Affairs’ (DCA) Division of Legislative and Regulatory Review provided fiscal information to the Senate Appropriations Committee based upon analysis from the DCA Budget Office and input from Board staff. The Senate Appropriations Committee initially referred the bill to the “suspense file” due to its fiscal impact, but ultimately passed the bill (Attachment 7).

The author’s staff has drafted a proposed amendment to the bill that is intended to minimize its fiscal impact (Attachment 8). The amendment was not included in the bill, as the Senate Appropriations Committee staff determined that any fiscal issues can be addressed via policy/programmatic amendments to the bill in the policy committee. The Board has conveyed comments to the author and committees to explain and clarify the Board’s actions and NCARB’s conclusions on this matter (Attachments 9, 10 and 11). The bill will next be heard in the Assembly Business and Professions Committee.

The Board is asked to consider the REC’s recommendation to oppose SB 1132 without prejudice.

Attachments:

1. Comprehensive History of the Board’s Strategic Plan Objective
2. AIACC Letter to the Board Regarding Intern Titling, March 4, 2015
3. SB 1132 (Galgiani) [Architects: architects-in-training], February 18, 2016
4. AIACC’s Architect-in-Training Title Change Proposal, March 2, 2016
5. Questions from the Board and REC to AIACC Regarding AIACC’s Title Change Proposal
6. AIACC Letter in Support of SB 1132, March 28, 2016
7. Senate Appropriations Committee Bill Analysis of SB 1132, April 25, 2016
8. Proposed Author’s Amendment to SB 1132 (Galgiani)
9. Board Letter on SB 1132 to Senate BP&ED, March 28, 2016
10. Board Letter on SB 1132 to Senate Appropriations Committee, April 20, 2016
11. Board Letter on SB 1132 to Senator Galgiani, May 12, 2016

COMPREHENSIVE HISTORY OF 2015-2016 STRATEGIC PLAN OBJECTIVE TO MONITOR NATIONAL COUNCIL OF ARCHITECTURAL BOARDS ACTION ON TITLING FOR INTERNS TO ENSURE CONSUMER PROTECTION

March 4, 2015 – AIACC Letter to Board: The American Institute of Architects, California Council (AIACC) sent a letter to Board President Jon Baker requesting that the Board consider supporting amendments to the Architects Practice Act (Act) to allow the use of the title “architectural intern.” AIACC’s stated goal was to proactively modify the Act to be consistent with current standards and to facilitate a title change if or when such a term is adopted by NCARB model law.

April 29, 2015 – REC Meeting: The Regulatory and Enforcement Committee (REC) discussed and considered the consumer protection, enforcement, and regulatory issues involved with the title “architectural intern” and ultimately recommended that the Board not further consider the title “architectural intern.”

May 14, 2015 – NCARB Task Force: The National Council of Architectural Registration Boards (NCARB) announced the Future Title Task Force’s recommendation to restrict the role of regulation to the title “architect,” which should only apply to licensed individuals. The Task Force recommended that any title held by those pursuing licensure does not need to be regulated, and suggested NCARB discontinue its use of the word “intern.” The NCARB Board of Directors voted unanimously to accept the Task Force’s report at its April 2015 meeting.

June 10, 2015 – Board Meeting: The Board extensively discussed the topic, decided to reject the REC’s recommendation, and requested that the REC research and reevaluate its recommendation for reconsideration by the Board.

October 27, 2015 – Meeting with AIACC: Board staff met with Mr. Cooknick to discuss AIACC’s proposal within the context of NCARB’s current recommendation to restrict the role of regulation to the title “architect.”

November 5, 2015 – REC Meeting: The REC thoroughly discussed the topic and recommended that the Board table the issue until AIACC presents a comprehensive proposal that has been reviewed and analyzed by Board staff.

- Kurt Cooknick informed the REC that in response to NCARB’s recommendation, AIACC is now advocating for the title “architect-in-training.”
- REC expressed its concerns regarding the lack of a complete proposal that: 1) identifies the problem with supporting data; 2) defines the minimum qualifications and regulatory constraints for the title; and 3) addresses the management and enforcement aspects of the title.

December 10, 2015 – Board Meeting: The Board approved the REC’s recommendation and tabled the intern titling issue until AIACC presents a comprehensive proposal that has been reviewed and analyzed by Board staff.

- The Board expressed concern that, if legislation creates a mandate to require the Board to regulate titles for non-licensed individuals, the responsibility to enforce those regulations might be outside of Board’s consumer protection mission as stipulated in the Act.

February 18, 2016 – AIACC-Sponsored Legislation Introduced: Senate Bill (SB) 1132 (Galgiani) [Architects: architects-in-training], an AIACC-sponsored bill, to create and define the title “architect-in-training” was introduced.

February 24, 2016 – AIACC’s Draft “Title Change Proposal” Document: Board staff received AIACC’s draft “Architect-in-Training Title Change Proposal” document as the March 3, 2016 Board meeting packet was being finalized.

March 2, 2016 – AIACC’s Updated “Title Change Proposal” Document: Board staff received an updated “Architect-in-Training Title Change Proposal” document from AIACC and distributed it to Board members via email.

March 3, 2016 – Board Meeting: The Board again tabled the issue of creating a special title for candidates for licensure until the REC has received and considered a comprehensive proposal from AIACC.

- The Board requested that AIACC clarify and elaborate on the enforcement mechanisms relative to the use of the title “architect-in-training” and consider the consequences of its proposal on firms.

March 28, 2016 – Board Letter to Senator Galgiani: regarding Board’s March 3, 2016 action and NCARB Future Title Task Force Report.

April 4, 2016 – SB 1132 Legislative Hearing: SB 1132 was passed by the Senate Business, Professions and Economic Development Committee (BP&ED) and referred to the Senate Appropriations Committee on an 8-0-1 vote.

April 19, 2016 – Meeting with AIACC: Board staff met with Mr. Cooknick to gather additional information regarding AIACC’s sponsored legislation and title change proposal.

April 20, 2016 – Board Letter to Senate Appropriations Committee: clarifying Board’s March 3, 2016 motion, NCARB’s action on the Future Title Task Force Report, and fiscal issues.

April 25, 2016 – SB 1132 Legislative Hearing: SB 1132 was heard by the Senate Appropriations Committee, and referred to the “Suspense File.”

April 28, 2016 – REC Meeting: The REC reviewed and discussed SB 1132 and AIACC’s “Architect-in-Training Title Change Proposal” document, and voted to recommend to the Board that it oppose SB 1132 without prejudice.

- Barry Williams informed the REC that he informally polled approximately 40 future graduates of California State Polytechnic University, San Luis Obispo, and found that just four students preferred the title “architect-in-training” over other titles such as “designer,” “intern,” and “project manager.”
- Mr. Cooknick commented that the intent of the proposal is to encourage licensure, and explained that the candidate would be required to maintain documentation from his or her employer stating he or she is allowed to use the title, and provide that documentation to the Board upon request.

May 12, 2016 – Board Letter to Senator Galgiani: regarding REC’s recommendation, NCARB’s action on the Future Title Task Force Report, the Board’s March 3, 2016 motion, and fiscal issues.

May 13, 2016 – Meeting with Senator Galgiani’s Staff: Board staff met with Senator Galgiani’s staff to explain Board and REC actions on SB 1132.

May 17, 2016 – Meeting with Senator Galgiani and AIACC Representatives: Board staff met with Senator Galgiani and AIACC representatives to discuss the financial implications of SB 1132. A potential amendment was shared by Senator Galgiani’s staff that is intended to minimize the bill’s fiscal impact on the Board.

May 27, 2016 – SB 1132 Legislative Hearing: SB 1132 was passed by the Senate Appropriations Committee on a 7-0 vote, and referred to the Senate Floor.

May 31, 2016 – SB 1132 Senate Floor: SB 1132 was passed by the Senate on a 39-0 vote, and ordered to the Assembly.



March 4, 2015



Jon Baker, AIA, Board President
California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

RE: Intern Titling

Dear Mr. Baker:

With the support of the American Institute of Architects, California Council (AIACC) Executive Committee, and the AIACC Board of Directors, we, the undersigned, request that the California Architects Board (CAB) consider supporting changes to the Architects Practice Act concerning the current terminology of “candidate” for those eligible for the ARE, to include the title “architectural intern.”

The primary thrust behind the AIACC’s support for this change is in the interest of providing a means with which to formally recognize those committed to becoming California licensed architects – not to create marketing opportunities for unlicensed individuals. Therefore, when considering the proposed title change we ask that that the CAB also support limiting the use and purpose of the title “architectural intern” to that of an individual designation only, bestowed, as discussed, for an as yet to be determined finite period of time.

We believe limiting the time allowed to use the title, along with prohibiting its employment as a means to promote or advertise the services of the individual in the performance of projects falling under the exemptions found in Business and Professions Code Chapter 3, Division 3, §5537 to be in the interest of consumer protection, and in the spirit of the increasing licensure in California.

With national attention focused on finding a new appropriate title for not-yet-licensed professionals, our goal is to proactively modify the California Architects Practice Act to be consistent with current national standards, and to facilitate a future title change if/when such a term is adopted by future National Council of Architectural Registration Boards (NCARB) as model law.

Please consider the following:

- The NCARB recommends in their “Legislative Guidelines and Model Law” (2014-2015 Edition) that a person currently employed under the responsible control of an architect, and who maintains in good standing an NCARB record, shall be allowed to use the title “intern architect” or “architectural intern” in conjunction with his/her current employment. Refer to the document for details at:
http://www.ncarb.org/~media/files/pdf/special-paper/legislative_guidelines.pdf.
- According to NCARB, 28 jurisdictions have titles specifically for those actively pursuing licensure. These jurisdictions allow the use of the terms “intern architect,” “architectural intern,” “architect-in-training,” or a combination of terms. Refer to NCARB’s infographic at: <http://blog.ncarb.org/2014/August/Intern-Titles.aspx>
- Many jurisdictions require interns to register with NCARB as well as their State Board prior to using the designated title. This can potentially streamline the licensure process because it establishes the Board-Intern relationship early on, and interns can educate themselves about the state licensure requirements from the beginning of their path to licensure.
- Allowing the use of the term “architectural intern” may promote licensure, as this term sets apart those who are actively pursuing licensure from those who choose not to get licensed.
- The Architects Practice Act regulates the use of the terms “architect,” “architecture,” and “architectural” in order to protect consumers from being misled by unlicensed professionals. The terms “intern architect” and “architectural intern” are not misleading and clearly indicate—by the definition of the word “intern”—that such individuals are trainees in the field of architecture.

We hope this summary is sufficient in explaining the reasons for promoting this revision to the California Architects Practice Act. Should you have any questions or concerns, please contact AIACC Director of Regulatory Affairs Kurt Cooknick.

Respectfully,



Jana Itzen, AIA
AEP Vice President



Nathan M. Dea, Assoc. AIA
Associate Director- South



Aaron Baumbach, Assoc. AIA
Associate Director – North



Schuyler Bartholomay, Assoc. AIA
Regional Associate Director

March 4, 2015

Page 3



Amanda Green, Assoc. AIA
Architect Licensing Advisor – North



Leanna Libourel, AIA
Architect Licensing Advisor - South



Stephanie Silkwood, AIA
Young Architects Regional Director – North



Benjamin Kasdan, AIA
Young Architects Regional Director – South



Daniel Christman, AIAS
Student Director – North



Julia C. Flauaus, AIAS
Student Director - South

SENATE BILL

No. 1132

Introduced by Senator Galgiani

February 18, 2016

An act to amend Section 5500 of, and to add Section 5500.2 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1132, as introduced, Galgiani. Architects: architects-in-training. The Architects Practice Act provides for licensing and regulation of persons engaged in the practice of architecture by the California Architects Board, which is within the Department of Consumer Affairs, and defines the term "architect" for those purposes. That act requires an applicant for licensure as an architect to, among other things, take an examination. Existing regulations require an applicant for licensure to take the Architect Registration Examination.

This bill would define the term "architect-in-training," for purposes of that act, as a person who has received board confirmation of eligibility for the Architect Registration Examination and is employed under the direct supervision of a licensed architect, and would authorize a person to use the title "architect-in-training" for purposes of employment in the state if he or she meets the definition of that term.

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

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

- 1 SECTION 1. Section 5500 of the Business and Professions
- 2 Code is amended to read:
- 3 5500. As used in this ~~chapter~~, *chapter*, the following terms
- 4 shall have the following meanings: ~~architect~~

1 (a) “Architect” means a person who is licensed to practice
2 architecture in this state under the authority of this chapter.

3 (b) “Architect-in-training” means a person who has received
4 board confirmation of eligibility for the Architect Registration
5 Examination and is employed under the direct supervision of an
6 architect licensed under this chapter.

7 SEC. 2. Section 5500.2 is added to the Business and Professions
8 Code, to read:

9 5500.2. A person may use the title “architect-in-training” for
10 purposes of employment in the state if he or she meets the
11 definition of architect-in-training in Section 5500.

Architect-in-Training Title Change Proposal

The American Institute of Architects, California Council (AIACC), proposes the following highlighted and italicized changes to the Architects Practice Act's current terminology of "candidate" for those eligible for the Architect Registration Exam, to include the voluntary use of the title "Architect-in-Training."

By formally recognizing those committed to becoming California licensed architects, we believe this change will encourage those on the path to licensure to stay on that very path, thereby increasing the number of California licensed architects – something in which the California Architects Board should be keenly interested in participating. Additionally, this change may advance the public's understanding and awareness of the architecture profession by appropriately acknowledging the abilities of licensure and non-licensure track graduates, as well as appropriately aligning these individuals with other esteemed professions.

The Architects Practice Act regulates the use of the terms "architect," "architecture," and "architectural" in order to protect consumers from being misled by unlicensed professionals. The AIACC believes that, in a time when the title "Architect" had already been co-opted (software architect, systems architect, data architect, infrastructure architect, etc.), it is all the more imperative to create a para-professional title for inclusion in the Architects Practice Act to distinguish and protect not only the practice, but the origins of the title itself.

In response to concerns over consumer confusion, as a variation of the term "Engineer-in-Training" currently in use as the first step required under California law towards becoming licensed as a Professional Engineer, the term "Architect-in-Training" is no more misleading. It actually serves to affect the opposite implication that individuals using the title are trainees in the field of architecture.

Addressing concerns related to burdening the current enforcement program with an increase in unlicensed activity as a result of this proposal, the AIACC submits that: a candidate, on the path to licensure, is the least likely to violate the act and jeopardize their candidacy; that within the Practice Act several existing provisions addressing unlicensed practice, and the consequences of this type of conduct; and that contained in the CAB's existing enforcement program are the mechanisms for disciplining unlicensed activity. It should be pointed out that an unlicensed individual, seeking to mislead a consumer as to their qualifications, would not likely present themselves as an "Architect-in-Training," opting instead to choose to use the title architect to take advantage of the full force of its scope and authority.

To effect the voluntary use of the title "Architect-in-Training," the AIACC proposes the following changes to the Practice Act:

§ 5500 Architect; Architect-in-Training; Defined

(a) As used in this chapter, architect means a person who is licensed to practice architecture in this state under the authority of this chapter.

(b) As used in this chapter, architect-in-training means a person who has received NCARB confirmation of eligibility to test.

§ 5536 Practice Without License or Holding Self Out as Architect; Misdemeanor

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.

- (b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.
- (c) It is a misdemeanor, punishable as specified in subdivision (a), for any person to advertise or represent that he or she is a "registered building designer" or is registered or otherwise licensed by the state as a building designer.

§ 5536.1 Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor

- (a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person's responsibility for those documents. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.
- (b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board which shall at a minimum bear the licensee's name, his or her license number, the legend "licensed architect" and the legend "State of California," and which shall provide a means of indicating the renewal date of the license.
- (c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.
- (d) The board may adopt regulations necessary for the implementation of this section.

§ 5536.2 Statement of Licensure

Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5536.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.

It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.

This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5536.1.

§ 5536.3 Misuse of the title architect-in-training; Misdemeanor

- (a) *It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or loss of ability to test, for any person who is not qualified under § 5500 (b) to use the title architect-in-training.*

§ 134 Use of the Term Architect; Architect-in-Training; Responsible Control within Business Entity

- (a) Use of the Term Architect: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term "architect," "architecture," or "architectural," or any abbreviations or confusingly similar variations thereof, unless that person is a business entity wherein an architect is: (1) in management control of the professional services that are offered and provided by the business entity; and, (2) either the owner, a part-owner, an officer or an employee of the business entity.
- (b) Use of the term Architect-in-Training: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term "architect-in-training."*
- (c) Persons who are qualified under § 5500 (b) may use the title "architect-in-training" in representing themselves to the public, as long as such persons perform their work activities under the direct supervision and responsibility of a licensed architect.*

§ 149 Advertising in Telephone Directory Without License—Agency Citation

- (a) If, upon investigation, an agency designated in Section 101 has probable cause to believe that a person is advertising with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following: (1) Cease the unlawful advertising. (2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.
- (b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he or she intends to contest the citation. The agency shall afford an opportunity for a hearing, as specified in Section 125.9.
- (c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.
- (d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.
- (e) Individuals eligible to use the title "Architect-in-Training" are prohibited from its employment as a means to promote or advertise the services of the individual in the performance of projects falling under the exemptions found in Business and Professions Code Chapter 3, Division 3, §5537.*
- (f) Principals of firms employing architects-in-training may use the title "architect-in-training" as they deem appropriate when making presentations, in promotional materials, etc.*

**QUESTIONS FROM THE CALIFORNIA ARCHITECTS BOARD AND THE
REGULATORY AND ENFORCEMENT COMMITTEE (REC) TO THE AMERICAN
INSTITUTE OF ARCHITECTS, CALIFORNIA COUNCIL (AIACC) REGARDING
AIACC'S TITLE CHANGE PROPOSAL**

1. What is the specific problem that needs to be addressed?
2. Is there any supporting data that demonstrates the problem?
3. What is AIACC's proposed solution?
4. How does the proposed solution solve the alleged problem?
5. AIACC indicated at the June 2015 Board meeting that AIACC reflected on and identified remedies to the REC's concerns about consumer protection. What are these remedies?
6. There is no timeframe associated with the use of the AIT title in AIACC's written materials, contrary to what was originally discussed. Was the timeframe discarded?
7. Once a candidate has eligibility to test, can the AIT title be used forever?
8. Has AIACC obtained information from BPELSG regarding its costs to manage the title "engineer-in-training" as requested by the REC?
9. How does the current proposal address the enforcement, management, and regulatory aspects of the AIT title?
10. AIACC was asked by the Board to clarify and elaborate on the enforcement mechanisms related to the use of the AIT title before it is presented to the REC. Does the current proposal include this information?
11. If there is an error and a candidate is not eligible to use the AIT title, but he or she has been authorized to use it by a firm, who is responsible for the violation – the candidate or the firm?
12. Does the proposal include specific examples of jurisdictions that use a paraprofessional title?



March 28, 2016

The Honorable Jerry Hill
Chair, Senate Business, Professions and Economic Development
Committee
California State Capitol
Sacramento, California 95814

Regarding: SB 1132 (Galgiani) – Support

Dear Chairman Hill:

The American Institute of Architects, California Council, an association of nearly 10,000 licensed architects in California, is the Sponsor of Senate Bill 1132 (Galgiani), which is scheduled to be heard in your Business, Professions and Economic Development Committee on Monday, April 4, 2016.

SB 1132 allows individuals who are working to become licensed architects to have the job title “architect-in-training.”

California law (The Architects Practice Act) allows only individuals who are licensed architects to refer to themselves as an “architect.” The limit on the usage of “architect” to only those who are licensed architects – those who have eight years of education/experience and passed eight rigorous examinations – is a restriction meant only to protect the public.

The most common path to becoming an architect in California is five years of college, three years of internship under a licensed architect, and the successful completion of eight licensing examinations.

SB 1132 would allow individuals to have the job title “architect-in-training” during their internship once they are eligible to take the licensing examinations. This job title does not harm the public as it does not imply

March 28, 2016
Chairman Jerry Hill
Page 2

licensure or grant any of the authority of a licensed architect. Importantly, it is helpful as it describes the qualification of the individual to clients of an architectural firm.

Finally, the proposed “architect-in-training” job title is similar to the “engineer-in-training” and “land surveyor-in-training” job titles that already exist in California.

For these reasons, the AIA California Council respectfully asks for your support on SB 1132.

Sincerely,

A handwritten signature in black ink that reads "Mark Christian". The signature is written in a cursive style with a large, prominent "M" and "C".

Mark Christian
AIACC Director of Legislative Affairs

cc: State Senator Cathleen Galgiani
Members, Senate BPED Committee
Mark Mendoza, Committee Consultant
Kayla Williams, Senate Republican Caucus Consultant
Mike Belote, California Advocates (for AIACC)

SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

SB 1132 (Galgiani) - Architects: architects-in-training

Version: February 18, 2016

Policy Vote: B., P. & E.D. 8 - 0

Urgency: No

Mandate: No

Hearing Date: April 25, 2016

Consultant: Brendan McCarthy

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 1132 would authorize certain individuals in training to be licensed as an architect to use the professional title "architect-in-training".

Fiscal Impact: The bill, as drafted, would provide title protection for architects-in-training, but does not specify what level of licensing and enforcement the California Architects Board would provide. The following fiscal estimates assume that the level of oversight is comparable to that provided for engineers-in-training currently provided by the Board of Professional Engineers, Land Surveyors, and Geologists.

- One-time information technology costs of \$100,000 to allow the Board to process applications and track licenses (California Architects Board Fund).
- Ongoing costs of about \$120,000 per year for initial program development, licensing oversight, outreach, and enforcement (California Architects Board Fund).
- Potential one-time costs of about \$300,000 for the development of an examination. As noted above, the Board has looked at the program for licensing engineers-in-training for comparison. Applicants for licensure as engineers-in-training are required to take an examination. If the California Architects Board were to decide to require an examination for licensure as an architect-in-training, it would need to conduct an occupational analysis and develop such a test (there is no existing test of this kind to the Board's knowledge).
- Unknown potential increase in state employment costs (various funds). Under the current civil service system, state employee compensation sometimes depends upon license status. Some civil service employees can receive higher compensation if the individual has a professional license in his or her field. At this time it is not known how many state employees could seek licensure as an architect-in-training or whether gaining such a license would increase their compensation.

Background: Under current law, the California Architects Board licenses and regulates the profession of architecture. In order to become licensed as an architect, an applicant must have five years of architectural training. The applicant is then required to pass a seven part registration examination. After undergraduate training, a prospective licensee usually spends two to three years working under the supervision of a licensed architect while preparing for and taking the registration examinations.

Proposed Law: SB 1132 would authorize certain individuals in training to be licensed as an architect to use the professional title "architect-in-training". Specifically, the bill

would allow anyone who has received confirmation from the Board that he or she is eligible for the registration exam and is employed under the supervision of a licensed architect to use the title "architect-in-training".

Staff Comments: Under current law, state licensing boards and bureaus enforce both "practice acts" and "title acts" in the licensing of professions. Practice acts require licensed professionals to obtain a professional license (generally by meeting certain educational requirements and/or passage of examinations). In addition, practice acts impose requirements on the practice of the profession by licensees. For example, practice acts may impose professional responsibilities, requirements for protection of the public, continuing education responsibilities, and other requirements. On the other hand, title acts simply permit professionals to meet certain requirements to use a title and prohibit those who have not met those standards from using the specified title. Title acts do not impose professional requirements on the licensed professionals.

-- END --

PROPOSED AUTHOR’S AMENDMENT TO SENATE BILL (SB) 1132 (GALGIANI)
[ARCHITECTS: ARCHITECTS-IN-TRAINING]

On May 17, 2016, Senator Galgiani’s staff shared the following proposed amendment to SB 1132, which is intended to minimize the bill’s fiscal impact on the Board.

Proposed Author’s Amendment:

“Nothing in this Section requires the board to develop or administer an architect-in-training examination, nor does it require the board to approve, monitor, or track architects-in-training.”

Note: This amendment has not been included in the bill as of the publication date of this meeting packet (June 2, 2016).



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

March 28, 2016

The Honorable Cathleen Galgiani
California State Senate
State Capitol, Room 2059
Sacramento, CA 95814-4900

RE: SB 1132 (No Position) - "Architect-in-Training"

Dear Senator Galgiani:

The California Architects Board is pleased to be able to share these comments concerning SB 1132 (Galgiani), which would create a title for unlicensed candidates for licensure: architect-in-training.

The sponsor, The American Institute of Architects, California Council (AIACC), indicates that the goal of the bill is "providing a means with which to formally recognize those committed to becoming California licensed architects."

The Board does not have a position on the bill at this time. However, such legislation is contrary to action at the national level. The National Council of Architectural Registration Boards (NCARB), through its Future Title Task Force, determined that special titles for candidates are not appropriate. "The final report of the Task Force recommends a simple solution: restrict the role of regulation to the title 'architect,' which should only apply to licensed individuals." "The Task Force recommended that any title held by those pursuing licensure does not need to be regulated. In other words, it is recommended that NCARB discontinue the use of the word intern, intern-architect, or any other regulatory 'title' describing those pursuing licensure." NCARB will be updating its Model Law to ensure its consistency with the Future Title Task Force findings.

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

At this time, it is unclear to the Board that the proposal would address any identified risk to consumer health, safety and welfare. It is also difficult to justify the regulation and enforcement of a title appropriated to unlicensed individuals who do not yet come under the regulatory purview of the Board. At its most recent meeting (March 2015), the Board voted to accept the Regulatory and Enforcement Committee's (REC) recommendation to table the matter until AIACC presents a

The Honorable Cathleen Galgiani

March 28, 2016

Page 2

comprehensive proposal with supporting data that has been reviewed and analyzed by Board staff for REC and the Board's consideration. The Board has not received such a proposal to date.

We appreciate you considering our concerns. Please contact our Executive Officer, Doug McCauley, at (916) 575-7232 if you have questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Baker', written over a thin horizontal line.

JON ALAN BAKER
President



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

April 20, 2016

The Honorable Ricardo Lara, Chairman
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

RE: SB 1132 - "Architect-in-Training"

Dear Senator Lara:

The California Architects Board is pleased to provide these comments concerning SB 1132 (Galgiani), which would create a title for candidates for licensure: architect-in-training.

While the Board does not have a position on the bill at this time, such legislation is contrary to action at the national level. The National Council of Architectural Registration Boards (NCARB), which consists of all 50 states' boards, has determined that special titles for candidates are not appropriate.

The official NCARB report articulates the need to only "restrict the role of regulation to the title 'architect,' which should only apply to licensed individuals." In addition, the report also concludes: **"that any title held by those pursuing licensure does not need to be regulated."** NCARB will be updating its Model Law to ensure its consistency with these findings. Unfortunately, at the April 4, 2016 Senate Business, Professions, and Economic Development Committee (B & P) hearing, supporters of the bill indicated that the national action was solely on the part of "that particular committee." That is inaccurate. NCARB's position is that there is no need for a title, other than architect.

What is more concerning however, is the inaccurate description of the Board's action. At its most recent meeting (March 2016), the Board voted to accept its Regulatory and Enforcement Committee's recommendation **"to table the matter until AIACC presents a comprehensive proposal with supporting data that has been reviewed and analyzed by Board staff for REC and the Board's consideration."** (No new material has been submitted by AIACC.) Unfortunately, testimony in the B & P committee hearing alleged that the "Board did **not table the matter**" and such statement is untrue.

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

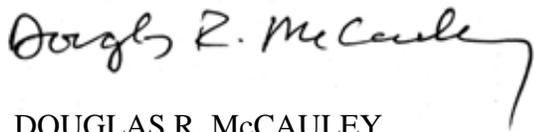
cab@dca.ca.gov
www.cab.ca.gov

The Honorable Ricardo Lara, Chairman
April 20, 2016
Page 2

The fiscal impact of this bill will be significant in terms of start-up costs and enforcement. With any new law, compliance is initially low, and accordingly enforcement costs are high. Information technology needs will also be significant, particularly because the Board has not been transitioned into DCA's BreEZe system. As such, whatever systems are needed will likely have to be implemented redundantly. In addition, if this program is modeled like the engineer-in-training program, the costs will increase significantly. DCA's Budget Office is analyzing the detailed fiscal impacts of the bill.

The Board appreciates your consideration of our concerns. Feel free to contact at me at (916) 575-7232 or doug.mccauley@dca.ca.gov if you have questions or comments.

Sincerely,



DOUGLAS R. McCAULEY
Executive Officer

cc: Members, Senate Appropriations Committee
The Honorable Cathleen Galgiani
Brendan McCarthy, Principal Consultant - Senate Appropriations Committee
Melinda McClain, Deputy Director of Legislation and Regulatory Review - Department of Consumer Affairs
Mark Christian, Director of Legislative Affairs - American Institute of Architects - California Council
Kurt Cooknick, Assoc. AIA, Director of Regulations and Practice - American Institute of Architects - California Council



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

May 12, 2016

The Honorable Cathleen Galgiani
California State Senate
State Capitol, Room 2059
Sacramento, CA 95814

RE: SB 1132 - "Architect-in-Training"

Dear Senator Galgiani:

I am writing to update you on the California Architects Board's position on SB 1132 (Galgiani), which would create a title for candidates for licensure: architect-in-training.

At its April 28, 2016 Regulatory and Enforcement Committee (REC) meeting, a recommendation to oppose SB 1132 was approved. That recommendation will be considered at the next Board meeting.

At the Board's last meeting (March 3, 2016), its action was "**to table the matter until AIACC presents a comprehensive proposal with supporting data** that has been reviewed and analyzed by Board staff for REC and the Board's consideration." (Unfortunately, sponsors' testimony at the April 4, 2016 Business, Professions, and Economic Development Committee (B&P) hearing misrepresented the Board's position by indicating that the "Board did **not table the matter**".) No new material has been submitted to the Board by the American Institute of Architects - California Council (AIACC).

While the Board does not have a formal position on the bill at this time, such legislation is contrary to action at the national level. The National Council of Architectural Registration Boards (NCARB), which consists of all 50 states' boards, has determined that special regulatory titles for unlicensed candidates are not necessary or appropriate (attachment).

The official NCARB report articulates the need to only "restrict the role of regulation to the title 'architect,' which should only apply to licensed individuals." In addition, the report also concludes: "**that any title held by those pursuing licensure does not need to be regulated.**" NCARB will be updating its Model Law to ensure its consistency with these findings. Unfortunately, at the B&P hearing, sponsors of the bill also indicated that the national action was solely on the part of "that particular committee." That is inaccurate. NCARB's position is that there is no need for a regulated title, other than architect.

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

The Honorable Cathleen Galgiani

May 12, 2016

Page 2

The fiscal impact of this bill will be significant in terms of start-up costs, administration, and enforcement. With any new law, compliance is initially low, and accordingly enforcement costs are high. Information technology needs will also be significant, particularly because the Board has not been transitioned into the Department of Consumer Affairs' (DCA) BreEZe system. As such, whatever systems are needed will likely have to be implemented redundantly. DCA's Budget Office is analyzing the detailed fiscal impacts of the bill.

Since the Board's mission is to protect consumers by regulating the practice of architecture, the Board is unsure about the justification of expending resources regulating individuals who are not yet licensed practitioners and who are already restricted from practice by current regulation. The AIACC has been asked several times to provide a plan for the implementation, administration, and enforcement of this proposal. Once received, the Board has indicated a willingness to consider the proposal and its fiscal impact. The appropriateness of this proposal and the need for it remains questionable.

The Board appreciates your consideration of our concerns. Feel free to contact our Executive Officer, Doug McCauley, at (916) 575-7232 or doug.mccauley@dca.ca.gov if you have questions or comments.

Sincerely,



JON ALAN BAKER
President

Attachment

cc: Members, Senate Appropriations Committee
Brendan McCarthy, Principal Consultant - Senate Appropriations Committee
Heather White, Fiscal Consultant - Senate Republican Office of Policy
Melinda McClain, Deputy Director of Legislation and Regulatory Review - Department of
Consumer Affairs
Mark Christian, Director of Legislative Affairs - American Institute of Architects - California
Council
Kurt Cooknick, Assoc. AIA, Director of Regulation and Practice - American Institute of
Architects - California Council

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on LATC May 24, 2016 Meeting
2. Review and Possible Action on Proposed Language to Amend Business and Professions Code Sections 5680.1 (Expired License – Renewal) and 5680.2 (License Renewal – Three Years After Expiration) and Proposed Regulations to Amend California Code of Regulations (CCR) Title 16, Sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration)
3. Review and Possible Action on Proposed Regulations to Amend CCR Title 16, Section 2649(f) (Fees) as it Relates to Extension of Renewal Fee Reduction

Agenda Item K.1

UPDATE ON LATC MAY 24, 2016 MEETING

The Landscape Architects Technical Committee (LATC) met on May 24, 2016 in Sacramento. Attached is the meeting notice. LATC Program Manager, Trish Rodriguez, will provide an update on the meeting.

Attachment:

May 24, 2016 Notice of Meeting



NOTICE OF MEETING

May 24, 2016
10:00 a.m. – 3:00 p.m.
(or until completion of business)
Stanley Mosk Library and Courts Building
914 Capitol Mall, Room 500
Sacramento, CA 95814
(916) 651-6466 or (916) 575-7230 (LATC)

The Landscape Architect Technical Committee (LATC) will hold a meeting, as noted above. The notice and agenda for this meeting and other meetings of the LATC can be found on the LATC's website: latc.ca.gov. For further information regarding this agenda, please see reverse or you may contact Trish Rodriguez at (916) 575-7230.

The LATC plans to webcast this meeting on its website. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location.

AGENDA

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and LATC Member Comments
- C. Public Comment for Items Not on Agenda
(The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections 11125 and 11125.7(a)].)
- D. Review and Approve February 10, 2016 LATC Meeting Minutes
- E. Program Manager's Report on Examination, Enforcement, Licensing, and Administration
- F. Introduction and Presentation on Sustainable Sites Initiative (SITES) by American Society of Landscape Architects (ASLA) Representative

(Continued on Reverse)

- G. Update on Council of Landscape Architectural Registration Boards (CLARB) regarding Task Analysis Survey, Landscape Architect Registration Examination (LARE) Administration and Pass Rates Upcoming Elections, and Annual Meeting
- H. Review and Consider Request by Expired Licensee 2016-1 for Re-licensure, Pursuant to Title 16 California Code of Regulations (CCR) Section 2624 (Expired License – Three Years After Expiration)
- I. Discuss and Possible Action on Proposed Language to Amend or Repeal Business and Professions Code section 5680.2 (License Renewal – Three Years After Expiration) and Proposed Regulations to Amend or Repeal (Title 16 CCR, sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration)
- J. Review and Approve Intra-Departmental Contract with Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development
- K. Discuss and Possible Action on Extension of Renewal Fee Reduction; Title 16 CCR section 2649 (Fees)
- L. Review and Approve Draft *Consumer's Guide to Hiring a Landscape Architect* for Publication
- M. Review Tentative Schedule and Confirm Future LATC Meeting Dates
- N. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the LATC are open to the public.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the LATC prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125 and 1125.7(a)].

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Ms. Rodriguez at (916) 575-7231, emailing trish.rodriquez@dca.ca.gov, or sending a written request to the LATC. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the LATC in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5620.1)

Agenda Item K.2

REVIEW AND POSSIBLE ACTION ON PROPOSED LANGUAGE TO AMEND BUSINESS AND PROFESSIONS CODE SECTIONS 5680.1 (EXPIRED LICENSE – RENEWAL) AND 5680.2 (LICENSE RENEWAL – THREE YEARS AFTER EXPIRATION) AND PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 16, SECTIONS 2624 (EXPIRED LICENSE – THREE YEARS AFTER EXPIRATION) AND 2624.1 (EXPIRED LICENSE – FIVE YEARS AFTER EXPIRATION)

The Landscape Architects Technical Committee's (LATC) Strategic Plan contains an objective to "assess whether any revisions are needed to the regulations, procedures, and instructions for expired license requirements." At the August 6, 2015 LATC meeting, the Committee reviewed the procedures and expired license requirements contained in Business and Professions Code (BPC) section 5680.2 and CCR section 2624. The Committee then directed staff to assess whether the California Architects Board's (Board) procedures and requirements should be considered for use by LATC.

Under LATC's current provisions, an individual who has let their landscape architect license lapse for more than three years but less than five years may submit a request for re-licensure without retaking the Landscape Architect Registration Examination (LARE). An applicant for re-licensure must submit a portfolio for the LATC's review that demonstrates their knowledge and skills in landscape architecture. If this review demonstrates to the LATC's satisfaction that the applicant is qualified to practice landscape architecture, the licensing examination or portions thereof, may be waived. Following the LATC's review, the applicant for re-licensure must take and pass any required sections of the LARE and the California Supplemental Examination (CSE) prior to becoming eligible for a new license.

The Board's current re-licensure requirements allow the holder of a license that has been expired more than five years to pay all of the required application fees, and meet all of the requirements for obtaining an original license. An applicant who has submitted all required documentation is provided an application for the CSE. Upon passing the CSE, the applicant is eligible for re-licensure. Re-licensure applicants are not required to retake the Architect Registration Examination.

At the November 17, 2015 LATC meeting, staff presented as directed a summary of the re-licensure procedures and requirements that are followed by LATC, Board, and six landscape architecture licensing boards. The Committee discussed the LATC's portfolio review process currently available to its re-licensure applicants who hold a license that has been expired for more than three years but less than five years. The Committee determined that the portfolio review can be subjective and may not be the best method to determine an individual's knowledge and skill level. After review of all of the material, the Committee concluded that additional information and further discussion was necessary in order to revise the LATC's re-licensure procedures. The Committee directed staff to expand the research of re-licensure procedures for additional licensing boards and present the findings at the next meeting.

At the February 10, 2016 LATC meeting, re-licensure procedures of ten additional state licensing boards were presented to the Committee. Upon review, the Committee directed staff to draft proposed language to amend the LATC's re-licensure procedures, similar to the Board's, to require an individual whose license has expired for less than five years to pay any accrued fees, and to require the holder of a license that has expired for more than five years to reapply for licensure and retake the CSE.

Staff prepared proposed language to amend BPC 5680.2, and repeal CCR 2624 and 2624.1 with the advice of legal counsel.

At the May 24, 2016 LATC meeting, the Committee voted to amend BPC 5680.2 and repeal CCR 2624 and 2624.1. Prior to the meeting, staff discovered BPC 5680.1 included language which would also need to be amended. It was noted to the Committee that BPC 5680.1 would be included when presented to the Board for its consideration.

The Board is asked to review and approve the proposed language to amend BPC 5680.1 and 5680.2, and repeal CCR 2624 and 2624.1; and delegate authority to the Executive Officer to adopt the proposed changes provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

Attachments:

1. Proposed Language to Amend BPC 5680.1 (Expired License – Renewal) and 5680.2 (License Renewal - Three Years After Expiration)
2. Proposed Regulatory Language to Repeal CCR 2624 (Expired License - Three Years After Expiration) and 2624.1 (Expired License - Five Years After Expiration)

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED LANGUAGE**

The California Architects Board proposes changes to Chapter 3.5 of Division 3 of the Business and Professions Code as follows:

§ 5680.1 Expired License-Renewal

Except as otherwise provided in this chapter, a license that has expired may be renewed at any time within ~~three~~-five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the license is renewed more than 30 days after its expiration, the license holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 5680 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

§ 5680.2 ~~License Renewal-Three Years After Expiration~~Failure to Renew Within Five Years: Issuance of New License: Conditions

A license which is not renewed within ~~three~~-five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired license may apply for and obtain a new license if:

(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension.

(b) The applicant-holder of the expired license pays ~~all of~~ the fees ~~which would be~~ required of ~~the new~~ applicants, ~~if the applicant were then applying for the license for the first time.~~

(c) The applicant-holder of the expired license takes and passes the current California Supplemental Examination, ~~examination which would be required of the applicant if the applicant were then applying for the license for the first time, or otherwise establishes to the satisfaction of the board that the applicant is qualified to practice landscape architecture.~~

~~—The board may, by regulation, authorize waiver or refund of all or any part of the examination fee in those cases in which a license is issued without an examination under this section.~~

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE**

The California Architects Board proposes changes to Division 26 of Title 16 of the California Code of Regulations as follows:

Repeal section 2624 - Expired License-Three Years After Expiration

~~§ 2624. Expired License-Three Years After Expiration~~

~~An applicant whose landscape architect license has been expired for more than three years but less than five years shall be eligible for a new license upon:~~

- ~~(a) Complying with the provisions of Business and Professions Code Section 5680.2;~~
- ~~(b) Completing the re-licensure application process as follows:
 - ~~(1) Submitting application for examination and all fees required of first-time applicants (see sections 2610 and 2649);~~
 - ~~(2) Submitting work samples and supporting materials that demonstrate applicant's current knowledge and experience in landscape architecture; and~~
 - ~~(3) Passing current sections of the national licensing examination, if any, designated by the Landscape Architects Technical Committee;~~~~
- ~~(c) Passing the California Supplemental Examination.~~

Repeal section 2624.1 - Expired License-Five Years After Expiration

~~§ 2624.1 Expired License-Five Years After Expiration.~~

~~An applicant whose landscape architect license has been expired for more than five years shall be eligible for a new license upon:~~

- ~~(a) Complying with the provisions of Business and Professions Code section 5680.2, subdivisions (a) and (b) (see also sections 2610 and 2649);~~
- ~~(b) Passing the current national licensing examination; and~~
- ~~(c) Passing the California Supplemental Examination.~~

Authority cited: Section 5630, Business and Professions Code. Reference: Section 5680.2, Business and Professions Code.

Agenda Item K.3

REVIEW AND POSSIBLE ACTION ON PROPOSED REGULATIONS TO AMEND CCR TITLE 16, SECTION 2649(f) (FEES) AS IT RELATES TO EXTENSION OF RENEWAL FEE REDUCTION

In 2013, the Landscape Architects Technical Committee's budgetary fund condition reflected a balance of 19.5 months of unencumbered funds. Business and Professions Code (BPC) section 128.5 (Unencumbered Funds; Reduction of Fees) requires fees to be reduced if an agency has more than 24 months. The Department of Consumer Affairs' (DCA) Budget Office recommends that agencies maintain unencumbered funds not to exceed 3 months in order to accommodate unanticipated changes in projected revenue and/or expenditures.

To address the surplus in its fund, the LATC implemented a permanent \$200,000 reduction in expenditure authority beginning with Fiscal Year (FY) 2015/16 and temporarily reduced license renewal fees from \$400 to \$220 for the period July 1, 2015 to June 30, 2017. California Code of Regulations (CCR) section 2649(f) was amended to effectuate the temporary fee reduction.

Staff has been monitoring the fund condition and met with DCA's Budget Office personnel in February 2016 to determine if the temporary reduction in renewal fees was sufficient to reduce the fund to an appropriate number of months. Based on current and projected revenue and expenditures, LATC will have 16.8 months in unencumbered funds on June 30, 2017, indicating a need to consider extending the fee reduction for one more renewal cycle, July 1, 2017 through June 30, 2019. Reduction of renewal fees for this period could potentially result in unencumbered funds of 10 months for FY 2017/18 and 3.4 months for FY 2018/19.

In order to reduce the license renewal fees for another cycle, a regulatory change to amend CCR section 2649(f) would be needed. On May 24, 2016, the LATC approved the recommendation to temporarily reduce license renewal fees from \$400 to \$220 for the period July 1, 2017 through June 30, 2019. Attached is Proposed Regulatory Language to amend CCR 2649(f) prepared by staff.

The Board is asked to review and take action on the proposed regulation to amend CCR section 2649(f), and delegate authority to the Executive Officer to adopt the regulation provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

Attachments:

1. Proposed Regulatory Language to amend CCR Section 2649 (Fees)
2. LATC Fund Condition - FYs 2014/15 through 2019/20 With and Without Fee Reduction
3. BPC Section 128.5 (Reduction of License Fees in Event of Surplus Funds)

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE**

Article 1. General Provisions

Proposed language to amend California Code of Regulations section 2649 as follows:

§ 2649 Fees

The fees for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

- (a) The fee for reviewing an eligibility application or an application to take the California Supplemental Examination is \$35.
- (b) The fee for the California Supplemental Examination is \$275.
- (c) The fee for a duplicate license is \$15.
- (d) The penalty for late notification of a change of address is \$50.
- (e) The fee for an original license is \$400.
- (f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal shall be \$400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal shall be \$220. For licenses expiring on or after July 1, 2017⁹, the fee for biennial renewal shall be \$400.

Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code.

**0757 - Landscape Architects Technical Committee
Analysis of Fund Condition - With Fee Reduction**

Prepared 4/26/16

2016-17 Governor's Budget

	Governor's Budget					
	ACTUAL 2014-15	CY 2015-16	BY 2016-17	BY + 1 2017-18	BY + 2 2018-19	BY + 3 2019-20
BEGINNING BALANCE	\$ 2,527	\$ 2,538	\$ 1,993	\$ 1,449	\$ 886	\$ 302
Prior Year Adjustment	\$ -3	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,524	\$ 2,538	\$ 1,993	\$ 1,449	\$ 886	\$ 302
REVENUES AND TRANSFERS						
Revenues:						
125600 Other regulatory fees	\$ 4	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
125700 Other regulatory licenses and permits	\$ 65	\$ 70	\$ 71	\$ 71	\$ 71	\$ 71
125800 Renewal fees	\$ 697	\$ 387	\$ 385	\$ 385	\$ 385	\$ 697
125900 Delinquent fees	\$ 14	\$ 10	\$ 9	\$ 9	\$ 9	\$ 9
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 7	\$ 6	\$ 6	\$ 6	\$ 6	\$ 6
150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 787	\$ 476	\$ 474	\$ 474	\$ 474	\$ 786
Transfers from Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 787	\$ 476	\$ 474	\$ 474	\$ 474	\$ 786
Totals, Resources	\$ 3,311	\$ 3,014	\$ 2,467	\$ 1,923	\$ 1,360	\$ 1,088
EXPENDITURES						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for California (State Operations)	\$ 1	\$ 2	\$ 1	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 772	\$ 1,019	\$ 1,017	\$ 1,037	\$ 1,058	\$ 1,079
Total Disbursements	\$ 773	\$ 1,021	\$ 1,018	\$ 1,037	\$ 1,058	\$ 1,079
FUND BALANCE						
Reserve for economic uncertainties	\$ 2,538	\$ 1,993	\$ 1,449	\$ 886	\$ 302	\$ 9
Months in Reserve	29.8	23.5	16.8	10.0	3.4	0.1

**0757 - Landscape Architects Technical Committee
Analysis of Fund Condition - Without Fee Reduction**

Prepared 4/26/16

2016-17 Governor's Budget

	Governor's Budget					
	ACTUAL	CY	BY	BY + 1	BY + 2	BY + 3
	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
BEGINNING BALANCE	\$ 2,527	\$ 2,538	\$ 1,993	\$ 1,449	\$ 1,198	\$ 926
Prior Year Adjustment	\$ -3	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,524	\$ 2,538	\$ 1,993	\$ 1,449	\$ 1,198	\$ 926
REVENUES AND TRANSFERS						
Revenues:						
125600 Other regulatory fees	\$ 4	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
125700 Other regulatory licenses and permits	\$ 65	\$ 70	\$ 71	\$ 71	\$ 71	\$ 71
125800 Renewal fees	\$ 697	\$ 387	\$ 385	\$ 697	\$ 697	\$ 697
125900 Delinquent fees	\$ 14	\$ 10	\$ 9	\$ 9	\$ 9	\$ 9
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 7	\$ 6	\$ 6	\$ 6	\$ 6	\$ 6
150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 787	\$ 476	\$ 474	\$ 786	\$ 786	\$ 786
Transfers from Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 787	\$ 476	\$ 474	\$ 786	\$ 786	\$ 786
Totals, Resources	\$ 3,311	\$ 3,014	\$ 2,467	\$ 2,235	\$ 1,984	\$ 1,712
EXPENDITURES						
Disbursements:						
0840 State Controller (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for California (State Operations)	\$ 1	\$ 2	\$ 1	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 772	\$ 1,019	\$ 1,017	\$ 1,037	\$ 1,058	\$ 1,079
Total Disbursements	\$ 773	\$ 1,021	\$ 1,018	\$ 1,037	\$ 1,058	\$ 1,079
FUND BALANCE						
Reserve for economic uncertainties	\$ 2,538	\$ 1,993	\$ 1,449	\$ 1,198	\$ 926	\$ 633
Months in Reserve	29.8	23.5	16.8	13.6	10.3	6.9

California Business and Professions Code
§ 128.5. Reduction of License Fees in Event of Surplus Funds

“(a) Notwithstanding any other provision of law, if at the end of any fiscal year, an agency within the Department of Consumer Affairs, except the agencies referred to in subdivision (b), has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

(b) Notwithstanding any other provision of law, if at the end of any fiscal year, the California Architects Board, the Board of Behavioral Sciences, the Veterinary Medical Board, the Court Reporters Board of California, the Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians, or the Bureau of Security and Investigative Services has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.”

CLOSED SESSION

1. Review and Possible Action on March 3, 2016 Closed Session Minutes
2. Pursuant to Government Code Section 11126(e)(1), the Board will Confer with Legal Counsel to Discuss and Take Possible Action on Litigation Regarding *Marie Lundin vs. California Architects Board, et al.*, Department of Fair Employment and Housing, Case No. 585824-164724
3. Pursuant to Government Code Section 11126(c)(3), the Board will Deliberate on Disciplinary Matters
4. Pursuant to Government Code Section 11126(a)(1), the Board will Conduct Annual Evaluation of its Executive Officer

RECONVENE OPEN SESSION

The Board will reconvene open session following closed session.

ADJOURNMENT

Time: _____