

MINUTES
BOARD MEETING
CALIFORNIA ARCHITECTS BOARD
MARCH 1, 2018
SACRAMENTO

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

Board President, Sylvia Kwan, called the meeting to order at 10:19 a.m. and Board Secretary, Denise Campos, called roll.

Board Members Present

Sylvia Kwan, President
Tian Feng, Vice President (departed at 2:00 p.m.)
Denise Campos, Secretary (departed at 1:30 p.m.)
Jon Alan Baker
Pasqual Gutierrez
Ebony Lewis (arrived at 10:23 a.m.)
Matthew McGuinness
Nilza Serrano
Barry Williams

Board Member Absent

Robert C. Pearman, Jr.

Guests Present

Mark Christian, Director of Government Relations, American Institute of Architects, California Council (AIACC)
Glenn Gall, Supervisor Health Facilities Review, Office of Statewide Health Planning and Development
Nicole Le, Chief, Office of Human Resources (OHR), Department of Consumer Affairs (DCA)
Heidi Lincer, Chief, Office of Professional Examination Services (OPES), DCA
Andrea Lynch, Personnel Analyst, OHR, DCA
Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services, DCA
Jason Piccione, Chief Information Officer, DCA
Tavi Popp, Research Manager, OPES, DCA
Rose Turner, Legislative Analyst, Division of Legislative & Regulatory Review, DCA

Staff Present

Doug McCauley, Executive Officer (EO)
Vickie Mayer, Assistant Executive Officer
Alicia Hegje, Program Manager Administration/Enforcement
Marcus Reinhardt, Program Manager Examination/Licensing
Mel Knox, Administration Analyst
Kristin Walker, Enforcement Analyst
Bob Carter, Architect Consultant
Bob Chase, Architect Consultant
Tara Welch, Attorney III, DCA

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

B. PRESIDENT'S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS

Ms. Kwan 1) announced that the meeting is not being webcast and that votes on all motions will be taken by roll-call; 2) welcomed Nicole Le and Andrea Lynch who will provide a presentation on the EO recruitment and selection process under Agenda Item F.1.; 3) welcomed Heidi Lincer, Chief of OPES, and Tavi Popp, Research Manager who will be providing information under Closed Session Agenda Item G.2; 4) welcomed Jason Piccione DCA Chief Information Officer who will provide a presentation on the Board's Business Modernization Project under Agenda Item J.2., and 5) thanked Matthew McGuinness for his service as Board President in 2017.

Ms. Kwan announced that Doug McCauley was appointed by the Governor to the position of Chief Deputy Director for the Department of Housing and Community Development. She stated that his last day at the Board is today. Mr. McCauley highlighted the noteworthy accomplishments during his time as EO and expressed gratitude for the privilege of serving the Board.

C. EXECUTIVE OFFICER'S REPORT - UPDATE ON BOARD'S ADMINISTRATION/MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS

Mr. McCauley reported that the Board is well-positioned for a successful Sunset Review in 2018. He informed that staff has already begun drafting responses to anticipated questions, and that the Executive Committee will first review the draft report at its May 16, 2018 meeting. Mr. McCauley informed that the Board is monitoring the Sunset Review process for other boards to better understand the process and facilitate a positive outcome.

Mr. McCauley reported that Board staff and an NCARB representative recently provided presentations that explained the licensing requirements, role of NCARB, the Architectural Experience Program, and the Architect Registration Examination at Woodbury University, Southern California Institute of Architecture; HMC Architects, Los Angeles; and California Baptist University. Mr. McCauley also reported that he and Bob Carter attended a workshop in Loma Rica on January 30, 2018, to assist residents who wish to hire an architect and rebuild due to the Cascade Fire. He mentioned that Mr. Carter and Bob Chase recently participated in a large firm roundtable in San Diego, where they engaged firm principals about how to avoid preventable violations of the Architects Practice Act. Mr. McCauley advised the Board to reference written contract provisions in its next Sunset Review Report as an important issue. Mr. McCauley noted LATC's positive case load and case aging enforcement statistics, which also helps to well-position LATC for Sunset Review.

Nilza Serrano asked that all Board members and members of the public follow the Board on social media (Facebook, Instagram, and Twitter) in an effort to enhance the Board's social presence. Mr. McCauley recommended members' architect firms retweet the Board's tweets to a larger audience.

Jon Alan Baker recalled that approximately 25 percent of the Board's discipline cases are the result of continuing education (CE) audits, and asked when DCA might consider a different approach to CE given the redefinition of health, safety, and welfare and the realignment of education standards.

Mr. McCauley said that the upcoming new administration it may provide new ideas on CE. He informed that both the Sunset Review Report and the CE Report, which is due in January 2019, may represent an opportunity for the Board to approach the issue of future CE requirements should it wish to do so.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Karen Nelson thanked Mr. McCauley on behalf of the DCA for his 17 years of service.

E. REVIEW AND POSSIBLE ACTION ON DECEMBER 7, 2017 BOARD MEETING MINUTES

Ms. Kwan asked for comments concerning the Minutes of the December 7, 2017 Board meeting.

- **Nilza Serrano moved to approve the December 7, 2017 Board meeting minutes.**

Tian Feng seconded the motion.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

F. EXECUTIVE OFFICER (EO) RECRUITMENT AND SELECTION PROCESS

Mses. Le and Lynch provided the Board with details for the recruitment of its next EO. Ms. Le asked the Board to review and approve the EO recruitment announcement and duty statement contained in the meeting packet, and to appoint a two-member selection committee. She also advised that an Interim or Acting EO should be appointed. Ms. Le explained that the EO recruitment announcement would be advertised on the California Department of Human Resources (CalHR) website, and that the OHR will accept applications and provide weekly status updates to the Selection Committee. She explained in detail each of the steps involved in the initial selection process - from the review and screening of applications to the appointment of the next EO. Ms. Le informed the Board that it is responsible for conducting final EO interviews, selecting finalists, and voting to appoint the new EO.

Ms. Campos asked how long the application process will be open to which Ms. Le informed that the recruitment process is posted on the CalHR website for 30 days; the Selection Committee may choose to extend the advertisement period past 30 days, if the Board desires a larger number of applicants. Ebony Lewis asked from where candidates are recruited, to which Ms. Le explained that the job announcement is posted on the CalHR website, but the Board may also post the job announcement in any industry newsletter or on social media to attract more candidates. Ms. Kwan asked why the composition of the Selection Committee is limited to only two members, to which Ms. Le explained that a meeting of more than two members is considered a Board meeting under the Bagley-Keene Open Meetings Act. Ms. Campos asked Mr. McCauley if the description of the EO responsibilities are accurate as reflected in the recruitment announcement, to which Mr. McCauley answered in the affirmative and noted that the EO ultimately serves at the pleasure of the Board. Ms. Le advised the Board that it can choose how many pages are required for the Statement of Qualifications; she recommended a minimum of three pages.

- **Nilza Serrano moved to approve the process for recruitment and selection of an EO.**

Denise Campos seconded the motion.

Mr. Feng asked when the EO Duty Statement was last updated, to which Ms. Le informed it was last updated in the year 1997; she noted that the Duty Statement format has changed, and the information has been updated. Ms. Kwan asked if the Selection Committee should be given authority to modify the Duty Statement if it deems changes are appropriate, to which Tara Welch did not advise the Board to take that approach. Mr. McCauley commented that, in his view, the updated Duty Statement captures each of the position's core functions. Mr. Feng asked if the Board can revise the Duty Statement while the EO is serving, to which Ms. Le informed that the Duty Statement is a living document and can be changed at any time, if needed. Ms. Le and Welch clarified for the motion that the Statement of Qualifications will be a three-page statement and the recruitment announcement will be posted on the CalHR website for 30 days, which the Board concurred.

Ms. Welch recommended an amended motion.

- **Nilza Serrano amended the motion to adopt the Recruitment Announcement inserting up to three pages for the Statement of Qualifications to be submitted by the candidate with a final filing date of 30 days after posting and to adopt the Duty Statement, as revised.**

Denise Campos seconded the motion.

Mr. Feng asked if the Recruitment Announcement can be posted without a specified filing deadline, to which Ms. Le advised against that approach because the Board would receive applications continuously and beyond the time when the Board wishes to focus on a pool of candidates.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. McCauley informed that the Board's Administrative Procedural Manual gives the President authority to appoint committees in consultation with the Vice President and EO, but the President has chosen to establish the Selection Committee via Board vote. Ms. Kwan announced that Pasqual Gutierrez and Ms. Campos volunteered to serve on the Selection Committee.

- **Jon Alan Baker moved to approve the appointment of Pasqual Gutierrez and Denise Campos to the EO Selection Committee.**

Tian Feng seconded the motion.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Ms. Welch advised the Board to consider delegating authority to the Selection Committee to extend the 30-day filing deadline if deemed appropriate.

- **Tian Feng moved to delegate authority to the EO Selection Committee to extend the recruitment posting time past 30 days, if necessary.**

Matthew McGuinness seconded the motion.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

G. CLOSED SESSION

The Board went into closed session to:

1. Consider action on the selection process and appointment of an “Acting” or “Interim” EO; and
2. Consider action on the development and administration of the CSE as it concerns reducing the mandatory retake wait period and the effects on examination content and security.

H. RECONVENE OPEN SESSION

The Board reconvened open session.

I. REVIEW AND POSSIBLE ACTION ON PROPOSED REGULATIONS TO AMEND CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 3, SECTIONS 124 (CSE) AND 124.5 (REVIEW OF CSE)

Mr. McCauley reminded the Board that it directed staff to collaborate with the OPES to research the feasibility of reducing the CSE retake wait period, which is currently specified in CCR section 124 as 180 days. He recalled that based upon the results of its research, OPES determined and advised staff that the waiting period could be reduced to 90 days with no compromise of examination integrity. At the December 7, 2017 meeting, Board members subsequently voted in support of reducing the waiting period to 90 days and directed staff to commence the rulemaking process. Mr. McCauley reported that, while preparing the proposal to amend section 124, staff determined subsections (e) and (f) are obsolete and recommends the Board repeal these subsections. He noted that staff also identified a need to amend CCR section 124.5 as it pertains to the CSE review process and release of examination results.

- **Barry Williams moved to approve the proposed amendments to CCR sections 124 (CSE) and 124.5 (Review of CSE), and direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed language for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period, adopt the proposed regulatory changes, as modified.**

Denise Campos seconded the motion.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

J. EXECUTIVE COMMITTEE REPORT

Mr. Piccione updated the Board on the Business Modernization project, formerly known as BreEZe, the enterprise-wide licensing and enforcement system designed to improve consumer, candidate, and licensee services. He explained that Business Modernization is the initiative to address inefficiencies in modern business practices for the Board and other boards that were not implemented under the BreEZe platform. Mr. Piccione recounted the history of BreEZe, covering the project planning phase, which began in 2009, through the implementation of Release Phases 1 and 2, which began in 2013. He noted that BreEZe currently serves 18 DCA boards and bureaus, and approximately two million external public users. Mr. Piccione explained the distinction between the Business Modernization Plan (departmental plan) and the Business Modernization Report (plan specific to the Board) for Release Phase 3 boards and bureaus. He outlined the major highlights of the Business Modernization Plan, which is specific to the needs of the Board and include: 1) Business Activities; 2) Project Approval Lifecycle; and 3) System Implementation. Mr. Piccione stressed that the Board's progression of activities to implement the Business Modernization project will be based on the Board's overall organizational readiness and ability to support an aggressive (or less aggressive) timeframe regarding staff resources. He informed that Board staff met with SOLID Office of Change Management (OCM) staff in August 2017 to discuss the initial inventory of existing business processes. Mr. Piccione reported that the Business Process Inventory is now complete and the Board's business activities are scheduled to begin in October 2018.

Mr. Baker asked for greater detail about the Business Modernization implementation schedule, to which Mr. Piccione informed that the proposed schedule shows that business activities are scheduled from October 2018 through October 2019, the Project Approval Lifecycle from July 2019 through November 2020, and System Implementation from November 2020 through November 2022. Mr. Piccione noted that the proposed schedule employs a minimum viable product strategy, which could reduce the proposed time of implementation to November 2021. He also informed that the proposed schedule does not account for time the Board would need to seek (additional) budgetary authority to accommodate measurable impact from the new system, if needed. Ms. Kwan asked if the presented skeletal framework of the Business Modernization project is modular, to which Mr. Piccione answered in the affirmative. Ms. Kwan asked Mr. Piccione to provide the Board with regular updates to maintain the Board's interest in the Business Modernization process in the years ahead.

Mr. Piccione explained that unless the Board chooses to use a completely customized product, a third-party platform will limit the scope of configuration which will affect the Board's strategy to meet its business requirements. Mr. Gutierrez asked about the Board's information technology readiness, to which Mr. Piccione explained that online application, credit card acceptance, and geospatial data analysis will be taken to market to assess technological platforms available to meet the Board's business requirements.

Mr. Baker asked about the Board's past investments in BreEZe, to which Mr. Piccione explained that the Board's past investments were specifically for BreEZe staff support of the enterprise-wide licensing and enforcement system. He informed that BreEZe staff are prepared to implement BreEZe for the Board if the Board chooses to use it. Mr. Baker asked why the Board is considering a different approach, to which Mr. Piccione explained that lessons learned from BreEZe Release Phases 1 and 2 suggests that a different, board-specific approach for Release Phase 3 boards and bureaus should be taken. Ms. Lewis asked if BreEZe can be configured to

meet the Board's business requirements, to which Mr. Piccione replied that BreZE is highly configurable but may not be sufficient to meet each of the Board's needs. Mr. Piccione informed that other platforms exist that are also viable options for the Board's consideration; they can each be assessed after the Board's business needs are fully documented.

Mr. Piccione advised the Board that the Business Activities modular will have great value for the Board's business operations in addition to the technology platform it will eventually choose. Vickie Mayer informed that staff has identified over 100 business processes that will need to be mapped by staff who are subject matter experts (SME), which is scheduled to begin in October 2018. Ms. Mayer suggested reassessing the timeline for when SMEs will begin working once the new EO is hired.

Ms. Kwan recalled that one of the common complaints from architects is the Board's inability to process payments without a physical check. She asked why online payments cannot be implemented at this time, to which Mr. Piccione informed that DCA is planning a "stop-gap" initiative to accept credit cards by the end of the calendar year for license renewal applications only. Ms. Mayer noted that there will be a cost to processing credit cards online that the Board will need to absorb. Ms. Serrano suggested passing the cost onto the consumer as a "convenience fee," which Mr. Piccione reported that was considered, and he was not able to find an example of a state agency passing those costs onto the consumer. He said it is a legal, not a technical question to consider. Mark Christian informed that the Department of Motor Vehicles (DMV) allow online registration renewals without a fee when using a credit card. Ms. Mayer again opined that the DMV is absorbing the fee.

Ms. Kwan informed the Board that the Executive Committee met on January 17, 2018, to discuss several items. Mel Knox reminded the Board of its 2017-2018 Strategic Plan objective to identify organizational relationships that should be maintained and/or established in order to enhance the Board's mission to regulate the profession and protect the public. Mr. Knox recalled the December 16, 2016, Strategic Planning session, when the Board discussed the need to share specific strategic information with targeted organizations and agreed that past communications and Strategic Plans, which outlined key organizational stakeholders, could be updated. He reported that staff updated the list of organizational stakeholders and their contributions to the Board's mission, and observed that the NCARB and the AIACC are the Board's primary external stakeholders. Mr. Knox informed that the Executive Committee reviewed the updated list of Board stakeholders to include the Asian American Architects and Engineers Association (AAAE). He advised that the document can be used as a reference for Strategic Plan objectives requiring collaboration or communication with organizations. Mr. Knox asked the Board to consider the Executive Committee's recommendation to approve the list of organizational relationships, as modified, in furtherance of this objective.

The Board discussed the list of organizational relationships presented by the Executive Committee and provided clarity about the distinction between the AAAE in Northern California and the AAAE in Southern California. The Board also identified additional organizations to include on the list.

- **Denise Campos moved to approve the Executive Committee's proposed list of organizational relationships, and to expand the list to include the Construction Management Association of America, the Design-Build Institute of America, and the California Building Standards Commission.**

Nilza Serrano seconded the motion.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. Knox reminded the Board of its 2017-2018 Strategic Plan objective to encourage collaboration with other related boards to share best practices. He recalled the Board's last Strategic Planning session when the Board discussed how collaboration with related boards can be advantageous in that it promotes collaboration to achieve mutually beneficial goals.

Mr. Knox noted that the Board currently participates in the Architects and Engineers Conference, which is a quarterly meeting of design-related associations and licensing boards. He reported that the Executive Committee determined a session with these related boards should be planned, and recommended that an initial meeting of board presidents and executive officers of the Contractors State Licensing Board (CSLB); Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG); and LATC be organized to discuss future issues and opportunities to partner.

- **Jon Alan Baker moved to approve the Executive Committee's recommendation to organize an initial meeting of board presidents and executive officers of the CSLB, BPELSG, and LATC to discuss future issues and opportunities to partner.**

Tian Feng seconded the motion.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. Knox reminded the Board of its 2017-2018 Strategic Plan objective to enhance the onboarding program for new Board members to increase Board member understanding of Board functions and purpose. He reported that the Executive Committee considered and approved the following recommendations to enhance the onboarding program:

1. Send a Welcome Letter from the EO to new Board members via email, upon appointment and immediately before the telephone calls from the Board President and EO.
2. Develop a New Board Member Orientation Checklist designed to facilitate a smooth onboarding process.
3. Update the Board Member Orientation PowerPoint presentation to enhance new Board member awareness and understanding of the Board's functions and purpose.

Mr. Knox asked the Board to consider the Committee's recommendation that these orientation materials be used to increase Board member understanding of Board functions and purpose. The Board made additional recommendations:

1. Eliminate the CSE reference in the Welcome Letter.
2. Preserve language in the Welcome Letter that references seismic safety, accessibility, and energy efficiency.

3. Implement a “buddy system” to match new members with current member as part of the onboarding process.
 4. Add more descriptive language to slides in the PowerPoint presentation, as well as an “Alternative Pathways to Licensure” slide.
 5. Create an “Enforcement 101” orientation.
- **Denise Campos moved to approve the Executive Committee’s recommendation to enhance the Board’s onboarding program by 1) developing a Welcome Letter from the EO to new Board members; 2) developing a New Board Member Orientation Checklist designed to facilitate a smooth onboarding process; and 3) updating the Board Member Orientation PowerPoint presentation to enhance new Board member awareness and understanding of the Board’s functions and purpose.**

Ebony seconded the motion.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. Knox reminded the Board of its 2017-2018 Strategic Plan objective to assess and enhance existing committee charges, process, procedures, appointments, etc., to improve effectiveness. He reported that the Executive Committee assessed the Board’s existing committee appointments, charges, and policy, and determined that each committee description effectively summarizes functions and compositions of each. Mr. Knox also reported that the Committee determined that the appointment process, which was updated on June 14, 2012, is a reasonable approach to identifying members for the various committees. He informed that the Executive Committee, with the goal to improve effectiveness at committee meetings, recommends that all new committee chairs receive material on how to conduct their meetings according to *Rosenberg’s Rules of Order*, which is considered a more simplified and modern version of the rules of parliamentary procedure than its *Robert’s Rules of Order* counterpart. Mr. Knox also reported that the Committee made a recommendation for chairs to review Strategic Plan objectives with staff upon adoption of the plan, and at regular intervals, as needed.

- **Nilza Serrano moved to approve the Executive Committee’s 1) assessment of the Board’s existing committee appointments, charges, and policy as effective; 2) recommendation to provide *Rosenberg’s Rules of Order* material to all new committee chairs; and 3) recommendation for chairs to review Strategic Plan objectives with staff upon adoption of the plan, and at regular intervals, as needed.**

Denise Campos seconded the motion.

Members Baker, Campos, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Member Pearman was absent at the time of vote. The motion passed 9-0.

Mr. Knox reported that continuing efforts are underway to update, and create as needed, procedure manuals for performing job duties in the Administration, Enforcement, and

Examination/Licensing Units at the Board. He also reported that management conducts regular staff meetings, professional development group sessions, and one-on-one meetings, with the goal of imparting programmatic updates, enhancing knowledge retention, measuring programmatic performance, and improving overall organizational effectiveness. Mr. Knox informed that the Executive Committee considered favorably these efforts to expand the cross-training program for Board staff and revise its operational manuals. He asked the Board to consider the approach taken to advance the Strategic Plan objective to expand the cross-training program for Board staff and revise operational manuals to retain knowledge and increase organizational effectiveness.

Ms. Kwan expressed a desire for the Board to see the procedure manuals at some future point.

- **Nilza Serrano moved to approve staff efforts to update and create, as needed, procedure manuals for performing job duties in the Board's Administration, Enforcement, and Examination/Licensing Units as the approach to expand the cross-training program for Board staff and revise operational manuals to retain knowledge and increase organizational effectiveness.**

Barry Williams seconded the motion.

Members Baker, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Pearman were absent at the time of vote. The motion passed 8-0.

Mr. Knox reminded the Board of its 2017-2018 Strategic Plan objective to research and work with the DCA to update communications technology to efficiently notify stakeholders of important information. He explained that historically, when the Board's newsletter, *California Architects*, is published, it is posted on the Board's website, distributed via email to self-subscribers, and is Tweeted. Mr. Knox informed that, in an effort to provide increased distribution of the newsletter, staff consulted with the DCA Office of Information Services and identified a way to compile and broadcast to all email addresses retained in the Board's computer systems using the ListServe communications technology. He reported that, for the first time on November 6, 2017, the newsletter was emailed to all licensees and active candidates, and was also promoted on Facebook and Twitter; this approach resulted in an increase from approximately 2,200 recipients of *California Architects* to more than 28,000 recipients (licensees and candidates). Mr. Knox also reported that the Executive Committee determined that the use of ListServe communications technology to distribute *California Architects* advances this objective, and recommended that the Board continue to use ListServe for future newsletter distribution and other matters of importance.

Mr. Baker commented that he assumed the Board had always communicated and provided *California Architects* to all of its licensees, to which Mr. McCauley explained that had been the case until the Board transitioned from a paper newsletter to an electronic one. Mr. McCauley shared that DCA initially resisted the Board's request to distribute *California Architects* to the tens of thousands of architects due to technological concerns, but a method to do it successfully was eventually identified.

- **Jon Alan Baker moved to approve the Executive Committee's recommendation to continue using ListServe for future newsletter distribution and other matters of importance.**

Tian Feng seconded the motion.

Members Baker, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Pearman were absent at the time of vote. The motion passed 8-0.

K. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

Mr. McCauley reported that the Board does not yet have permission to travel to NCARB's next Regional Summit on March 9-10, 2018 in Wichita, Kansas. He informed that the Board's request for reconsideration is currently being evaluated by the DCA. Mr. McCauley also reported that four NCARB Resolutions will be considered at the Regional Summit, and advised the Board not to take any positions on these Resolutions until they are thoroughly reviewed and potentially modified in Kansas. The Resolutions under consideration are:

- 2018-A (*NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Health, Safety, and Welfare [HSW] Category Realignment*)
- 2018-B (*Certification Guidelines Amendment – Revision to the Education Evaluation Services for Architects [EESA] Requirement for the Education Alternative to Certification*)
- 2018-C (*Amendment and Restatement of the NCARB Model Rules of Conduct*)
- 2018-D (*Amendment and Restatement of the NCARB Bylaws*)

Mr. McCauley presented the Board with brief descriptions of each of the four Resolutions to be considered at the upcoming Regional Summit. Mr. Baker expressed concern over Resolution 2018-C and anticipates healthy discussion around the issue of Rules of Conduct regarding contract terms. Ms. Lewis asked about the rules of conduct for California architects, to which Mr. Carter informed that no "duty to inform" exists in California's rules of conduct. Mr. Gutierrez shared that his firm's practice is to inform clients of recommended actions in writing if something of concern is discovered or witnessed. He opined that this issue is best placed in risk management best practices. Mr. Baker directed the Board's attention to Rule 3 of the NCARB Rules of Conduct for further reading on the subject. Ms. Welch advised that any failure to report a problem could be viewed as aiding and abetting, and would be a serious reason why architects should take all steps necessary to remove themselves from liability and protect their client.

Mr. McCauley reported that there are no contested elections this year for NCARB and Region VI officers and directors. He announced that Mr. Baker is a candidate for Regional Director. Ms. Serrano asked Mr. Baker to convey to NCARB leadership that it should become less homogenized and more diverse. Mr. Baker explained that a lack of diverse candidates contributes to the lack of diversity at NCARB. Mr. McCauley explained that diversity at NCARB is heavily dependent on gubernatorial decisions to appoint diversity to their architect boards, as that is the source of NCARB's talent pool. The Board discussed the importance of obtaining permission to attend NCARB meetings.

L. REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO BOARD'S DISCIPLINARY GUIDELINES AND CCR, TITLE 16, DIVISION 2, ARTICLE 8, SECTION 154 (DISCIPLINARY GUIDELINES)

Alicia Hegje informed that Board and LATC staff worked collaboratively to update the Board's and LATC's *Disciplinary Guidelines*. Ms. Hegje reminded the Board that, at its December 7, 2017, meeting the Board approved the necessary revisions to the Board's *Disciplinary Guidelines* that were identified by DCA legal counsel, but also questioned why information regarding citations was not referenced in the *Disciplinary Guidelines*, and why fines were not included as possible disciplinary penalties. Following the meeting, she reported, legal counsel researched the Board's statutory authority to assess an administrative penalty or fine through discipline. Ms. Welch stated she found two statutes within the Architects Practice Act that provide such authority:

- Business and Professions Code (BPC) section 5565(d) states that the Board may assess a fine not in excess of \$5,000 for any of the causes of action specified in BPC section 5577 (Conviction of a Crime Substantially Related to the Qualifications, Duties, or Functions of an Architect), and a fine may be assessed in lieu of, or in addition to, a suspension or revocation.
- BPC section 5588(e) states that any licensee who fails to report a civil action judgment, settlement, or arbitration award of \$5,000 or greater against the licensee to the Board within 30 days may be subject to a civil penalty of not less than \$100 and not more than \$1,000, or up to \$20,000 for knowingly and intentionally failing to report as required, as an additional intermediate sanction in lieu of revoking the license.

Ms. Welch reported that, based on legal counsel's research, staff revised the Board's *Disciplinary Guidelines* to include the fine and civil penalty provisions authorized by BPC sections 5577 and 5588. In addition, she reported that a new section was added to the *Disciplinary Guidelines* under General Considerations to provide information regarding the Board's citation authority, and changes were made to the descriptions of BPC sections 5536.5, 5577, 5579, 5582.1, 5583, 5584, 5585, 5586, and 140 to more accurately reflect the nature of the violations. Ms. Welch stated that the public, Administrative Law Judges, Deputy Attorney Generals, and Board members could benefit from including a citation section in the *Disciplinary Guidelines*.

Mr. Baker commented that citation classes "A," "B," and "C" appear not to be listed according to violation severity; he also opined that the description of a class "C" violation lacks clarity. Ms. Welch stated that she could research the possibility of reorganizing the class of violations, and explained that class "C" violations are less severe violations that do not involve loss of life or serious damage to property. She informed that the inserted language is the actual regulatory language, and that a review of the regulation is needed to decipher the intent of the Board when it approved the current language. Mr. Gutierrez observed that class "A" violations pertain to behavior by unlicensed individuals, while class "B" and "C" violations concern behavior by licensees. Ms. Serrano opined that financial penalties should be greater for violations committed by unlicensed practitioners than for licensed practitioners to better deter the unlicensed practice of architecture. Ms. Hegje noted that the financial penalty for class "C" violations (licensed) begins at \$250, while the penalty for class "A" violations (unlicensed) begins at \$750. Ms. Serrano commented that the maximum administrative fine for all classes is \$2,500, and opined that the maximum class "A" fines should always be greater than those of the other classes. Ms. Mayer suggested the Board re-examine this regulation for potential changes as part of its next Strategic

Planning session. The Board agreed that this discussion should be revisited at its next Strategic Planning session.

Ms. Welch reminded the Board that the new citation section as proposed under General Considerations regarding the Board's citation authority does not need to be included in the *Disciplinary Guidelines*. She explained that citations are not formal discipline and the Board typically focuses terms of *Disciplinary Guidelines* under formal discipline. Ms. Welch emphasized the importance of proceeding with the regulatory change to amend the Guidelines. The Board agreed to further evaluate the citation regulations at a future date.

- **Jon Alan Baker moved to approve the citation language for inclusion in the Board's *Disciplinary Guidelines* and reserve the right to modify the language at a future date.**

Ebony Lewis seconded the motion.

Ms. Welch recommended an amended motion.

- **Jon Alan Baker amended the motion to approve the proposed regulatory changes to the Board's *Disciplinary Guidelines* and to CCR section 154 as modified, direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period, and no hearing is requested, adopt the proposed regulatory changes, as modified.**

Ebony Lewis seconded the motion.

Members Baker, Feng, Gutierrez, Lewis, McGuinness, Serrano, Williams, and President Kwan voted in favor of the motion. Members Campos and Pearman were absent at the time of vote. The motion passed 8-0.

M. REVIEW OF FUTURE BOARD MEETING DATES

Mr. McCauley informed that the Board is scheduled to next meet on June 13, 2018, in Southern California; on September 12, 2018, in the Bay Area; and on December 13-14, 2018, in Sacramento.

N. RECONVENE CLOSED SESSION

The Board reconvened closed session to:

1. Consider action on the December 7, 2017 Closed Session Minutes; and
2. Deliberate on disciplinary matters.

O. RECONVENE OPEN SESSION

The Board reconvened open session. Ms. Kwan administered the Oath of Office to Ms. Mayer, who will serve as "Interim Executive Officer," effective March 2, 2018, until the position of EO is filled.

P. ADJOURNMENT

The meeting adjourned at 2:32 p.m.