

California Architects Board
Executive Committee Meeting

May 16, 2018

Sacramento





CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

**NOTICE OF MEETING
EXECUTIVE COMMITTEE**

Executive Committee Members

Sylvia Kwan, Chair
Tian Feng, Vice-Chair
Denise Campos
Matthew McGuinness

May 16, 2018

*Action may be taken
on any item listed on
the agenda.*

**DLR Group
1050 20th Street, Suite 250
Sacramento, CA 95811
(916) 446-0206 or (916) 574-7220 (Board)**

The California Architects Board (Board) will hold an Executive Committee meeting as noted above.

Agenda

**1:00 p.m. to 4:00 p.m.
(or until completion of business)**

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Public Comment on Items Not on the Agenda
The Executive 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 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 Possible Action on January 17, 2018 Executive Committee Meeting Minutes
- D. Discuss and Possible Action on the 2017–2018 Strategic Plan Objective to Prepare for the Sunset Review Process in Order to Facilitate a Positive Outcome
- E. Adjournment

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(Continued)

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 Committee 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 Committee are open to the public. This meeting will not be webcast. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee 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 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Mel Knox

Telephone: (916) 575-7221

Email: mel.knox@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

California Architects Board

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) 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).

Agenda Item A

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Executive Committee Vice-Chair, or in his absence, by a member designated by the Chair.

COMMITTEE MEMBER ROSTER

Sylvia Kwan, Chair

Tian Feng, Vice-Chair

Denise Campos

Matthew McGuinness

Agenda Item B

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Executive Committee at this time. The Committee Chair may allow public participation during other agenda items at her discretion.

The Executive 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 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 C

REVIEW AND POSSIBLE ACTION ON JANUARY 17, 2018 EXECUTIVE COMMITTEE MEETING MINUTES

The Committee is asked to review and take possible action on the January 17, 2018 Executive Committee Meeting Minutes.

Attachment:

January 17, 2018 Executive Committee Meeting Minutes



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MINUTES
EXECUTIVE COMMITTEE MEETING
JANUARY 17, 2018
SACRAMENTO

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

Committee Members Present

Sylvia Kwan, Chair
Tian Feng, Vice Chair
Denise Campos
Matthew McGuinness

Board Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Alicia Hegje, Program Manager Administration/Enforcement
Trish Rodriguez, Landscape Architects Technical Committee (LATC)
Special Projects Manager
Mel Knox, Administration Analyst
Kristin Walker, Enforcement Analyst

Guests Present

Mark Christian, Director of Government Relations, American Institute of
Architects - California Council (AIACC)
Jay Hyde, California Building Officials (CALBO)
Jason Piccione, Chief Information Officer, Department of Consumer Affairs
(DCA)

Committee Chair Sylvia Kwan called the meeting to order at 1:06 p.m.,
and Tian Feng called roll. Three members of the Committee constitute a
quorum for the transaction of business. There being four members present
at the time of roll, a quorum was established.

B. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no comments from the public.

**C. REVIEW AND POSSIBLE ACTION ON DECEMBER 1, 2016
EXECUTIVE COMMITTEE MEETING MINUTES**

Ms. Kwan asked for comments concerning the December 1, 2016
Executive Committee Meeting Minutes.

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- **Tian Feng moved to approve the December 1, 2016 Executive Committee Minutes.**

Matthew McGuinness seconded the motion.

**Members Feng, McGuinness, and Chair Kwan voted in favor of the motion.
Member Campos abstained. The motion passed 3-0-1.**

D. DISCUSS AND POSSIBLE ACTION ON THE FOLLOWING 2017–2018 STRATEGIC PLAN OBJECTIVES TO:

1. DETERMINE CURRENT BUSINESS PROCESS NEEDS FOR BREEZE TO ALLOW FOR A SMOOTHER TRANSITION TO THE PROGRAM

Doug McCauley introduced DCA Chief Information Officer, Jason Piccione, who updated the Committee on the status of BreEZe, the enterprise-wide licensing and enforcement system designed to improve consumer, candidate, and licensee services. 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 well-publicized BreEZe challenges and problems experienced during Release 1, which were largely addressed before the launch of Release 2. Mr. Piccione reported that Release 2 was stabilized in 2016. He noted also that BreEZe currently serves 18 DCA boards and bureaus, and approximately two million external public users. Mr. Piccione informed that Release 3 was descope in January 2015, and the focus then shifted to ensuring that lessons learned from Release 1 were fully applied to Release 2. He reported that a new plan for the 18 remaining boards and bureaus scheduled for Release 3 was initiated in 2017.

Mr. Piccione then 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 (living documents). He stressed that the Board's progression of activities to implement BreEZe or an alternative platform will be based on the Board's overall organizational readiness and ability to support an aggressive (or less aggressive) timeframe regarding staff resources (i.e., heavy demand on staff who are subject matter experts). Mr. Feng asked whether BreEZe used by Release 2 entities will be modified for standard use by Release 3 boards, or whether BreEZe can be modified based on each program's business needs. Mr. Piccione replied that both options are possible. Denise Campos asked if boards are required to use the BreEZe system, to which Mr. Piccione replied that no mandate exists that requires the use of BreEZe.

Mr. Piccione also informed that the Board is approaching the "Phase 2 of Organizational Change" stage when staff can be incorporated into the plan to acquire business process documentation and can be prepared for a demanding transition. Mr. Piccione outlined the major highlights of the Business Modernization Plan, which include: 1) Business Activities, 2) Project Approval Lifecycle, and 3) System Implementation. Mr. McGuinness asked if the Business Modernization Plan had been modified in any way since the release of BreEZe Phases 1 and 2, to which Mr. Piccione replied that the Business Modernization Plan and Report are new documents that were created in 2017. Mr. Piccione explained that the Project Approval Lifecycle is new to the Department of Technology, similar though to what was

known as a Feasibility Study Report. He advised that the Board would fund the project through its own budget or by submitting a budget change proposal through the required approval process. Mr. Piccione reiterated that nothing mandates boards to use BreEZe; however, if the Board chooses to use an alternative platform, the scope of work could be wider. He noted that the DCA does not yet know how well Phase 2 is meeting boards' and bureaus' needs, and will not know until those organizations' business processes are evaluated.

Ms. Kwan asked about the similarities and differences between the Board and other boards and bureaus that currently utilize BreEZe. Mr. Piccione explained that, in his experience, organizational differences are the most common source of challenges for BreEZe implementation. He opined that BreEZe will probably be the most cost-effective platform to meet the Board's needs, and described how BreEZe can be configured to that end.

Ms. Kwan asked about budget or staff changes to other programs due to BreEZe, to which Mr. Piccione informed that DCA is entering Phase 2 of the project where budget and staffing issues are currently being assessed. Mr. McGuinness asked why Release 3 was abandoned, to which Mr. Piccione explained that the ability for boards to assess their processes and adapt to the BreEZe product was not fully assessed. Mr. McCauley reminded the Committee that the Board reduced its spending authority several years ago which resulted in a lower reversion rate; therefore, he informed, it is possible the Board would more than likely need to seek (additional) budgetary authority to accommodate measurable impact from the new system.

2. 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

Mel Knox reminded that, at its December 16, 2016 Strategic Planning session, the Board discussed the need to share specific strategic information with targeted organizations. Mr. Knox advised that staff updated a list of organizational stakeholders from past Strategic Plans, from which the Board obtains useful information, feedback, and receives key support. He also noted that the National Council of Architectural Registration Boards and the AIACC are the Board's primary external stakeholders; the Board's efforts to work with these organizations are paramount. Mr. Knox informed that the list of organizations would be maintained for any future communications or collaborative purpose. Mr. Knox asked the Committee to determine whether the list of organizational stakeholders fulfills the 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.

Jay Hyde announced that his organization, CALBO, looks forward to maintaining a partnership with the Board.

Ms. Kwan asked if "Architecture Schools" as reflected on the proposed list or organizations includes any school with an architecture program (accredited schools, non-accredited schools, two-year schools, four-year schools, etc.), to which Mr. Knox confirmed that "Architecture Schools" implies each of those categories of schools. Mr. Feng asked if the Association of Collegiate Schools of Architecture (ACSA) should be included on the list, to

which Mr. McCauley explained that the ACSA is not a Board stakeholder and that the list should be limited to include organizations that have a direct, mutually beneficial relationship with the Board. Ms. Campos asked if this list will impact other outreach efforts currently underway by the Board, to which Mr. McCauley replied that the proposed list should not interfere with the Board's outreach efforts and it should be used primarily as a reference guide. Ms. Kwan recommended including the Asian America Architects/Engineers Association (AAAE) to the proposed list. She noted that the AAAE in southern California and the AAAE in northern California are different entities. Mark Christian asked if AIACC's Academy of Emerging Professionals (AEP) should be specified in the list, to which Mr. McCauley replied that the AEP would fall, naturally, under the AIACC listing.

- **Matthew McGuinness moved to recommend to the Board the approval of the proposed list of organizational stakeholders with the addition of AAAE.**

Denise Campos seconded the motion.

Members Campos, Feng, McGuinness, and Chair Kwan voted in favor of the motion. The motion passed 4-0.

3. PREPARE FOR THE SUNSET REVIEW PROCESS IN ORDER TO FACILITATE A POSITIVE OUTCOME

Mr. McCauley reported that the Board must complete the Sunset Review process once every four years, and is currently preparing to undergo Sunset Review for a fifth time. He advised that the most recent Sunset Review questionnaire is quite similar to the 2014 Sunset Review questionnaire, and that staff typically begins preparations approximately one year prior to submittal to the Legislature, this year on November 1, 2018. Mr. McCauley informed that the Executive Committee will complete an initial review of the Board's 2018 Sunset Review Report at its next meeting in May 2018. He explained that the draft Report will then be presented to the Board at its June 2018 meeting with the final draft of the Report provided at its September 2018 meeting prior to submittal to the Legislature by November 1, 2018.

Mr. McCauley advised that the Board's Sunset Review hearing will likely be held in March 2019, when the Board will present its Report. He noted that, the Board will have an opportunity to discuss identified issues and recommendations from the Legislature, which are normally received two weeks prior to the hearing. Mr. McCauley further noted that written responses to issues raised by the Legislature will be due within 30 days of the hearing. Lastly, he informed that the Board will be provided with an update on the Sunset Review process and will be asked to ratify staff's written responses to the issues identified by the Legislature in a Sunset Review Background Paper.

Mr. Feng asked if LATC has a separate Sunset Review process, to which Mr. McCauley confirmed that, indeed, LATC will undergo its own Sunset Review since LATC has its own practice act, budget, and staff.

Ms. Kwan asked if Mr. Christian participates in the Sunset Review hearing as a member of the public, to which Mr. Christian answered in the affirmative. He explained that members

of the public are able to testify, and that he would do so as a representative of AIACC because AIACC's opinion is quite relevant.

Ms. Kwan asked about the trend of licensed architects in California, to which Mr. McCauley and Vickie Mayer replied that approximately 21,000 architects are licensed in California which has remained constant in the past few years. Ms. Kwan asked why the number of licensees has not increased, especially since California is a growing state. Ms. Mayer informed that the number of candidates in California taking the Architect Registration Examination has increased and it would be interesting to see if the trend continues.

Mr. Christian opined that the goal of generations prior (to become licensed) is different from that of the current generation. Ms. Kwan shared her view that the indifference to becoming licensed is beginning to fade among millennials due to recent changes in requirements to become licensed in California (e.g., ARE 5.0, reduced architectural work experience hours).

Mr. Feng shared his recent conversations with architecture students at the University of California, Berkeley who expressed uncertainty about pursuing licensure after graduation. Ms. Mayer stated that there has been no decline in the number of applications, and that elderly architects often maintain their status as an architect or apply for a retired architect license.

Mr. Christian asked the Committee to consider the issue of a \$5,000 reporting threshold for architect settlements versus a \$50,000 reporting threshold for settlements at the next Strategic Planning session. Mr. Feng commented that it would be important to bring the Board's reporting threshold in relative alignment with Contractors State License Board (CSLB) and with the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG). Mr. McCauley opined that the optics of increasing the reporting threshold would not be positive for a consumer protection board. He also recalled that the issue was considered unfavorably in the past.

4. ENCOURAGE COLLABORATION WITH OTHER RELATED BOARDS IN AN EFFORT TO SHARE BEST PRACTICES

Mr. Knox reminded members that, at its December 16, 2016 Strategic Planning session, the Board discussed the importance of collaborating with related boards to achieve mutually beneficial goals. He recalled that members suggested the Board should further explore the possibility of organizing a collaborative session with related boards to discuss potential opportunities in the context of consumer protection. Mr. Knox reported that the Board already participates in the Architects and Engineers Conference (AEC), which is a quarterly meeting of design-related associations and licensing boards. He recommended that an initial meeting of board presidents and executive officers of the CSLB; BPELSG; and LATC be organized to discuss future issues and opportunities to partner. Mr. McCauley added that the AEC is an association-centric collaborative that primarily discusses legislative issues, but that a connection exists through AEC to initiate a separate, less formal meeting of board presidents and executive officers (EOs) to discuss licensing issues, problems in the marketplace, how to best protect consumers, etc.

The Committee members conveyed support and opposition to the idea of organizing such a meeting. Mr. McGuinness stated that the Board president and EO are already able to contact these organizations and engage in conversation, and that the proposed meeting can be viewed

as another example of ineffective government. Ms. Campos opined that to be in greater contact with these organizations, perhaps, once annually, would be positive. Ms. Kwan opined that such a meeting with board presidents and EOs may lead to constructive conversations about marketplace costs and trends, the current political environment, and other issues of importance, and could be beneficial for all participants. Mr. McCauley stated that this proposal is in response to the Strategic Plan objective, and opined that an initial meeting with these proposed organizations is worth the effort to gauge effectiveness.

- **Denise Campos moved to recommend to the Board organizing an initial meeting of board presidents and EOs of the CSLB, BPELSG, and LATC to discuss future issues and opportunities to partner.**

Tian Feng seconded the motion.

Members Campos, Feng, and Chair Kwan voted in favor of the motion. Member McGuinness opposed. The motion passed 3-1.

5. ENHANCE AN ONBOARDING PROGRAM FOR NEW BOARD MEMBERS TO INCREASE BOARD MEMBER UNDERSTANDING OF BOARD FUNCTIONS AND PURPOSE

Mr. Knox reported in an effort to fulfill this Strategic Plan objective, staff began by reviewing existing Board member orientation materials, as well as the current onboarding process for new members. He explained that, currently, upon notification of a new Board member appointment:

1. The EO immediately notifies the Board President.
2. The President calls the new member to welcome them and indicate that the EO will be following up.
3. The EO calls the new member to provide basic information about the Board and to schedule a time to conduct an orientation.
4. A follow up email is sent containing links and attachments to assist with onboarding, such as the most recent Sunset Review Report.
5. The EO conducts an in-person orientation supported via a PowerPoint presentation, unless that is not feasible in the short term. Otherwise, the orientation is conducted telephonically.
6. The new member is scheduled to attend the DCA Board Member Orientation Training (BMOT), which is required to be completed within six months of appointment.

Mr. Knox presented staff's recommendations to enhance the onboarding program:

1. A welcome letter from the EO to the new Board member via email (attachment 1 in the meeting packet), upon appointment and immediately before telephone calls from the Board President and EO; and
2. A New Board Member Orientation Checklist (attachment 2 in the meeting packet) used by Board staff designed to facilitate a smooth onboarding process.

Mr. Knox also informed that the Board Member Orientation PowerPoint presentation used by the EO was updated to enhance the member's awareness and understanding of the Board's functions and purpose. He reported that staff is seeking guidance for best practices from DCA SOLID, which conducts the BMOT.

The Executive Committee reviewed the draft of the welcome letter and New Board Member Orientation Checklist; updated the Board Member Orientation PowerPoint presentation; and expressed support for the approach to enhance the Board's onboarding program. Ms. Kwan asked when the next new appointment is expected, to which Mr. McCauley informed that member Jon Alan Baker is currently in his one-year grace period which ends June 30, 2018, therefore, an appointment can be announced at any time.

- **Denise Campos moved to recommend to the Board to approve staff's recommendations to enhance the new Board member onboarding program.**

Tian Feng seconded the motion.

Members Campos, Feng, McGuinness, and Chair Kwan voted in favor of the motion. The motion passed 4-0.

6. ASSESS AND ENHANCE EXISTING COMMITTEE CHARGES, PROCESS, PROCEDURES, APPOINTMENTS, ETC. TO IMPROVE EFFECTIVENESS

Mr. Knox directed the Committee's attention to the Board's existing committee appointments, charges, and policy document contained in the meeting packet. He reported that staff determined each committee description effectively summarizes functions and compositions of each, and opined that the appointment process, which was updated on June 14, 2012, remains a reasonable approach to identifying members for the various committees. Mr. Knox recommended that all new committee chairs receive resources on how to conduct 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. He explained that the resources might include a: 1) copy of *Rosenberg's Rules of Order*; 2) *Rosenberg's Parliamentary Procedure Simplified* video tutorial; and 3) review of the provisions of the Bagley-Keene Open Meetings Act to ensure that each of the Board's committees operate under the same processes and procedures. Mr. Knox also recommended that chairs review Strategic Plan objectives with staff upon adoption of the Plan, and at regular intervals, as needed.

The Executive Committee reviewed the Board's committee charges, process, procedures, appointments, etc., and discussed whether *Rosenberg's Rules of Order* should be adopted by each of the Board's committees. Ms. Kwan asked if *Rosenberg's Rules of Order* would be applied to Board meetings as well, to which Mr. Knox replied that the Board Member Administrative Procedure Manual must be consulted to confirm. Mr. McCauley stated that *Rosenberg's Rules of Order* may certainly be used for committees, and is well regarded in local government.

- **Matthew McGuinness moved to recommend to the Board to adopt *Rosenberg's Rules of Order* for use by each of the Board's committees, and 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 Campos, Feng, McGuinness, and Chair Kwan voted in favor of the motion. The motion passed 4-0.

7. EXPAND CROSS-TRAINING PROGRAM FOR BOARD STAFF AND REVISE OPERATIONAL MANUALS TO RETAIN KNOWLEDGE AND INCREASE ORGANIZATIONAL EFFECTIVENESS

Alicia Hegje informed the Committee that 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. Ms. Hegje explained that procedure manuals are being developed on an ongoing basis and that they outline: 1) steps taken to complete a procedure; 2) who executes the procedures; 3) a timeline to complete the procedure; and 4) a timeframe to complete a step. She noted that key staff have recently completed the DCA SOLID training entitled *How to Build a Procedure Manual*, which provides technical guidance in their efforts to advance this objective. Ms. Hegje also informed that management also 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. She advised the members of the various Analyst Certification Training and Enforcement Academy professional development series available to staff through SOLID. Ms. Hegje asked the Committee to consider the approach taken to expand the cross-training program for Board staff and revise its operational manuals, and to discuss whether there are other approaches to consider in furtherance of this Strategic Plan objective.

Ms. Kwan and Mr. Feng asked about retirements among Board staff expected in the next few years, to which Mr. McCauley said that the Board has taken steps to address issues related to knowledge transfer and succession planning; he said there will be more retirements in the future. Ms. Campos commented that staff's approach is a good approach. She asked about how civil service personnel can prepare to promote, to which Mr. McCauley explained that DCA has mentoring programs and career planning courses available to staff through SOLID. Ms. Mayer explained the civil service recruitment requirements and process, and noted that civil service staff can promote into a higher classification if they demonstrate qualifications for a position in that classification. She also explained that it is not uncommon for staff to

transfer to a position at another agency within the same classification to expand their knowledge.

- **Tian Feng moved to recommend to the Board to support the approach taken to expand the cross-training program for Board staff and revise its operational manuals.**

Matthew McGuinness seconded the motion.

Members Campos, Feng, McGuinness, and Chair Kwan voted in favor of the motion. The motion passed 4-0.

8. RESEARCH AND WORK WITH THE DEPARTMENT OF CONSUMER AFFAIRS TO UPDATE COMMUNICATIONS TECHNOLOGY IN ORDER TO EFFICIENTLY NOTIFY STAKEHOLDERS OF IMPORTANT INFORMATION

Mr. Knox explained that 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. However, in an effort to provide increased distribution of the newsletter, he informed the Committee that staff consulted with DCA Office of Information Services to identify a way to compile and broadcast to all email addresses retained in the Board's computer systems using the ListServe communications technology. Mr. Knox reported that on November 6, 2017, the newsletter was emailed to all licensees and active candidates, and was promoted on Facebook and Twitter. He explained that the use of ListServe resulted in an increase from approximately 2,200 recipients of *California Architects* to more than 28,000 recipients (licensees and candidates). Mr. Knox recommended the continued use of this technology for future newsletter distribution and other matters of importance.

Mr. McCauley and Ms. Mayer noted that Board staff has tried to obtain permission from DCA to use ListServe in this way for several years, but the request had previously been met with resistance. Ms. Mayer informed that Board staff had also been asked to update their email signature block with a link to join the subscriber list in an effort to increase the number of subscribers.

Ms. Kwan asked if Board members have access to a Board email account, to which Mr. McCauley replied that Board members do not. Mr. McCauley explained that some Board members choose to set up a separate email account just for Board purposes, but that practice is not as effective as initially intended. Ms. Kwan requested to learn how many people of those subscribed to receive the newsletter open the email link. Ms. Mayer replied that staff is currently reviewing analytics to learn how many of the 28,000 recipients open the link. She noted that distribution effectiveness needs to be measured because the newsletter takes a lot of work to produce.

Ms. Campos commented that the ListServe approach to distributing the newsletter is a wonderful approach to fulfilling this objective.

- **Denise Campos moved to recommend to the Board to continue use of ListServe communications technology for future newsletter distribution and other matters of importance.**

Tian Feng seconded the motion.

Members Campos, Feng, McGuinness, and Chair Kwan voted in favor of the motion. The motion passed 4-0.

E. ADJOURNMENT

The meeting adjourned at 3:15 p.m.

DRAFT

DISCUSS AND POSSIBLE ACTION ON THE 2017–2018 STRATEGIC PLAN OBJECTIVE TO PREPARE FOR THE SUNSET REVIEW PROCESS IN ORDER TO FACILITATE A POSITIVE OUTCOME

The Board's 2017-2018 Strategic Plan contains an objective to prepare for the Sunset Review process in order to facilitate a positive outcome. Each year, the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee hold joint Sunset Review oversight hearings to review the boards and bureaus under the Department of Consumer Affairs (DCA). The Sunset Review process provides an opportunity for the DCA, Legislature, boards, interested parties, and stakeholders to discuss the performance of the boards and make recommendations for improvements. Attached is a graphic depicting the Sunset Review Process for 2018-2019 provided by DCA.

The Board must complete this Sunset Review process once every four years, with the Board's next Sunset Review Report due to the Legislature on December 1, 2018. In order to facilitate this process, staff have begun drafting responses to the questions delineated in the prior 2017 report format.

A preliminary draft of the Board's and Landscape Architects Technical Committee's (LATC) Sunset Review Reports are attached for the Committee's initial review and input. Each Report contains 12 sections and has been divided by section in the attachments for ease of reference. It is notable that some responses to the questions may need to be verified and may have limited statistical data that will be updated upon the end of the fiscal year.

The draft Reports will be presented to the Board at its meetings on June 13, 2018, and September 12, 2018. The Board will be asked after its final review to delegate authority to the Board President, Vice President, and Executive Officer to make any necessary changes to the Reports prior to submittal to the Legislature.

The Board's Sunset Review hearing will likely be held in March 2019. Approximately two weeks prior to the hearing, Legislative staff will provide the Board a Background Paper identifying issues for fact-checking and review. The hearing will provide the Board an opportunity to present its Report and discuss those identified issues and recommendations from the Legislature. The Board will then prepare written responses to the issues identified in the Background Paper and submit a formal written response in April 2019.

DCA is offering training on May 24, 2018, for board executives and staff to provide an overview of the Sunset Review process for each board currently undergoing Sunset Review. During this training, DCA personnel will review areas of the report and answer questions. Additionally, DCA will provide boards with this year's iteration of the template Sunset Report, if it is available. In the event the 2018 template has different questions than that of the previous year, the Board's and LATC's Reports will be subject to change.

At this meeting, the Executive Committee is asked to review the draft Sunset Review Reports and provide input prior to submittal to the Board.

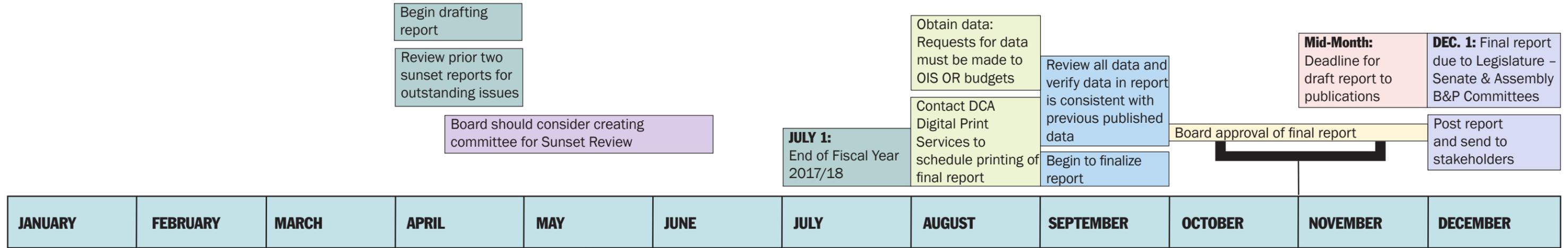
Attachments:

1. Sunset Review Process 2018-2019
2. Board Section 1 Background
3. Board Section 2 Performance Measures
4. Board Section 3 Fiscal
5. Board Section 4 Licensing
6. Board Section 5 Enforcement
7. Board Section 6 Public Information
8. Board Section 7 Online Practice
9. Board Section 8 Workforce Development
10. Board Section 9 Current Issues
11. Board Section 10 Prior Sunset Issues
12. Board Section 11 New Issues
13. Board Section 12 Attachments
14. LATC Section 1 Background
15. LATC Section 2 Performance Measures
16. LATC Section 3 Fiscal
17. LATC Section 4 Licensing
18. LATC Section 5 Enforcement
19. LATC Section 6 Public Information
20. LATC Section 7 Online Practice
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23. LATC Section 10 Prior Sunset Issues
24. LATC Section 11 New Issues
25. LATC Section 12 Attachments

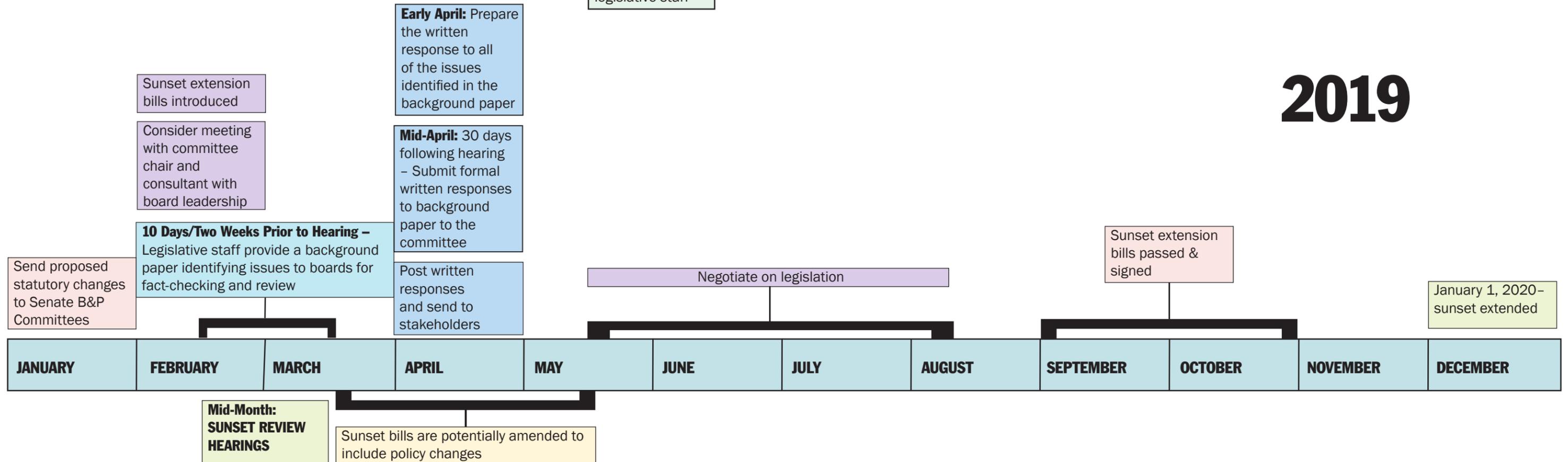


SUNSET REVIEW PROCESS

2018



2019



CALIFORNIA ARCHITECTS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2018

Section 1 – Background and Description of the Board and Regulated Profession

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

- The Board was created by the Legislature in 1901.
- The 10-member Board consists of five architects and five public members.
- The Board is proactive and preventive, as is evidenced by its work to improve the experience and examination components of its licensing system.
- The Board has a strong history of creative problem solving and collaboration with key constituencies, such as local building officials, educators and students, and related professions.
- The Board is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of architecture.

On March 23, 1901, the Governor of California approved An Act to Regulate the Practice of Architecture, thus creating the State Board of Architecture. The Governor appointed 10 architect members to the Board. Initially, the Board was comprised of two districts: Northern and Southern. The district offices acted independently to some degree and made recommendations to the full Board on matters relating to applicants for certification. Each district office elected its own officers from the officers elected to the full Board.

Initially, individuals who could demonstrate to the satisfaction of the district board in which they would be practicing that they were practicing architecture in the State of California as of March 23, 1901, and who were in good standing, could apply for certification with the Board without examination. Over 250 of these initial "A" licenses were issued. Six months after the approval of the Act, it became unlawful to practice architecture or call oneself an architect in the State of California unless certified by the Board. However, the Act made a significant exemption to this rule by allowing individuals to prepare plans, drawings, specifications, instruments of service, or other data for buildings, provided that the individual fully informed the client in writing that he or she was not an architect. This exemption made the Act a quasi-title act instead of a true practice act. At that time, the Board also began issuing "B" licenses to individuals who had passed either a written or oral examination. Almost 1,950 "B" licenses were issued between 1901 and 1929.

In 1929, the Board's name was changed to the California State Board of Architectural Examiners. That same year, the Board began issuing licenses to individuals who passed both a written and an oral examination. The Board's main office in Sacramento was established in 1956 and the district offices remained as branches. In 1963, the Act was revised making the actual practice of architecture by an unlicensed individual a misdemeanor. This revision made the Act a true practice act, restricting the practice of architecture to only licensed architects.

Through 1984, the Board also had the authority to issue a temporary certificate to practice architecture to an architect licensed in another state for a stipulated structure in California upon satisfactory evidence of his or her architectural competence and payment of the applicable fee.

From 1964 through 1985, the Board also regulated registered building designers. The registration process began in 1964 and continued until 1968. The Board continued to regulate the practice of registered building designers through 1985, although no new registrations were granted after 1968. Effective January 1, 1986, it became a misdemeanor for individuals to represent themselves as “registered building designers.” Of the estimated 700 active building designers registered at the time, about 300 applied for and were granted licenses as architects. The Board now licenses only architects and has one office in Sacramento.

Since 1997, the Board has also overseen the duties, responsibilities, and jurisdiction of the Landscape Architects Technical Committee (LATC). The Board is charged with regulating landscape architects and managing all of the affairs of the former Board of Landscape Architects. The LATC is structured as a committee of the Board. The Board views this structure as very positive and has found the relationship between the two related professions to be mutually beneficial. Opportunities for collaboration between the two regulatory programs and the efficiencies associated with combining our efforts wherever possible are the main advantages. The Board is not aware of any consumer-related issues with respect to the structure, and the respective professions and their organizations appear to be pleased with the current structure.

In 1999, Assembly Bill (AB) 1678 changed the Board’s name to the California Architects Board. This change was designed to reflect the fact that, in addition to examining candidates, the Board maintains a wide range of programs to protect consumers and regulate the practice of architecture.

Mission

The mission of the Board is to protect the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture in California. The Board has established the following six goal areas which provide the framework for its efforts to further its mission:

1. Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations;
2. Establish regulatory standards of practice for California architects;
3. Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur;
4. Increase public and professional awareness of the Board’s mission, activities, and services;
5. Improve effectiveness of relationships with related organizations in order to further the Board’s mission and goals; and
6. Enhance organizational effectiveness and improve the quality of customer service in all programs.

In fulfilling its mission, the Board has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor problems from becoming disasters. The worst-case scenario, a building failure, is simply not tolerable. As such, the Board works to aggressively address issues well before they exacerbate into catastrophes. In the Board’s enforcement program, for example, this means cooperatively working with building departments through the Board’s first-of-its-kind Building Official Contact Program. The Board also invests heavily in communications (e.g., social media, newsletter, liaison activities), both to consumers and to architects. The Board works closely

with professional groups to ensure that architects understand changes in laws, codes, and standards. The Board also reaches out to schools and related professions and organizations via a proactive liaison program. To ensure the effectiveness of these endeavors, the Board works to upgrade and enhance its communications by constantly seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the Board's firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment B).

The **Executive Committee** is charged with coordinating and leading the Board's public awareness program, organizational relationships, organizational development, and customer service efforts. It takes the lead in: 1) increasing public and professional awareness of the Board's mission, activities, and services; 2) improving the effectiveness of the Board's relationships with related organizations to further its mission and goals; and 3) enhancing the Board's organizational effectiveness and improving the quality of customer service in all of the Board's programs. The Executive Committee is composed of four members: the President, Vice President, Secretary, and one additional Board member.

The **Professional Qualifications Committee (PQC)** is charged with: 1) ensuring the professional qualifications of those practicing architecture by setting requirements for education, experience, and examination; 2) reviewing the Board's national examination to ensure that it fairly and effectively tests the knowledge, skills, and abilities of importance to architectural practice in California; 3) analyzing and making recommendations on educational and experience requirements relative to entry-level qualifications; and 4) reviewing the practice of architecture to ensure the Architects Practice Act accurately reflects areas of practice. In 2011, the Board's Examination Committee was consolidated into the PQC to promote greater efficiency. As a result, the PQC has the following additional roles and responsibilities: 1) providing general California Supplemental Examination (CSE) oversight; 2) working with the Board's testing experts, examination vendors, and subject matter experts to provide valid, defensible, and efficient examinations; and 3) addressing broad examination policy issues. The PQC is composed of 10 current and former Board members, and experts.

The **Regulatory and Enforcement Committee (REC)** is charged with making recommendations on: 1) practice standards and enforcement issues; 2) establishment of regulatory standards of practice for architects; 3) policies and procedures designed to protect consumers by preventing violations and enforcing standards when violations occur; as well as 4) informing the public and licensees of the Board's standards and enforcement programs. The REC is composed of nine current and former Board members, and experts.

The **Communications Committee** is charged with: 1) overseeing all of the Board's communications and identifying strategies to effectively communicate to key audiences; 2) serving as the editorial body for the Board's newsletter, *California Architects*; and 3) providing strategic input on enhancing the use of the Internet to communicate with the Board's stakeholders. The Communications Committee oversees a variety of outreach programs, such as programs to communicate with students, faculty, and Deans. The Communications Committee is composed of nine current and former Board members, and experts.

An organizational chart of the Board’s current committee structure is provided below:

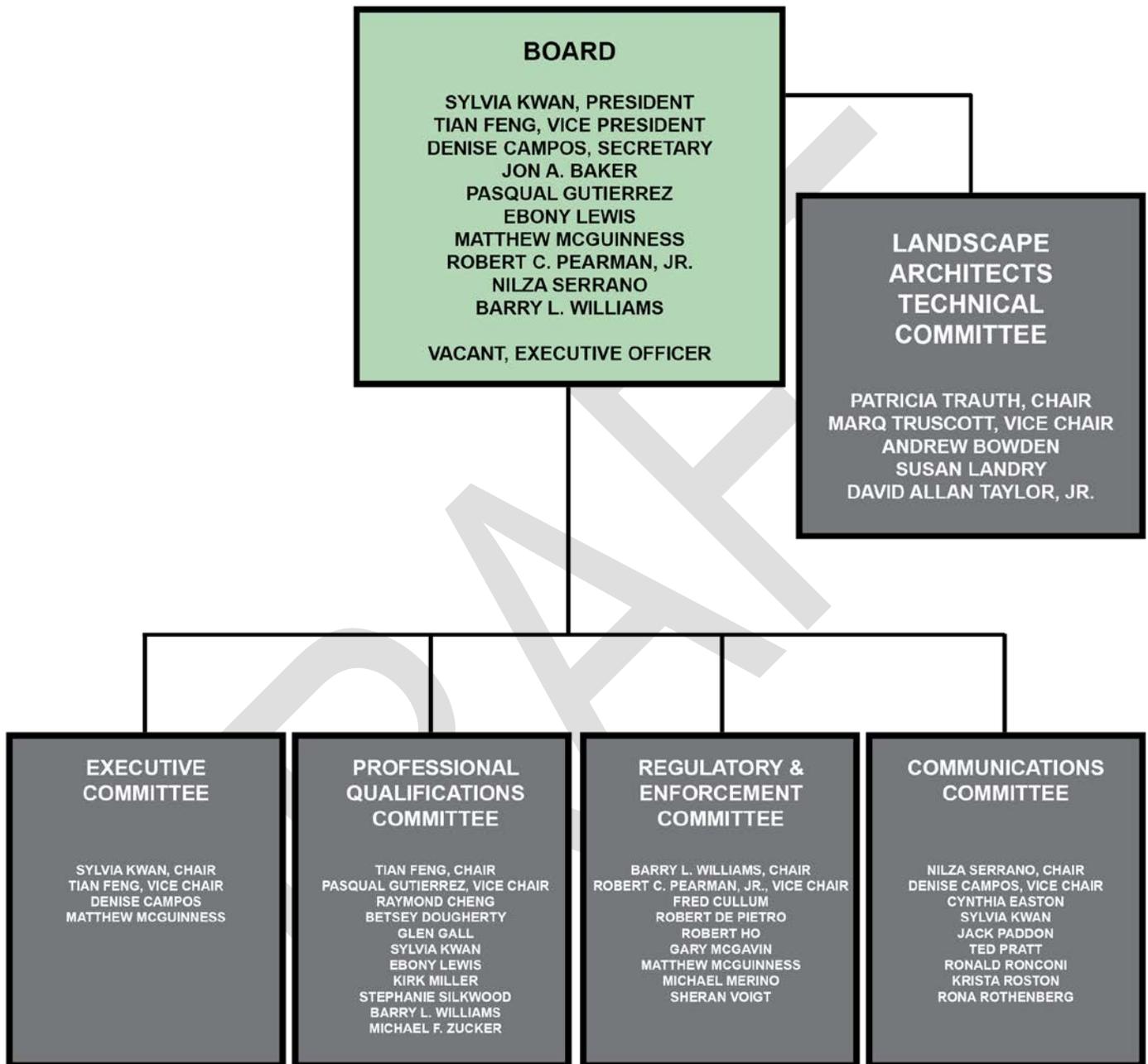


Table 1a. Attendance (July 1, 2014 – June 30, 2018)**Jon Alan Baker**

Date Appointed: 11/10/2005 [Term Expired 6/30/2010]

Date Re-appointed: 12/22/2010 [Term Expired 6/30/2013]

Date Re-appointed: 9/24/2013 [Term Expired 6/30/2017]

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Chris Christophersen

Date Appointed: 2/26/2013 [Term Expired 6/30/2015]

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes

Denise Campos

Date Appointed: 6/30/2014 [Term Expired 6/30/2018]

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	No (excused)
Board Meeting	6/9/2016	San Francisco	Yes

Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Tian Feng

Date Appointed: 2/6/2014 [Term Expired 6/30/2017]
Date Re-appointed: 2/27/18 [Term Expires 6/30/2021]

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)/Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Pasqual Gutierrez

Date Appointed: 9/2/2006 [Term Expired 6/30/2010]
Date Re-appointed: 12/21/2010 [Term Expired 6/30/2014]
Date Re-appointed: 7/11/2014 [Term Expires 6/30/2020]

Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes

Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Sylvia Kwan			
Date Appointed: 8/16/2013 [Term Expires 6/30/2019]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	No (excused)/Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	No (excused)
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Ebony Lewis			
Date Appointed: 12/23/2014 [Term Expires 6/30/2019]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	No (excused)

Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	No (excused)
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	No (excused)

Matthew McGuinness			
Date Appointed: 9/15/2012 [Term Expired 6/30/2016]			
Date Re-appointed: 7/19/2016 [Term Expires 6/30/2020]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	Yes
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Robert C. Pearman, Jr.			
Date Appointed: 2/25/2016 [Term Expires 6/30/2019]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes

Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Nilza Serrano			
Date Appointed: 9/24/2013 [Term Expired 6/30/2016]			
Date Re-appointed: 7/19/2016 [Term Expires 6/30/2020]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes
Board Meeting	3/12/2015	Long Beach	No (excused)
Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	No (excused)/Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Sheran Voigt			
Date Appointed: 5/30/2006 [Term Expired 6/30/2010]			
Date Re-appointed: 12/22/2010 [Term Expired 6/30/2014]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting and Strategic Planning	12/10-11/2014	Sacramento	Yes

Barry Williams			
Date Appointed: 12/18/2014 [Term Expired: 6/30/2018]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	3/12/2015	Long Beach	Yes

Board Meeting	6/10/2015	San Diego	Yes
Board Meeting	9/10/2015	San Francisco	Yes
Board Meeting	12/10/2015	Sacramento	Yes
Board Meeting	3/3/2016	Burbank	Yes
Board Meeting	6/9/2016	San Francisco	Yes
Board Meeting (Teleconference)	7/28/2016	Sacramento & Various Locations	Yes
Board Meeting	9/29/2016	Los Angeles	Yes
Board Meeting and Strategic Planning	12/15-16/2016	Sacramento	Yes
Board Meeting	3/2/2017	Los Angeles	Yes
Board Meeting	6/15/2017	San Francisco	Yes
Board Meeting	9/7/2017	Burbank	Yes
Board Meeting	12/7/2017	Sacramento	Yes

Hraztan Zeitlian			
Date Appointed: 10/29/2008 [Term expired 6/30/2010]			
Date Re-appointed: 12/22/2010 [Term Expired 6/30/2014]			
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	9/10/2014	San Diego	Yes
Board Meeting	12/10-11/2014	Sacramento	Yes

Table 1b. Board/Committee Member Roster					
Member Name* (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Sylvia Kwan, President	8/16/2013	N/A	6/30/2019	Governor	Architect
Tian Feng, Vice President	2/6/2014	2/27/2018	6/30/2021	Governor	Architect
Denise Campos, Secretary	6/30/2014	N/A	6/30/2018	Senate Rules	Public
Jon Alan Baker	11/10/2005	12/22/2010 9/24/2013	6/30/2010 6/30/2013 6/30/2017	Governor	Architect
Chris Christophersen	2/26/2013	N/A	6/30/2015	Speaker of Assembly	Public
Pasqual Gutierrez	9/2/2006	12/21/2010 7/11/2014	6/30/2010 6/30/2014 6/30/2020	Governor	Architect
Ebony Lewis	12/23/2014	N/A	6/30/2019	Governor	Public
Matthew McGuinness	9/15/2012	7/19/2016	6/30/2016 6/30/2020	Governor	Public

Robert C. Pearman, Jr.	2/25/2016	N/A	6/30/2019	Speaker of Assembly	Public
Nilza Serrano	9/24/2013	7/19/2016	6/30/2016 6/30/2020	Governor	Public
Sheran Voigt	5/30/2006	12/22/2010	6/30/2010 6/30/2014	Governor	Public
Barry Williams	12/18/2014	N/A	6/30/2018	Governor	Architect
Hraztan Zeitlian	10/29/2008	12/22/2010	6/30/2010 6/30/2014	Governor	Architect

*Includes current and prior members (who served during this reporting period) of the Board.

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

No, in the past four years, the Board has held all meetings without any quorum issues.

3. Describe any major changes to the board since the last Sunset Review, including but not limited to:

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

Leadership

The Board is in the midst of a major leadership change in that it is currently recruiting a new Executive Officer. Doug McCauley, Executive Officer (EO) since 2001, was appointed Chief Deputy Director of the Department of Housing and Community Development in March of 2018. The Board has had strong continuity in the EO position, as Mr. McCauley's predecessor served the Board of 14 years.

Strategic Planning - DCA SOLID

Beginning December 2014, the Board began developing biennial Strategic Plan objectives. Previously, the Board developed its Strategic Plan objectives annually.

Expanded Social Media Presence

The Board has expanded its social media presence to include three platforms, which are shown in the following table:

Platform	Current Followers
Twitter (launched in 2014)	1,035
Instagram (launched in 2016)	242

Platform	Current Followers
Facebook (launched in 2017)	21

Collection Agency Contract

Based on the Board’s 2015-2016 Strategic Plan objective to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties, staff executed a contract with a collection agency through the informal solicitation method (Government Code section 14838.5) to allow the Board to refer unpaid administrative fines and cost reimbursement accounts aged beyond 90 days to a collection agency. The collection agency provides the Board with full-service debt collection services, including “skip-tracing,” credit reporting, and filing legal actions when appropriate.

Integrated Path to Architectural Licensure (IPAL)

Launched in 2015, IPAL is an initiative spearheaded by the National Council of Architectural Registration Boards (NCARB) and designed to provide aspiring architects the opportunity to complete the requirements for licensure in a more integrated and streamlined manner while earning their accredited degree. Programs from three California schools were accepted by NCARB for participation: NewSchool of Architecture and Design, University of Southern California, and Woodbury University; to-date there are 26 programs at 21 participating schools.

Over the past few years, the Board held several of its meetings at the campuses of schools with an IPAL program; each school in exchange provided updates on its respective program. To show its immense support for IPAL, the Board sponsored legislation to allow students enrolled in an IPAL program early access to the Architect Registration Examination (ARE). In 2017, to assist IPAL schools in finding opportunities for students to gain the needed training for the Architectural Experience Program. The Board’s newsletter, *California Architects*, was instrumentally used to promote California IPAL schools by featuring each in an article. As a dynamic program still in its formative years of development, the Board is closely monitoring IPAL for opportunities to provide NCARB with suggestions regarding enhancements or modifications.

California Supplemental Examination (CSE) – Updated Forms

CSE development is an ongoing process. Development of the CSE based upon the new CSE Test Plan concluded with the launching on March 1, 2017, of the first corresponding examination administrations.

CSE – Wait Time Reduction

The Board in collaboration with the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES) explored the feasibility of reducing the mandatory CSE retake waiting period, which is set by regulation at 180 days. Based upon its findings, OPES determined the Board could reduce the waiting period to 90 days and maintain the defensibility and integrity of the CSE. OPES

provided the Board with an implementation plan at its March 1, 2018, meeting. Concurrently, staff commenced the rulemaking process to amend California Code of Regulations (CCR) section 124. The implementation plan OPES formulated outlined the necessary examination development to achieve the objective of commencing the 90-day retake policy for CSE administrations beginning March 1, 2019.

- **All legislation sponsored by the board and affecting the board since the last sunset review.**

Assembly Bill (AB) 177 (Chapter 428, Statutes of 2015) extended the Sunset date for the Board and LATC until January 1, 2020.

AB 507 (Olsen) [BreEZe] would have added Business and Professions Code (BPC) section 210.5 to require DCA to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. The author opted to not move the bill forward, as comprehensive reporting on BreEZe will be more appropriate when it is fully implemented.

AB 1005 (Calderon) [Orders of Abatement] would have amended BPC section 125.9 to require a citation containing an order to pay an administrative fine to contain an order of abatement, fixing a period of no fewer than 30 days for abatement of the violation before the administrative fine becomes effective. The bill did not advance.

AB 1489 (Brough) was The American Institute of Architects, California Council's (AIACC) bill that proposed two changes to the Architects Practice Act (Act) via BPC section 5536.25: 1) a clarification that an architect is not responsible for damage caused by "construction deviating from a permitted set of plans, specifications, reports, or documents" not authorized or approved in writing by the architect; and 2) an update to the definition of "construction observation services" to clarify that those services do not include inspection, or determining or defining means and methods (the day-to-day activities a contractor employs to complete construction). The bill did not advance.

Senate Bill (SB) 850 (Chapter 747, Statutes of 2014) authorized community colleges to establish baccalaureate degree pilot programs at campuses to be determined by the Chancellor of California Community Colleges.

SB 704 (Chapter 495, Statutes of 2015) established an additional provision of the Government Code wherein appointed members of unelected boards or commissions would be permitted to recuse themselves from decisions on contracts in which they have a financial interest.

SB 1479 (Chapter 634, Statutes of 2016) contained the Board-sponsored amendment which clarified language regarding integrated degree programs that was added to the Act. The bill updated BPC section 5550.2, which permits the Board to grant early eligibility to take the ARE for students enrolled in an NCARB-accepted integrated degree program. The amendment incorporates a general reference to the IPAL initiative to prevent any issues with the name of NCARB's program.

SB 547 (Chapter 429, Statutes of 2017) extended the sunset date of the California Council of Interior Design Certification (CCIDC) and its certification program until January 1, 2022.

SB 247 (Moorlach) repeals occupational licensing requirements. The bill failed passage in the Senate Business, Professions and Economic Development Committee and did not advance.

SB 1132 (Galgiani) [Architect-in-Training] was an AIACC proposal to create and define a special title for candidates for licensure. As introduced, it would have created the “architect-in-training” title for a person who has received Board confirmation of eligibility for the ARE and is employed under the direct supervision of an architect. The bill was vetoed by the Governor.

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. The bill was referred to the Senate inactive file.

- **All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.**

A number of relevant regulatory changes have been enacted or proposed since the last Sunset Review. These changes are listed below.

Architect Registration Examination Credit Expiration [California Code of Regulations (CCR) section 120] – The Board amended its regulations to reflect the NCARB’s amendment to the ARE Five-Year Rolling Clock provision concerning divisions that were previously exempt. This regulation became effective on July 1, 2014.

Filing of Applications (CCR section 109) - The Board amended its regulations to reduce the total required Intern Development Program (IDP) experience from 5,600 hours to 3,740 hours, reflecting the newest edition of NCARB’s *IDP Guidelines*. This regulation became effective on April 1, 2015.

Filing of Applications (CCR section 109) – The Board amended its regulations to allow candidate IDP experience to be gained beyond the initial six-month reporting period (up to five years at a reduced value of 50 percent toward IDP requirements), reflecting the newest edition of NCARB’s *IDP Guidelines*. This regulation became effective on October 1, 2015.

Filing of Applications (CCR section 109) – The Board amended its regulations to reflect changes in the new edition of the Canadian *Internship in Architecture Program Manual*. This regulation became effective on January 1, 2016.

Filing of Applications, Review of Applications (CCR sections 109 and 111) – The Board amended its regulations 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. This regulation became effective on April 1, 2016.

Filing of Applications (CCR section 109) – The Board amended its regulations to reduce the total length of required IDP experience from 5,600 hours to 3,740 hours, reflecting changes in a new edition of NCARB’s *IDP Guidelines*. This regulation became effective on October 1, 2016.

NCARB Record (CCR section 116) – The Board amended its regulations to reflect the NCARB Record requirement that candidates must establish and maintain an NCARB Record to access examination

scheduling information, view testing history, rolling clock information, and download score reports. This regulation became effective on April 1, 2015.

Examination Transfer Credit (CCR sections 118.5 and 119.8) – The Board amended CCR section 118.5 to allow transfer credit for those who passed ARE divisions, and added CCR section 119.8 to allow candidates to transition to and obtain credit for ARE 5.0. This regulation became effective on October 1, 2016.

Contest of Citations, Informal Conference (CCR section 152.5) – The Board approved an amendment to its regulations to allow the EO to delegate to a designee, such as the Assistant EO or the Enforcement Program Manager, the authority to hold an informal conference with a cited person and decide to affirm, modify, or dismiss a citation. The regulatory amendment also contained additional revisions to CCR section 152.5, including: changing the deadline for requesting an informal conference for consistency with the deadline for requesting a formal administrative hearing; authorizing the EO or a designee to extend the 60-day period for holding the informal conference for good cause; and clarifying that the decision to affirm, modify, or dismiss a citation is made following (rather than at the conclusion of) an informal conference, and a copy of the decision will be transmitted to the cited person within 30 days after the conference. As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law (OAL) initiating a regulatory change.

Disciplinary Guidelines (CCR section 154) - The Board approved an amendment to its regulations to incorporate revised *Disciplinary Guidelines* by reference. As of the date of this report, staff has submitted a rulemaking file to the OAL initiating a regulatory change

4. Describe any major studies conducted by the board (cf. Section 12, Attachment C).

The Board, in collaboration with OPES, conducted an Occupational Analysis (OA) for the CSE in 2014. The primary purpose of the OA was to define current practice for California architects in terms of the actual job tasks that new licensees must be able to safely and competently perform at the time of licensure. The results of the OA serve as the basis for ongoing examination development. As part and parcel of the OA process, OPES conducted an ARE review and linkage study in 2015 that compared the content of the 2014 CSE Test Plan with the subject matter covered in the various divisions of ARE 4.0 and 5.0. This helps to ensure there is minimal overlap in the content of the CSE. The final step of the OA process was reclassification of the CSE item bank.

Presently, the Board, in accordance with BPC section 5600.05, is working on the preparation of a report for presentation to the Legislature by January 1, 2019. The focus and purpose of the report is to provide the Legislature with a staff analysis of the Board's continuing education (CE) requirement and a determination of whether CE for architects is effective or necessary. The report, as stipulated in section 5600.05, details will include data/information regarding the following:

- Level of licensee compliance with the requirements;
- Actions taken by the Board for noncompliance with the requirements;
- Findings of Board audits; and
- Recommendations of the Board for improving the process.

The outcome of the Legislature's review of the report will ultimately play a significant role in the future operations of the CE Program.

5. List the status of all national associations to which the board belongs.

- Does the board's membership include voting privileges?

The Board is a member of NCARB and exercises its voting rights pursuant to NCARB's bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which board participates.

The Board members and the EO have served on NCARB's Broadly Experienced Architect Committee, Committee on Examination – ARE 5.0 Case Study Task Force, Examination Committee, Internship Committee, Licensure Task Force/Integrated Path Evaluation Committee, Model Law Task Force, and the Procedures and Documents Committee.

- How many meetings did board representative(s) attend? When and where?

The Board was approved to participate in the NCARB Regional Summit and Annual Meeting as follows:

NCARB Regional Summit

March 12-14, 2015 (Long Beach, CA)

March 10-12, 2016 (Savannah, GA)

March 9-11, 2017 (New Jersey, NJ)

NCARB Annual Meeting

June 17-20, 2015 (New Orleans, LA)

June 16-18, 2016 (Seattle, WA)

June 22-24, 2017 (Boston, MA)

June 28-30, 2018 (Detroit, MI)

The NCARB Committee and Task Force meetings were as follows:

Broadly Experienced Architect Committee

July 15-16, 2016 (Chicago, IL)

Committee on Examination - ARE 5.0 Case Study Task Force

September 26-27, 2014 (Washington, DC)

Examination Committee

May 1-2, 2015 (Washington, DC)

January 29-30, 2016 (Phoenix, AZ)

Internship Committee

July 30-August 1, 2015 (San Diego, CA)

January 29-30, 2016 (Phoenix, AZ)

Licensure Task Force/Integrated Path Evaluation Committee

August 15-16, 2014 (Portland, ME)

November 14-15, 2014 (Washington, DC)

Model Law Task Force

September 16-17, 2016 (Washington, DC)

December 9-10, 2016 (Miami, FL)

February 24-25, 2017 (Savannah, GA)

May 5-6, 2017 (Denver, CO)

November 10-11, 2017 (Washington, DC)

Procedures and Documents Committee

January 29-30, 2016 (Phoenix, AZ)

December 9-10, 2016 (Miami, FL)

- If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?

The national examination, the ARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. However, Jon Baker and Michael Merino (former Board members) have both been involved in examination item writing. In addition, the Board periodically conducts an examination review wherein NCARB opens a test center in California for Board members to view the examination and test its software.

CALIFORNIA ARCHITECTS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2018

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the board as published on the DCA website.

The Board's quarterly performance measure reports for the last four years are attached (cf., Section 12, Attachment XX). The Department of Consumer Affairs no longer publishes the annual reports.

7. Provide results for each question in the board's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The Board is committed to providing exemplary customer service to its stakeholders. To assist the Board in fulfilling this commitment, it utilizes customer satisfaction surveys directed to its key constituents. The responses provided are anonymous.

For this reporting period, the Board received a relatively low response rate. However, a majority (XX) of the responses demonstrate that individuals agree or strongly agree they are satisfied with the services provided by the Board.

The Board distributes its customer satisfaction survey in the following manner:

- Visible link near top of Board's website;
- Link included in all outgoing staff emails;
- Link included in all Board subscriber list emails; and
- Emails to recently assisted licensees/consumers, requesting completion of the survey.

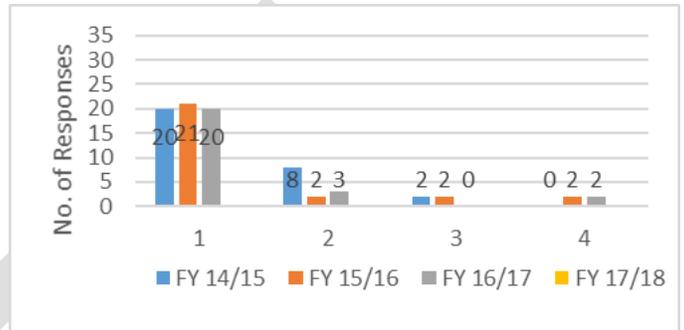
Constituents who respond via the surveys may also choose to provide written comments regarding the various functions of the Board. The comments provide management an opportunity to follow-up with constituents and ensure exemplary customer service.

In an effort to increase the response rate, the Board recently implemented distribution of the surveys to all newly licensed individuals when mailed their license certificate. The Board will continue to research additional methods to increase response rates and provide exemplary service to its stakeholders. This is an important component to the Board's mission and strategic goals.

California Architects Board Customer Satisfaction Survey

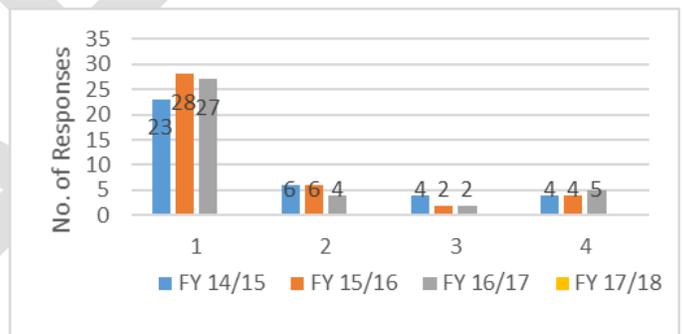
1. Board staff is courteous when contacted by phone.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	20	21	20	0
(2) Agree	8	2	3	0
(3) Disagree	2	2	0	0
(4) Strongly Disagree	0	2	2	0
Total	30	27	25	0



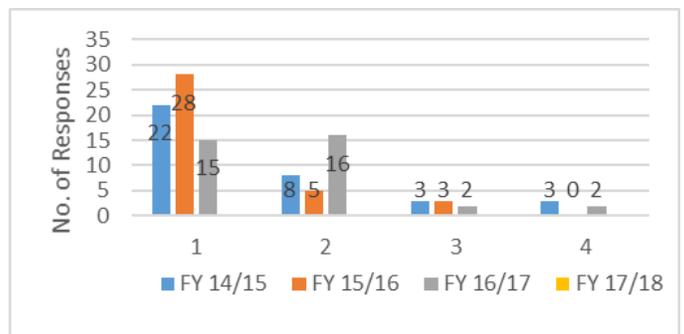
2. Board staff assistance is efficient.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	23	28	27	0
(2) Agree	6	6	4	0
(3) Disagree	4	2	2	0
(4) Strongly Disagree	4	4	5	0
Total	37	40	38	0



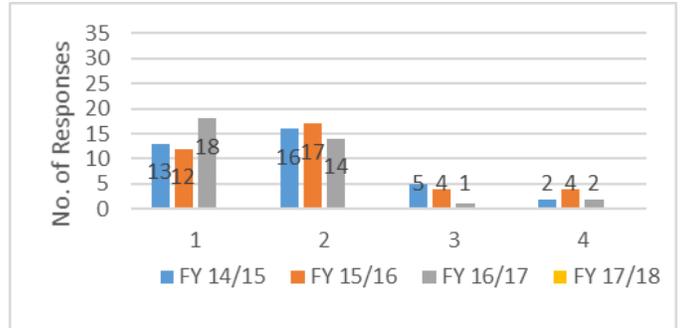
3. Board staff assistance is accurate.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	22	28	15	0
(2) Agree	8	5	16	0
(3) Disagree	3	3	2	0
(4) Strongly Disagree	3	0	2	0
Total	36	36	35	0



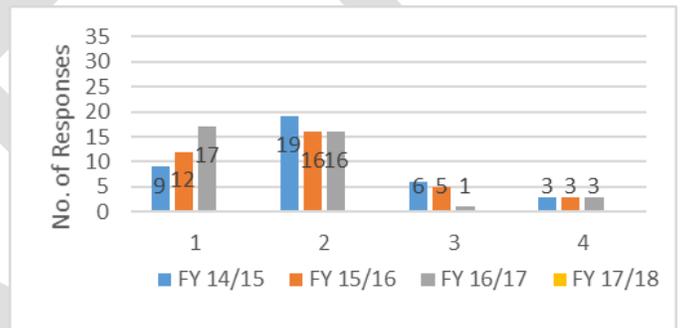
4. Board's website contains useful information.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	13	12	18	0
(2) Agree	16	17	14	0
(3) Disagree	5	4	1	0
(4) Strongly Disagree	2	4	2	0
Total	36	37	35	0



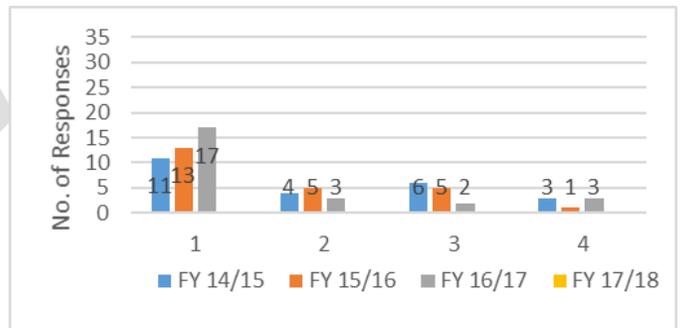
5. Board's website is organized so that information is easy to find.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	9	12	17	0
(2) Agree	19	16	16	0
(3) Disagree	6	5	1	0
(4) Strongly Disagree	3	3	3	0
Total	37	36	37	0



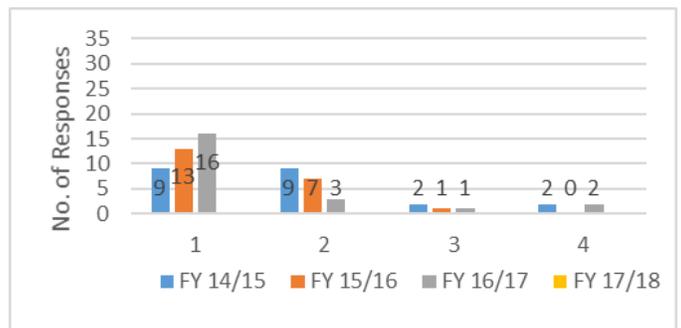
6. The processing of my application was timely.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	11	13	17	0
(2) Agree	4	5	3	0
(3) Disagree	6	5	2	0
(4) Strongly Disagree	3	1	3	0
Total	24	24	25	0



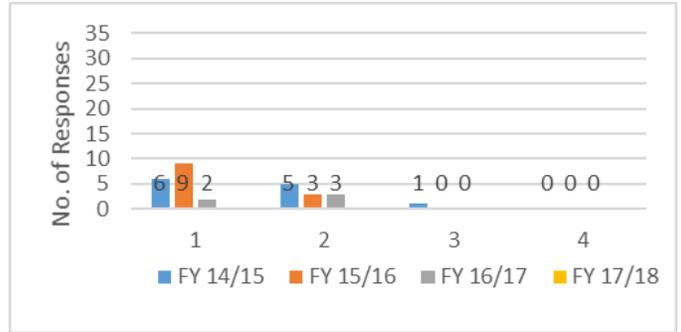
7. The processing of my application was accurate.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	9	13	16	0
(2) Agree	9	7	3	0
(3) Disagree	2	1	1	0
(4) Strongly Disagree	2	0	2	0
Total	22	21	22	0



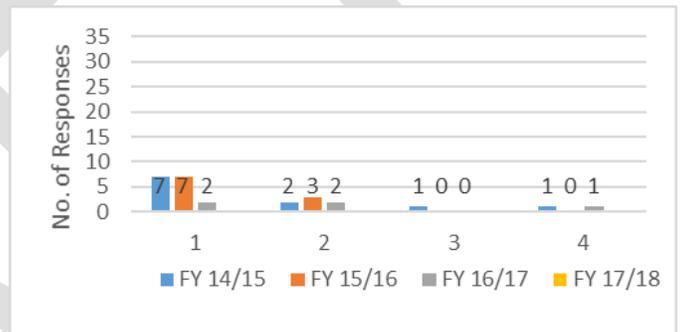
8. The processing of my renewal was timely.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	6	9	2	0
(2) Agree	5	3	3	0
(3) Disagree	1	0	0	0
(4) Strongly Disagree	0	0	0	0
Total	12	12	5	0



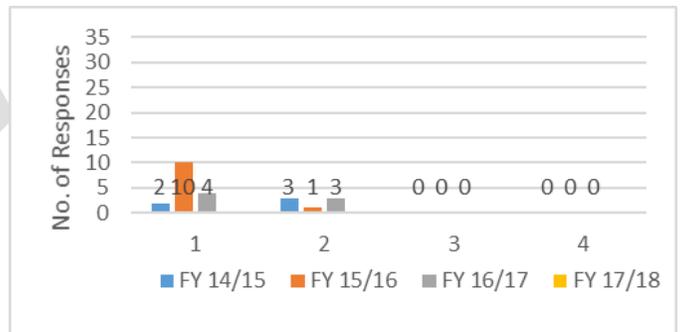
9. The processing of my renewal was accurate.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	7	7	2	0
(2) Agree	2	3	2	0
(3) Disagree	1	0	0	0
(4) Strongly Disagree	1	0	1	0
Total	11	10	5	0



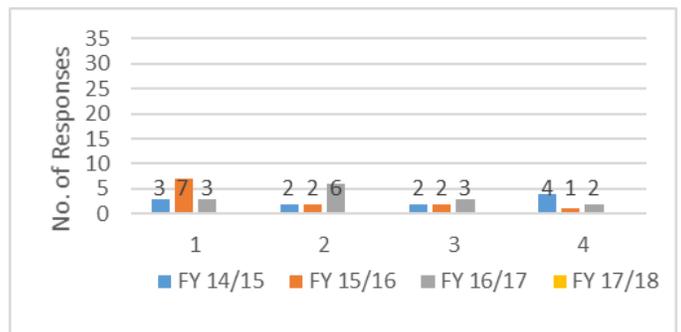
10. The processing of my name change or change of address was accurate.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	2	10	4	0
(2) Agree	3	1	3	0
(3) Disagree	0	0	0	0
(4) Strongly Disagree	0	0	0	0
Total	5	11	7	0



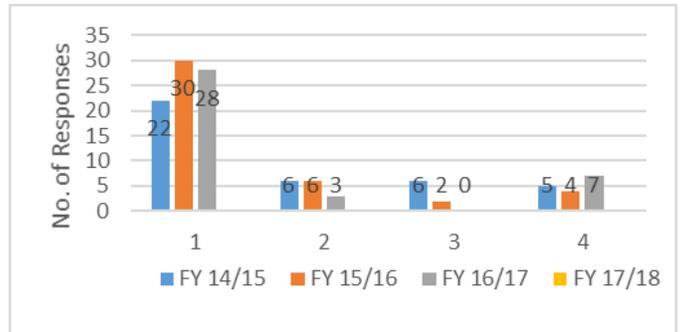
11. The complaint process was described fully and accurately.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	3	7	3	0
(2) Agree	2	2	6	0
(3) Disagree	2	2	3	0
(4) Strongly Disagree	4	1	2	0
Total	11	12	14	0



12. Overall, I was satisfied with the service I received from the Board.

Rating	FY 14/15	FY 15/16	FY 16/17	FY 17/18
(1) Strongly Agree	22	30	28	0
(2) Agree	6	6	3	0
(3) Disagree	6	2	0	0
(4) Strongly Disagree	5	4	7	0
Total	39	42	38	0



CALIFORNIA ARCHITECTS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2018

Section 3 – Fiscal and Staff

Fiscal Issues

- 8. Is the board's fund continuously appropriated? If Yes, please cite the statute outlining this continuous appropriation.**

No.

- 9. Describe the board's current reserve level, spending, and if a statutory reserve level exists.**

Per Business and Professions Code section 128.5(b), the Board's statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2017/18 is \$5,171,000 (15.3 months in reserve). The current spending level is \$4,052,000. The Board's fund condition is shown below in Table 2, identifying fund balance and expenditure levels. In addition, due to California Supplemental Examination (CSE) savings, the Board's request for spending authority reduction in the form of a negative Budget Change Proposal (BCP) was approved in the amount of \$300,000 for FY 2015/16 and ongoing.

- 10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.**

The Board does not currently project any deficits or a need to increase or decrease fees. The Board's 2015-2016 Strategic Plan contained an objective to analyze fees to determine whether they are appropriate. Budget Office staff determined that the Board's current fund condition was appropriate and did not recommend a fee change. Based on the Budget Office assessment of the Board's fund condition, the Board is maintaining fees at their current levels, and continues to monitor its fund condition with Budget Office staff until such time their determination changes. Staff also monitors the Board's expenditures and revenue very closely with the Budget Office.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Beginning Balance	\$5,276	\$4,869	\$5,651	\$4,969	\$5,171	\$4,093
Revenues and Transfers	\$2,956	\$4,288	\$3,005	\$4,254	\$2,981	\$4,251
Total Revenue	\$8,232	\$9,157	\$8,656	\$9,223	\$8,152	\$8,344
Budget Authority	\$3,901	\$3,979	\$4,059	\$4,140	\$4,059	\$4,139
Expenditures	\$3,363	\$3,523	\$3,694	\$4,052	\$4,059	\$4,139
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$4,869	\$5,651	\$4,969	\$5,171	\$4,093	\$4,139
Months in Reserve	12.4	12.4	8.4	8.0	11.9	12.0
* Includes beginning balance adjustments						
** Includes direct draws from SCO and Fi\$cal						
*** Projected to spend full budget						

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

The Board has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the Board loaned the general fund \$1.8 million that was repaid with interest in FY 2006/07.

12. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

During the last four years, the Board has spent approximately XX% of its budget on the enforcement program, XX% on the examination program, XX% on the licensing program, XX% on administration, and XX% on DCA pro rata.

Table 3. Expenditures by Program Component								(list dollars in thousands)	
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18*		
	Personnel Services	OE&E							
Enforcement									
Examination									
Licensing									

Administration**								
DCA Pro Rata								
Total Expenditures								
* Governor's Budget FY 2017/18								
** Administration includes costs for executive staff, board, administrative support, and fiscal services								
*** DCA Pro Rata included in OE&E for FY 2014/15 and FY 2015/16								

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?

Since the inception of the BreEZe project, the Board has contributed a total of \$328,269. The Board's estimated contribution in FY 2017-18 is \$83,000.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

The Board is a special fund agency that generates its revenue from its fees. The Board's main source of revenue is from its applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the license, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

Fees for an original license and biennial renewal (in each odd calendar year) increased on January 1, 2011. As a result:

- 1) Original license fees increased from \$200 to \$300 (if the license is issued less than one year before the date on which it will expire, the fee increased from \$100 to \$150);
- 2) Renewal fees increased from \$200 to \$300 (prior to that, the fee had not been increased since 1989, when it was raised from \$100 to \$200); and
- 3) The delinquency fee increased from \$50 to \$100.

CCR section 144 currently authorizes the following fees:

- a) The application fee for reviewing a candidate's eligibility to take any or all division(s) of the ARE is one hundred dollars (\$100) for applications submitted on or after July 1, 1999;
- b) The application fee for reviewing a reciprocity candidate's eligibility to take the CSE is thirty-five dollars (\$35);
- c) The fee for the CSE is one hundred dollars (\$100);
- d) The fee for an original license is three hundred dollars (\$300). If the license is issued less than one year before the date on which it will expire, the fee is one hundred fifty dollars (\$150);
- e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 2011 shall be three hundred dollars (\$300);
- f) The delinquency fee is one hundred dollars (\$100); and
- g) The fee for a duplicate certificate is fifteen dollars (\$15).

Table 4. Fee Schedule and Revenue (list dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	% of Total Revenue
Duplicate License/Cert.	\$15	\$25	\$705	\$1,035	\$615		
Certification	2	2	6	14	10		
Citation/Fine FTB Collection	Various	Various	5,113	2,936	147		
Citation/Fine*	Various	Various					
Cost Recovery							
Re-licensure	100	100	200	400	1,200		
Reciprocity	35	100	9,450	9,975	11,270		
Retired License	300	400	25,500	23,700	22,500		
Initial License	300	400	41,100	148,800	57,900		
Initial License ½	150	200	48,450	25,800	76,650		
CA Supplemental Exam	100	100	108,100	117,900	120,800		
ARE Eligibility	100	100	119,400	131,600	136,400		
Biennial Renewal	300	400	2,488,734	3,659,700	2,473,800		
Accrued Renewal	Various	Various	59,200	66,900	36,000		
Delinquent Renewal	100	200	38,050	70,500	30,000		
Misc. Service to Public	N/A	N/A	720	335	365		
Dishonored Check	25	50	475	825	275		

*Citation/Fine received and cashiered by Board.

15. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

The Board has not submitted any BCPs in the past four FYs.

Staffing Issues

16. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The Board works to expeditiously fill vacant positions to help ensure adequate staff resources to meet the Board's objectives. The position vacancies have mainly been in the Office Technician classification, which is entry level. Other professional class positions, such as Staff Services Analyst, Associate Governmental Program Analyst, and Staff Services Manager have a lower vacancy rate. These vacancies are often attributed to other promotional opportunities, a common civil service occurrence. The Board has been successful in reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs and cross trains staff. Currently, the Board has three vacancies, and they will be filled within the next 60 days.

The Board utilizes DCA's Workforce and Succession Plan and has identified mission critical positions that have a significant impact on the Board and require specialized job skills and/or expertise. The Board is refining the plan to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

17. Describe the board's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

The Board encourages training for all staff and participates heavily in courses offered at no cost through DCA's Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged to pursue SOLID's Analyst Certification Training. This training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities both in-house and externally. In the past four FYs, staff have taken more than 300 courses at no charge. In addition, SOLID offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs as well as leadership trainings, such as the Future Leadership Development Program, which the Lead Enforcement Analyst participated in.

Specialized training is also encouraged and provided to staff as needed. These include mandatory courses, such as sexual harassment prevention, ethics, information technology, and defensive driving. In the past four FYs, the average cost spent on training is \$1,227.

CALIFORNIA ARCHITECTS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2018

Section 4 – Licensing Program

18. What are the board's performance targets/expectations for its licensing program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete, all requirements met (including the submission of required supporting documentation and there is no criminal history), the Board has typically been able to meet this goal. When the volume of applications and staffing shortages delay processing, the Board temporarily redirects available staff from other units. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the Board to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the Board migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

19. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Staff processing applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Architect Registration Examination (ARE), California Supplemental Examination (CSE), and licensure at any time once determined eligible by the Board. There are no set deadlines for submission. Accordingly, a significantly greater than anticipated influx of applications can present a challenge for staff in meeting performance expectations and may cause slightly longer (7 to 10 additional days) processing times. However, as part of its due diligence, management monitors the volume of applications received and processed and makes the appropriate adjustments to workflow and staffing necessary for achieving performance targets.

Another matter for consideration relative to application processing is the required documentation that must be submitted in support of an application. Candidates requesting consideration of their education must have certified transcripts sent directly from their school or available from their National Council of Architectural Registration Boards' (NCARB) Record; and Employment Verification Forms submitted by their employers. The Board sends Ineligibility Notifications when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

There can also be a great variation in the amount of time candidates who have passed the CSE wait to apply for licensure. CSE results are provided to candidates immediately upon completion of an examination at the test center. However, a candidate may choose to wait before applying for licensure. A license is typically issued within 30 days after receipt of the completed application and fee.

20. How many licenses or registrations does the board issue each year? How many renewals does the board issue each year?

Table 6. Licensee Population					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Architect	Active*	20,504	20,914	21,025	
	Delinquent	2,817	2,559	2,099	
	Retired	1,312	1,387	1,457	
	Out-of-State*	3,805	3,813	3,853	
	Out-of-Country*	184	189	189	

* Data does not include pending incomplete renewal applications, which range from 450 to 500 per FY and may result in an "Active" license record when application completed correctly.

Table 7a. Licensing Data by Type											
Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times			
					Total (Close of FY)	Outside Board control*	Within	Complete Apps	Incomplete Apps	Combined, if unable to separate out	
FY 2015/16	ARE	1,316	1,284	DNA	N/A	DNA	DNA	DNA	See note below ²		
	CSE	1,179	1,179	DNA	N/A	DNA	DNA	DNA	See note below ²		
	License	668	662	DNA	662	DNA	DNA	DNA	See note below ²		
	Renewal ¹	12,199	12,199	DNA	12,199	DNA	DNA	DNA	See note below ²		
FY 2016/17	ARE	1,364	1,310	DNA	N/A	DNA	DNA	DNA	See note below ²		
	CSE	1,208	1,208	DNA	N/A	DNA	DNA	DNA	See note below ²		
	License	704	698	DNA	698	DNA	DNA	DNA	See note below ²		
	Renewal ¹	8,246	8,246	DNA	8,246	DNA	DNA	DNA	See note below ²		
FY 2017/18	ARE			DNA	N/A	DNA	DNA	DNA	See note below ²		
	CSE			DNA	N/A	DNA	DNA	DNA	See note below ²		
	License			DNA		DNA	DNA	DNA	See note below ²		
	Renewal ¹			DNA		DNA	DNA	DNA	See note below ²		

* Optional. List if tracked by the board.

DNA = Data Not Available N/A = Not Applicable

- ¹ Data does not include pending incomplete renewal applications which range from 450 to 500 per FY.
- ² A candidate application is typically processed within 30 days from the date of receipt, provided it is complete and required supporting documentation is submitted in accordance with the Board's regulations (i.e., certified transcripts sent by the educational institution).

Table 7b. Total Licensing Data			
	FY 2015/16	FY 2016/17	FY 2017/2018
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	3,163	3,276	
Initial License/Initial Exam Applications Approved	3,125	3,216	
Initial License/Initial Exam Applications Closed	DNA	DNA	DNA
License Issued	662	698	
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	DNA	DNA	DNA
Pending Applications (outside of board control)*	DNA	DNA	DNA
Pending Applications (within the board control)*	DNA	DNA	DNA
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (all - Complete/Incomplete)	See note 2 above for Table 7a		
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
License Renewal Data:			
License Renewed	12,199	8,246	
Note: The values in Table 7b are the aggregates of values contained in Table 7a			
* Optional. List if tracked by the board.			

21. How does the board verify information provided by the applicant?

The Board uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate any postsecondary education listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the Board or available within the candidate's NCARB Record for credit to be granted.

Work experience must be submitted on the Board-approved Employment Verification Form (EVF) and signed by the licensed professional who supervised the candidate's work to receive credit. Board staff verify with the appropriate jurisdiction or regulatory agency that the licensing information provided on the EVF is true and correct for the supervising professional.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request that their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information

must provide the examination history detailing what form of the ARE (or equivalent) was taken and when each division was passed. Reciprocal licensure candidates may substitute the EVF with an NCARB Certificate, which provides information on education (if any), examination, and experience. The NCARB Certificate demonstrates that an individual has met the highest professional standards, which makes it easier for licensees to obtain reciprocal registration in other US jurisdictions.

a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The Board's applications include the following questions about the candidate's criminal/disciplinary history:

- Have you ever had registration denied, suspended, or revoked, or otherwise been disciplined by a public agency in any state or country?
- Have you ever been convicted of, or pled guilty or nolo contendere to any criminal or civil offense (including every citation, infraction, misdemeanor, and/or felony, including traffic violations) in the US, its territories, or a foreign country?
- Exclusive of juvenile court adjudications and criminal charges dismissed under California Penal Code section 1000.3 or equivalent non-California laws, or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e), or section 11360(b), have you had a conviction that was set aside or later expunged from the records of the court?
- Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict?

The applications of those candidates responding "yes" to any of the questions are referred to the Board's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based on the Board's regulations and relevant statutes, whether the offense or action is related to the practice of architecture or to the candidate's ability to practice architecture in the interest of the public health, safety, and welfare.

NCARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

b. Does the board fingerprint all applicants?

The Board is not statutorily authorized to fingerprint candidates (applicants) for an architect license.

In 2011 and 2012, the Board considered the necessity of a fingerprinting requirement as part of its Strategic Plan objectives, and determined that based on the anticipated low number of arrest and prosecution reports

expected, there would be little increased benefit to the public health, safety, and welfare. It was noted that current law already requires architects working on school projects where children are present to have a background check conducted by submitting their fingerprints. Additionally, there would be increased costs to licensees and candidates.

The Board's current Strategic Plan includes an objective assigned to the Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. At this time, the Board is one of six programs within the Department of Consumer Affairs' (DCA) 39 boards and bureaus without the statutory authority to use fingerprinting for criminal background checks. Staff is researching how other DCA boards and bureaus implemented their fingerprint requirements for applicants and licensees, as well as examining the current fingerprint requirements for other architectural licensing boards throughout the country. The REC plans to review and discuss this objective at its next meeting, and develop a recommendation for the Board's consideration at a future meeting in 2018.

c. Have all current licensees been fingerprinted? If not, explain.

No, the Board is not statutorily authorized to fingerprint licensees. See response to 21b for additional information.

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

Yes, as noted above, NCARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards, and the Board's Enforcement Unit utilizes this resource. The Board checks the database prior to issuing a license and when a licensee discloses on his or her license renewal application that he or she had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

e. Does the board require primary source documentation?

Yes, the Board requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The Board also accepts NARB Council Records which require primary source documentation.

22. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Board's regulations require all candidates for licensure to meet the same prerequisites for a license. Candidates must document eight years of training and educational experience in architectural work or the equivalent as specified in California Code of Regulations section 117 (earned through education, work experience, or a combination of each), and successfully complete both the national examination (ARE or an equivalent) and the CSE.

23. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The Board considers military education, training, and experience the same as that from any other source, provided it is related to the practice of architecture. Education, training, and experience must fall within the parameters established in California Code of Regulations section 117 to receive credit towards the eight-year experience licensure requirement.

a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

Yes, the Board tracks the military status of all candidates (applicants), including branch of service and military documentation received, and provides resources for candidates on its website, so candidates may receive credit for their training and educational experience.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

The Board does not specifically identify the origin of any education, training, or experience. Accordingly, the number of candidates who may have submitted such education, training, or experience is unknown.

c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

No changes are necessary, as the Board is already permitted by its regulations to grant credit for military education, training, or experience that is related to the practice of architecture.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

One. Accordingly, there has been minimal impact to the revenue received by the Board.

e. How many applications has the board expedited pursuant to BPC § 115.5?

One candidate who was seeking reciprocal licensure and is married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California has requested expedited processing.

24. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

N/A

Examinations

Table 8. Examination Data – Tables modified to include examination result data for the CSE and ARE (by division).

Table 8. Examination Data California Supplemental Examination (CSE)				
License Type		Architect		
FY 2014/15	# of 1 st Time Candidates	540		
	Pass	349 (65%)		
FY 2015/16	# of 1 st Time Candidates	705		
	Pass	510 (72%)		
FY 2016/17	# of 1 st Time Candidates	810		
	Pass	548 (68%)		
FY 2017/18	# of 1 st time Candidates			
	Pass			
Date of Last OA		2014		
Name of OA Developer		Office of Professional Examination Services (OPES)		
Target OA Date		TBD		

Table 8. Examination Data Architect Registration Examination 4.0 (National Examination)								
License Type		Architect						
Exam Title: ARE Divisions*		BD	BS	CDS	PPP	SD	SPD	SS
FY 2014/15	# of 1 st Time Candidates ¹							
	Pass %							
FY 2015/16	# of 1 st Time Candidates ¹							
	Pass %							
FY 2016/17	# of 1 st Time Candidates ¹							
	Pass %							
FY 2017/18	# of 1 st Time Candidates ¹							
	Pass %							
Date of Last OA		2012 NCARB Practice Analysis of Architecture						
Name of OA Developer		PSI Services, LLC						
Target OA Date		TBD						

¹ Data includes all California candidates. NCARB does not report data separately for first-time candidates.

² Abbreviations used in the above table for ARE 4.0 (prior administered national examination) divisions are explained as follows:

- BD Building Design & Construction Systems
- BS Building Systems
- CDS Construction Documents & Services
- PPP Programming, Planning, & Practice
- SD Schematic Design
- SPD Site Planning & Design
- SS Structural Systems

NCARB’s ARE 5.0 was launched on November 1, 2016. The following table provides statistics for the latest version of the ARE:

Table 8. Examination Data							
Architect Registration Examination 5.0 (National Examination)							
License Type		Architect					
Exam Title: ARE Divisions*		CE	PCM	PA	PDD	PJM	PPD
FY 2016/17	# of 1 st Time Candidates ¹						
	Pass %						
FY 2017/18	# of 1 st Time Candidates ¹						
	Pass %						
Date of Last OA		2012 NCARB Practice Analysis of Architecture					
Name of OA Developer		PSI Services, LLC					
Target OA Date		TBD					

¹ Data includes all California candidates. NCARB does not report data separately for first time candidates

² Abbreviations used in the above table for ARE 5.0 (currently administered national examination) divisions are explained as follows:

- CE Construction & Evaluation
- PCM Practice Management
- PA Programming & Analysis
- PDD Project Development & Documentation
- PJM Project Management
- PPD Project Planning & Design

25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Each candidate for licensure is required to complete both the national examination (ARE) and CSE in order to receive licensure. The two examinations test candidates for their knowledge, skills, and ability to provide the services required of an architect who possesses entry-level competence. Both examinations are only offered in English.

Architect Registration Examination (ARE)

The ARE (currently in version 5.0) is a practice-based examination developed by NCARB. The content of the ARE is based on an analysis of architectural practice. The most recent "Practice Analysis" was conducted by NCARB in 2012. The ARE concentrates on those services that most affect the public health, safety, and welfare. The ARE has been developed with specific concern for its fidelity to the practice of architecture; that is, its content relates to the actual tasks an architect encounters in practice. No single examination can test for competency in all aspects of architecture, which is why the ARE is not the only requirement to become a licensed architect. Education and experience are also crucial licensure requirements. The examination attempts to determine the candidate's qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of architecture as an integrated whole.

ARE 5.0 is comprised of six divisions and is more integrative than the previous version. Each division may contain multiple-choice, check-all-that-apply, quantitative fill-in-the-blank item types, "hot spot," "drag-and-place" item types, and case studies. These item types allow for testing at higher levels of cognition through analytical, synthetic, and evaluative exercises, which are more similar to what an architect does as part of regular practice. All divisions of the ARE are administered and graded by computer. The following is a list of the divisions:

ARE 5.0

- Construction & Evaluation
- Practice Management
- Programming & Analysis
- Project Development & Documentation
- Project Management
- Project Planning & Design

"Hot spot" and "drag-and-place" item types are scored through a computer-based analysis of a candidate's solution. This analysis evaluates each solution against an ideal solution to the graphic with a built in tolerance for item placement. Based on a candidate's performance, a solution is reported as acceptable or unacceptable.

Candidates must pass each division of the ARE independently and receive credit for divisions passed but must retake those divisions not passed. Also, credit for divisions passed is valid for five years (unless an extension is granted by NCARB), during which time all remaining divisions of the ARE must be passed. Otherwise, credit is lost in the order the divisions were taken and the affected division(s) must be retaken. This validity process is known as the "Five-year Rolling Clock" rule, which was implemented on January 1, 2006.

Candidates receive an email from NCARB when their results are ready for viewing and downloading through its *My Examination* service, which was implemented in September 2013.

California Supplemental Examination (CSE)

The setting for architectural practice in California is distinct from that of other states. California’s large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary architectural knowledge and skills to respond to the conditions found in California.

The Board administers the CSE to candidates who have successfully completed all divisions of the ARE, as well as to eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice unique to California, including: seismic design, accessibility, energy conservation, environmental concerns, and legal issues, as well as those aspects of practice that are not adequately tested for in the ARE.

Prior to February 2011, the CSE was administered in an oral format. Since then, it has been computer-based. The CSE is based on the 2014 Test Plan and consists of two separately timed sections (a project scenario section, which – includes a hypothetical project(s), and a general section). The CSE is administered by computer at 39 nationwide locations, including 17 testing centers within California, and currently lasts 3.5 hours.

An OA was completed in November 2014. The OA was immediately followed by a review of the ARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *2012 NCARB Practice Analysis of Architecture* to ensure there is no overlap between the content in the ARE and CSE.

26. What are pass rates for first time vs. retakes in the past 4 fiscal years (Refer to Table 8: Examination Data)? Are pass rates collected for examinations offered in a language other than English?

Statistics collected by NCARB relative to pass rates for the ARE do not distinguish between first-time and retake candidates. However, the Board does collect CSE pass rate statistics for a comparison between first-time and retake candidates. Proportionately across the board, reexam candidates have lower pass rates and once they have failed their pass rates drop precipitously. Both the ARE and CSE are only offered in English.

The following table provides a comparison for CSE candidates:

Fiscal Year	First-Time Candidates	Retake Candidates
2014/2015	65%	50%
2015/2016	72%	55%
2016/2017	68%	58%
2017/2018	%	%

27. Is the board using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the Board utilizes computer-based testing (CBT) for its licensing examinations. The ARE and CSE, which are required for licensure, are both administered through CBT. The ARE has been administered via CBT since February 1997 and is currently in its fifth generation (ARE 5.0). The CSE, which had been delivered in an oral format since 1929, was transitioned to CBT in February 2011 after the conclusion of a CSE Format Study conducted in 2010. The study determined the CBT format to be more efficient for exam delivery and greater defensibility.

The six-division ARE is administered during normal business hours year-round (Monday through Saturday) at testing centers throughout the US. Additionally, the ARE is administered in Abu Dhabi (United Arab Emirates), Canada, Guam, Hong Kong, London (United Kingdom), and Puerto Rico. Eligible California candidates may take the ARE at any of these testing centers.

Candidates schedule ARE divisions through the NCARB *My Examination* online service. The *My Examination* service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their convenience. Prometric is the test administrator for the ARE. Candidates schedule their exam appointments through *My Examination* and sit for an administration at a Prometric test center. Each of the six ARE divisions is scheduled and administered separately. Depending on the length of the specific division, it is possible to take more than one division on the same day.

The CSE is also administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI locations throughout the US (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their administration.

28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School approvals

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

The Board is not statutorily authorized to accredit schools of architecture. The Bureau for Private Postsecondary Education does not play any role in the process of accrediting schools of architecture or architectural degree programs for the purposes of the Board.

The National Architectural Accrediting Board (NAAB) is the only entity nationally recognized to accredit professional and post-professional architecture programs with degrees in architecture within the US. NAAB accredits the architecture programs within the schools, not the schools themselves. The Canadian

Architectural Certification Board (CACB) is the Canadian equivalent of NAAB and accredits the architecture programs in Canada.

30. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

The Board is not statutorily authorized to accredit schools of architecture or the professional and post-professional architecture programs offered by them. NAAB reviews architectural programs every three to eight years.

31. What are the board's legal requirements regarding approval of international schools?

The Board is not authorized to accredit schools of architecture. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approval/accreditation of architectural schools or the professional and post-professional programs available at those schools. NAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

Continuing Education/Competency Requirements

32. Describe the board's continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

Business and Professions Code section 5600.05 requires California architects to complete five hours of continuing education (CE) coursework on disability access requirements as a condition of license renewal. The coursework must include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework must be presented by trainers or educators with knowledge and expertise in these requirements. There have been no changes to the CE requirements since the last review.

a. How does the board verify CE or other competency requirements?

The Board requires architects to certify, under penalty of perjury (on their license renewal form), that they have completed the required CE coursework hours on disability access requirements within the previous two years. Architects are required to maintain their coursework documentation for two years from the date of renewal, and upon audit, provide the requested information to the Board.

b. Does the board conduct CE audits of licensees? Describe the board's policy on CE audits.

Yes. Licensees have 30 days from the date of the audit notice to provide the Board with coursework documentation. A second audit notice (requiring a response within 15 days) is sent to architects who do not respond to the initial request. Architects who do not respond to the second request are referred to the Board's Enforcement Unit.

Licensees are referred to the Board's Enforcement Unit for not:

- Responding to the Board's requests for information and documentation;
- Completing the required CE within the two years prior to license renewal; or
- Providing truthful information on documentation.

c. What are consequences for failing a CE audit?

Architects failing to successfully complete a CE audit are referred to the Board's Enforcement Unit and are then subject to an administrative citation, which may include a fine, or disciplinary action by the Board.

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

The Board, in accordance with Business and Professions Code section 5600.05 (which became effective on January 1, 2013), audits at least three percent of the license renewals received each year to verify compliance with the CE requirement. The number of audits conducted for the past four fiscal years and the corresponding failure rate is presented in the following table:

Fiscal Year	Audits Conducted	Licensees Failing Audit
2014/2015	277	50 (18%)
2015/2016	372	61 (16%)
2016/2017	342	52 (15%)
2017/2018		(%)

e. What is the board's course approval policy?

The Board does not have statutory authority to approve courses.

f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?

The Board does not have statutory authority to approve courses or course providers.

g. How many applications for CE providers and CE courses were received? How many were approved?

N/A

h. Does the board audit CE providers? If so, describe the board's policy and process.

The Board does not have statutory authority to approve courses or course providers.

i. Describe the board's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

The Board's current focus is on completing the required assessment of its existing continuing education requirement pursuant to AB 1746 (Emmerson) [Chapter 240, Statutes of 2010]. This measure requires the Board to report to the Legislature on "the level of licensee compliance with the requirements, any actions taken by the Board for noncompliance with the requirements, the findings of Board audits, and any recommendations of the Board for improving the process." Accordingly, expanding the program beyond its current scope has not been considered.

CALIFORNIA ARCHITECTS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2018

Section 5 – Enforcement Program

33. What are the board’s performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The Board’s performance measures for the Enforcement Unit are defined by DCA’s Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Architects Practice Act (Act).

For all complaints received, the Board has a goal of assigning complaints to staff for investigation within seven days. Currently, the Enforcement Unit averages one day to assign complaints for investigation. Concerning the time necessary to investigate a complaint, the Board’s CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For FYs 2014/15, 2015/16, 2016/17, and 2017/18, the Board averaged 169 days, 116 days, 110 days, and 79 days, respectively. The Board is exceeding expectations in this area.

34. Explain trends in enforcement data and the board’s efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Board received an average of 333 complaints per year since FY 2014/15, which is a 21% increase since the previous reporting period. This increase is primarily due to the Board’s mandatory audits of coursework for license renewal applications, as required by Business and Professions Code (BPC) section 5600.05. Since FY 2014/15, the Board initiated an average of 61 cases per year against licensees who failed the coursework audits; these cases are tracked as Board-initiated “complaints.”

Enforcement staff closed 58% of investigations within 90 days and 93% within one year. The average number of days from receipt of a complaint to the closure of investigation was 122 days for all cases, which is a 23% reduction since the last reporting period. During the previous reporting period, the average number of days to complete an investigation was 158 days, and 53% of investigations were closed within 90 days.

Since the last reporting period, the average number of advertising complaints received by the Board decreased 31% to 82 per year. The average number of settlement cases received decreased 14% to 30 per year. The Board received an average of 114 complaints per year against licensees (excluding complaints initiated by the Board due to failed coursework audits), which is a 54% increase since 2014. The Board also received an average of 49 unlicensed activity complaints per year, which is consistent with the previous reporting period.

Since the Board's last report in 2014, the number of citations issued has increased. This is primarily due to the fact that in FY 2014/15, the Board began issuing citations to licensees after audits of their license renewal applications revealed that they: 1) certified false or misleading information regarding their compliance with the coursework requirement when filing their renewal applications with the Board; 2) failed to maintain records of completion of the required coursework for two years from the date of renewal; or 3) failed to provide the Board with records of completion of the required coursework upon request. For this reporting period, citations average 43 per year. Of the citations issued, all included a fine assessment, averaging \$1,315 per citation, and the Board collected approximately 70% of the assessed fines. The Board has also continued to focus on promptly responding to consumer complaints and developed an internal monthly report on case aging to improve the tracking of each case through the intake and investigation processes.

Table 9a. Enforcement Statistics			
	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT			
Intake			
Received	384	322	
Closed*	0	0	
Referred to INV	384	322	
Average Time to Close	1	1	
Pending (close of FY)*	0	0	
Source of Complaint			
Public	80	97	
Licensee/Professional Groups	58	47	
Governmental Agencies	192	151	
Other	55	29	
Conviction/Arrest			
CONV Received**	1	2	
CONV Closed**	1	2	
Average Time to Close	1	1	
CONV Pending (close of FY)*	0	0	
License Applications Denied	0	1	
SOIs Filed	1	0	
SOIs Withdrawn	0	0	
SOIs Dismissed	0	0	
SOIs Declined	0	0	
Average Days SOI	438	N/A	
ACCUSATION			
Accusations Filed	4	2	
Accusations Withdrawn	0	0	
Accusations Dismissed	0	0	
Accusations Declined	0	0	
Average Days Accusations	834	252	
Pending (close of FY)	1	1	
* All complaints received by the Board are referred for investigation.			
** Only includes substantially-related convictions which warrant disciplinary action.			

Table 9a. Enforcement Statistics (continued)

	FY 2015/16	FY 2016/17	FY 2017/18
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	3	3	
Stipulations	1	1	
Average Days to Complete	924	1,155	
AG Cases Initiated	4	2	
AG Cases Pending (close of FY)	6	4	
Disciplinary Outcomes			
Revocation	1	1	
Voluntary Surrender	0	0	
Suspension	0	0	
Probation with Suspension	1	2	
Probation	1	0	
Probationary License Issued	0	0	
Other	1	1	
PROBATION			
New Probationers	1	0	
Probations Successfully Completed	2	2	
Probationers (close of FY)	7	5	
Petitions to Revoke Probation	1	0	
Probations Revoked	0	0	
Probations Modified	0	0	
Probations Extended	1	0	
Probationers Subject to Drug Testing	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

Table 9b. Enforcement Statistics (continued)

	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION			
All Investigations			
First Assigned	385	324	
Closed	411	291	
Average days to close	116	110	
Pending (close of FY)	82	115	
Desk Investigations			
Closed	400	281	
Average days to close	114	103	
Pending (close of FY)	75	114	
Non-Sworn Investigation			
Closed	0	0	
Average days to close	0	0	
Pending (close of FY)	0	0	
Sworn Investigation			
Closed	11	10	
Average days to close	158	324	
Pending (close of FY)	7	1	
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	
PC 23 Orders Requested	0	0	
Other Suspension Orders	0	0	
Public Letter of Reprimand	0	1	
Cease & Desist/Warning	214	166	
Referred for Diversion	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A
CITATION AND FINE			
Citations Issued	65	32	
Average Days to Complete	270	416	
Amount of Fines Assessed	\$79,750	\$45,750	
Reduced, Withdrawn, Dismissed	\$1,250	\$3,000	
Amount Collected	\$60,536	\$27,567	
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	

Table 10. Enforcement Aging

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0-1 Year	1 (100%)	0 (0%)	0 (0%)			
1-2 Years	0 (0%)	3 (75%)	1 (25%)			
2-3 Years	0 (0%)	0 (0%)	1 (25%)			
3-4 Years	0 (0%)	0 (0%)	1 (25%)			
Over 4 Years	0 (0%)	1 (25%)	1 (25%)			
Total Attorney General Cases Closed*	1	4	4			
Investigations (Average %)						
Closed Within:						
90 Days	157 (46.6%)	254 (61.8%)	178 (61.2%)			
91-180 Days	59 (17.5%)	72 (17.5%)	58 (19.9%)			
181 Days-1 Year	84 (24.9%)	57 (13.9%)	39 (13.4%)			
1-2 Years	30 (8.9%)	24 (5.9%)	14 (4.8%)			
2-3 Years	5 (1.5%)	3 (0.7%)	2 (0.7%)			
Over 3 Years	2 (0.6%)	1 (0.2%)	0 (0%)			
Total Cases Closed	337	411	291			

* Includes Accusations, Statements of Issues, and Petitions to Revoke Probation.

35. What do overall statistics show as to increases or decreases in disciplinary action since last review.

The Board filed six accusations, one petition to revoke probation, and one statement of issues during the current reporting period (FY 2014/15 through FY 2017/18), which is a 20% decrease from the previous review period. Eleven cases resulted in disciplinary action, which is consistent with the previous reporting period. The severity of the sanctions imposed on licensees has been consistent with the previous reporting period. During this reporting period, the Board revoked four licenses and ordered probation for six licensees (three with actual suspensions).

In evaluating a Board's enforcement program, it is important to reflect on the nature of the profession being regulated. Architects often collaborate with other parties (engineers, landscape architects, attorneys, contractors, and other architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the Board typically do not deal with major property damage or bodily injury.

36. How are cases prioritized? What is the board's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies (August 31, 2009)*? If so, explain why.

The Board's case prioritization policy is consistent with DCA's guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the Board's prioritization guidelines. Complaints given the highest or "urgent" priority include imminent life and safety issues, severe financial harm to clients, egregious pattern

of complaints, and project abandonment. Complaints given a “high” priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The more common complaints are contract violations, unlicensed advertising violations, routine settlement reports, and coursework violations.

37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

Mandatory reporting requirements are specified in BPC sections 5588 (Report of Settlement or Arbitration Award), 5588.1 (Requirement that Insurer Report Certain Judgment, Settlement, or Arbitration Awards), and 5590 (Malpractice Judgment in Civil or Criminal Case; Clerk’s Report).

BPC sections 5588 and 5588.1 require that within 30 days, every licensee and insurer providing professional liability insurance to a California architect send a report to the Board on any civil action judgment, settlement, arbitration award, or administrative action of \$5,000, or greater of any action alleging the license holder’s fraud, deceit, negligence, incompetency, or recklessness in practice. The Board received 138 settlement reports the previous reporting period and 106 reports in the current period.

BPC section 5590 requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license’s fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the Board. However, if the judge who tried the matter finds that it does not relate to the defendant’s professional competence or integrity, the judge may, by order, dispense with the requirement that the report be sent.

Historically, the Board has tried to work with the courts to gain cooperation and compliance with BPC section 5590. However, during the past decade the Board has not received a report of a judgment from a court. The Board has collaborated with its Deputy Attorney General (DAG) liaison to seek assistance to obtain compliance from the courts. The DAG disseminated a letter to clerks of the courts reminding them of BPC section 5590. The Board has also requested that the California Administrative Office of the Courts assist in attaining compliance from court clerks.

In addition, BPC section 5600(c) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

a. What is the dollar threshold for settlement reports received by the board?

As noted above, the dollar threshold for settlement reports received by the Board is \$5,000.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the Board during the current reporting period is \$372,698.

38. Describe settlements the board and Office of the Attorney General on behalf of the board, enter into with licensees.

The Board considers agreeing into stipulated settlements with licensees where appropriate to promote cost-effective consumer protection and to expedite disciplinary decisions. In order to enter into a settlement with the Board, the licensee is generally required to admit to the violations set forth in the accusation, have his or her license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

a. What is the number of cases, pre-accusation, that the board settled for the past four years compared to the number that resulted in a hearing?

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, three disciplinary cases resulted in settlements with the Board and five cases resulted in a hearing.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

In the past four years, 30% of disciplinary cases were settled, 20% resulted in default decisions, and 50% resulted in a hearing.

39. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board's statute of limitations is defined by BPC section 5561. All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the Board within 5 years after the Board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than 10 years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of BPC section 5579 (Fraud in Obtaining a License), the accusation may be filed within three years after the discovery by the Board of the alleged facts constituting the fraud or misrepresentation prohibited by BPC section 5579.

Since FY 2014/15, the Board has not lost any cases due to the expiration of its statute of limitations. However, the Board received 14 cases in which the alleged violation(s) occurred beyond the statute of limitations, and

as a result, could not be investigated by the Board. These cases primarily involved settlement reports where the architectural services were provided more than 10 years prior to the receipt of the report.

40. Describe the board's efforts to address unlicensed activity and the underground economy.

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The Board addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

The Board also works collaboratively with local planning and building departments to educate them on the Architects Practice Act (Act) requirements and prevent unlicensed activity. These efforts include disseminating letters and bulletins to planning and building departments advising them of the Act's requirement pertaining to unlicensed individuals submitting plans for non-exempt projects. Through the Board's Building Official Contact Program, architect consultants are also available on-call to building officials to discuss provisions of the Act, including unlicensed practice and potential aiding and abetting by licensees.

In an effort to address unlicensed practice and educate consumers, the Board promotes its *Consumer's Guide to Hiring an Architect*. The *Guide* was designed with the intention to help consumers understand the sometimes complex and technical nature of architectural services. It provides information on: what types of projects require a licensed architect; how to find and select an architect; written contract requirements and recommendations; how to manage the budgeting and construction of a project; and what to do if a problem occurs with the project. The *Guide* is distributed to various building and planning departments throughout the state. The Board also distributes *Consumer Tips for Design Projects*. This information contains a number of basic steps that consumers can take to help keep their projects on track.

The Board also works to protect consumers in post-disaster settings, where they are most vulnerable. A Homeowner Rebuilding Bulletin was produced to educate homeowners on their rights after a disaster. The Board collaborates with the Contractors State License Board to provide consumer education material at disaster recovery centers. Through social media and press releases, the Board promotes the availability of its toll-free number and its Architect Consultants as a resource to assist homeowners as they begin the rebuilding process.

In addition, the Board provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

Cite and Fine

41. Discuss the extent to which the board has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

The citation program provides the Board with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 152, the regulation that authorizes the Board to issue administrative citations and fines, was last amended in 2006 to: 1) increase the maximum administrative fine the Board could assess to \$5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the Act.

For this reporting period, citations averaged 43 per year compared with 22 citations per year during the previous reporting period. This increase is primarily due to the fact that in FY 2014/15, the Board began issuing citations to licensees for violations of the coursework provisions found in BPC section 5600.05 as a result of the Board's audit.

42. How is cite and fine used? What types of violations are the basis for citation and fine?

As noted above, the Board's citation program provides an expeditious method of addressing violations that have not resulted in substantial financial or physical harm. All professional practice complaints and some unlicensed complaints recommended for citation are reviewed by a Board architect consultant. Administrative fines range from \$250 to \$5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The Board has used the citation program most frequently to cite individuals who have violated the following:

BPC Sections:

- 5536 (a) and (b) - Practice Without License or Holding Self Out as Architect
- 5536.1 - Signature and Stamp on Plans and Documents; Unauthorized Practice
- 5536.22 - Written Contract
- 5558 - Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services: Filing Requirements
- 5584 - Negligence or Willful Misconduct
- 5600.05 - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

CCR Sections:

- 104 - Filing of Addresses
- 134 - Use of the Term Architect
- 160 - Rules of Professional Conduct

Licensees who fail to pay the assessed fines have a “hold” placed on their license record that prevents renewal of the license until the fine is paid.

43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

In the last four fiscal years, there have been 43 informal conferences, 3 stipulated settlements, and 7 administrative hearings as a result of citation appeals.

44. What are the 5 most common violations for which citations are issued?

BPC Sections:

- 5536 (a) and (b) - Practice Without License or Holding Self Out as Architect
- 5536.1 - Signature and Stamp on Plans and Documents; Unauthorized Practice
- 5536.22 - Written Contract
- 5584 - Negligence or Willful Misconduct
- 5600.05 - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

45. What is average fine pre- and post-appeal?

The average pre-appeal fine is \$1,811 and the average post-appeal fine is \$1,200.

46. Describe the board’s use of Franchise Tax Board intercepts to collect outstanding fines.

The Board uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the Board’s outstanding, unpaid fines are against unlicensed individuals, and the Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

Cost Recovery and Restitution

47. Describe the board’s efforts to obtain cost recovery. Discuss any changes from the last review.

The Board seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is often paid within 30 days of the effective date of a decision or pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

There have been no changes in the Board’s pursuit of cost recovery since the last review period.

48. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing.

The Board has had four cases resulting in revocations, six cases resulting in probation, and one case resulting in a public reproof during the reporting period as follows:

Revocations:	2	default decisions, Board did not order cost recovery
	2	\$11,490 ordered through proposed decisions (must be paid prior to reinstatement of the license)
Probationers:	6	\$41,735 (all are collectable and payments are being made)
Public Reproof:	1	\$1,500 (has been paid in full)

49. Are there cases for which the board does not seek cost recovery? Why?

No.

50. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

The Board is utilizing FTB to collect cost recovery.

51. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

The Board has no authority to order restitution outside of a stipulated agreement or an administrative law judge's proposed decision. Since the last review, one petition to revoke probation was filed after a licensee failed to make scheduled restitution payments to clients, thereby violating the terms and conditions of probation. The licensee entered into a stipulated settlement with the Board, which extended the probationary period one year and required the licensee to pay the remaining \$3,083 in restitution to clients.

Additionally, through the Board's complaint handling process, the Board may recommend that a licensee refund a client's monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The Board has no jurisdiction over fee disputes.

Table 11. Cost Recovery

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures				
Potential Cases for Recovery*	1	4	3	
Cases Recovery Ordered	1	2	3	
Amount of Cost Recovery Ordered	\$3,113	\$27,758	\$13,244	
Amount Collected	\$3,490	\$11,143	\$11,958	

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Table 12. Restitution

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	\$0	\$3,083	\$0	
Amount Collected	\$1,927	\$771	\$2,313	

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Section 6 – Public Information Policies

52. How does the board use the internet to keep the public informed of board activities? Does the board post board meeting materials online? When are they posted? How long do they remain on the board's website? When are draft meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board continually updates its website to reflect upcoming Board and committee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Board and committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the Board's retention schedule. Draft minutes are posted on the website in the subsequent meeting packet for Board or committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the Board's retention schedule. The website also provides links to important collateral organizations, California schools offering architecture programs, and other government organizations. The Board continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents. Other tools used by the Board to communicate its messages include the eSubscriber list for e-news broadcasts, the Board's newsletter, and social media (Facebook, Instagram, and Twitter).

53. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

The Board webcasts its meetings when DCA resources are available. Board meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the Board has actively engaged with the DCAs' Office of Public Affairs to facilitate the webcasting of its meetings and includes notification of webcast availability on its meeting notices. Despite the Board's active effort to facilitate webcast at its meetings, varying technical capabilities of the meeting sites (schools of architecture, public venues, and architecture firms) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are currently available for an indefinite period of time.

54. Does the board establish an annual meeting calendar, and post it on the board's web site?

Yes. The Board establishes a meeting calendar at its December meeting and posts it on the website afterwards. Meetings of committees are also posted to the calendar when the dates are determined by the respective committee chair.

55. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)*?

The Board's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the Board's website and publicized in its newsletter according to the Board's records retention schedule.

56. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

California Code of Regulations (CCR) section 137 requires the Board to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed architects and unlicensed persons subject to the Board's jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). The information is made available by the Board in writing or by telephone within 10 days of the request.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the Board's records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The Board also discloses the total number of enforcement and disciplinary actions, as well as brief summaries. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 137), accusations, statements of issues, and citations filed by the Board.

57. What methods are used by the board to provide consumer outreach and education?

The Board provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

The Board has specific publications targeting consumers. The Board's *Consumer's Guide to Hiring an Architect* is designed to help consumers understand the sometimes complex and technical nature of architectural services. It provides information on:

1. types of projects that require a licensed architect;
2. how to find and select an architect;
3. written contract requirements and recommendations;
4. how to manage the budgeting and construction of a project; and
5. what to do if a problem occurs with the project.

The Board's *Consumer Tips for Design Projects* is a concise document that summarizes the basic steps that consumers can take to help keep their projects on track. A key means of distributing both publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on architects and managing a project.

The Board's newsletter, *California Architects*, is also a valuable source of information. The Board has augmented its efforts by establishing Facebook, Instagram, and Twitter accounts to share information on key California architecture-related issues. In addition, the Board's website continues to be a primary focus of our efforts, providing the public, licensees, and candidates with a wide range of information. The website provides access to enforcement actions, a license verification tool, past newsletters, as well as a comprehensive list of downloadable applications, forms, and publications. The Board also added links to the consumer information webpages for the Board for Professional Engineers, Land Surveyors, and Geologists; the Contractors State License Board; and the Landscape Architects Technical Committee in order to educate consumers about related professions within the design and construction industry.

In an effort to better reach consumers, the Board sent an email to each member of the California State Assembly and Senate which included: 1) basic information about the Board; 2) the availability of consumer publications (i.e., *Consumer's Guide to Hiring an Architect*, *Consumer Tips for Design Projects*, etc.); and 3) a suggestion for the legislators to forward the information to their respective building and planning departments. The Board also created an article for the Department of Consumer Affairs' *Consumer Connection* magazine with information regarding the services architects provide and a link to the Board's website.

Perhaps the most valuable tool for consumers is the ability to contact the Board's architect consultants to provide advice on their projects and resolve issues. The architect consultants have decades of practice experience and are Architects Practice Act and project management experts. Consumers who use this service find the information invaluable and crucial to avoiding problems with their projects.

The Board expanded the consumer resources on its Disaster Preparedness webpage to strengthen protection after disasters. The Board also works to protect consumers in post-disaster settings, where they are most vulnerable, by distributing its *Homeowner Rebuilding Bulletin*, which educates consumers on their rights after a disaster, and by providing consumer education materials to local building departments and disaster recovery centers. Through social media and press releases, the Board promotes the availability of its toll-free number and its architect consultants as additional resources to assist homeowners as they begin the rebuilding process.

As part of the Board's 2017–2018 Strategic Plan, the Regulatory and Enforcement Committee (REC) is currently developing new ways to educate consumers on the standard of care so they understand what to

expect from an architect when choosing to hire one. The REC is also considering alternate methods for architects to disclose to consumers they are licensed and regulated by the Board in order to increase awareness and strengthen consumer protection. The REC's recommendations are expected to be presented to the Board for review and possible action in late 2018.

The Board will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

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Section 7 – Online Practice Issues

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

Technology has been integrated into the architectural profession and continues to provide efficiencies in practice by allowing architects to prepare their instruments of service electronically (and outsource their production to online drafting services, as necessary), coordinate with other design professionals, and communicate and share design ideas with clients.

The Board believes the Architects Practice Act provides sufficient regulatory control over the use of technology and online practice by architects, as Business and Professions Code (BPC) section 5536.1 requires the architect's stamp and signature on instruments of service as evidence of the architect's responsibility for those documents. Another important consumer protection tool in this area is the written contract requirement (BPC section 5536.22), which requires an architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against architects, but the Board will continue to monitor these issues closely.

However, the prevalence of unlicensed individuals who misrepresent themselves as architects and/or offer architectural services to California consumers via the Internet remains a challenge for the Board's Enforcement Program. During the current reporting period, unlicensed advertising or activity complaints accounted for approximately 40% of all complaints received by the Board. The Board issues citations with administrative fines to unlicensed individuals who advertise or put out devices (such as Internet advertisements) that might indicate to the public that they are architects or qualified to engage in the practice of architecture, in violation of BPC section 5536(a). Egregious cases are referred to the Department of Consumer Affairs' Division of Investigation for possible criminal action.

The majority of these unlicensed advertising or activity complaints involve consumers with their first residential or tenant improvement projects and who may not be familiar with license requirements or the design and construction process. These consumers often rely on "referral" websites that offer to match them with "prescreened" professionals in their area who have passed the websites' background checks and can provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals' advertisements, and some allow unlicensed individuals to identify themselves as architects and/or offer architectural services to the public without verifying licensure.

The Board is interested in partnering with such referral websites to verify licensure for these professionals who advertise to California consumers and to remove illegal advertisements by unlicensed individuals. The Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting an architect on the Internet.

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CALIFORNIA ARCHITECTS BOARD

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Section 8 – Workforce Development and Job Creation

59. What actions has the board taken in terms of workforce development?

The Board periodically reviews the licensure process and amends its regulations, as appropriate, to implement efficiencies it determines will reduce the overall length of time to obtain licensure. Additionally, the Board maintains a career website (architect.ca.gov) which contains easy to understand information about licensing requirements, history of the profession, career possibilities, and other related issues. Staff provides presentations regarding licensure at schools of architecture with National Architectural Accrediting Board (NAAB) accredited programs and local components of The American Institute of Architects. The Board strives to remove impediments to licensure, such as reducing the mandatory waiting period between retakes of the California Supplemental Examination (CSE). The National Architectural Registration Boards (NCARB) has also taken measures to remove impediments, such as formulating the Integrated Path to Architectural Licensure (IPAL) program, which the Board has adopted, where NAAB-accredited programs integrate professional architectural education with practical experience and examination. The intent of IPAL is to accelerate and streamline the licensure process, the length of which is often considered an impediment. In a show of its support for the concept, the Board sponsored legislation that grants early access to the Architect Registration Examination (ARE) for IPAL-enrolled students. More information regarding IPAL can be found in Section 10.

60. Describe any assessment the board has conducted on the impact of licensing delays.

No formal studies have been conducted. However, Board management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce. In addition, converting the CSE to a computer-based testing format greatly expedites licensure, as does releasing scores on-site.

61. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Board maintains a career website (architect.ca.gov) that contains easy to understand information about licensing requirements, history of the profession, career possibilities, and other related issues. With the creation of IPAL programs, students are provided the tools to complete the licensure process as part of their degree program. Additionally, at the commencement of the school year, the Board, through the chairs and deans of the architectural colleges, sends a letter introducing itself and explaining its role to students. A similar related letter is disseminated at the end of the school year. This effort is supplemented each year with presentations by Board staff in conjunction with NCARB leadership explaining licensing requirements, role

of NCARB, the AXP, and the ARE at the campuses. The Board believes that these efforts pay dividends by helping students become licensed more efficiently, which will save candidates time and money.

62. Describe any barriers to licensure and/or employment the board believes exist.

The Board, in collaboration with NCARB, routinely assesses the licensure process to proactively address potential barriers to licensure in a manner consistent with the mandate to protect the public health, safety, and welfare.

The current components of licensure (education/equivalents, experience, and examination) are separate and governed by specific standards and requirements that can affect a candidate's progress. On the national examination, for example, candidates can take the six divisions at any time and in any order. This flexibility can be greatly beneficial to candidates, but can also be a contributing factor to delays due to the lack of specific milestones with deadlines. The IPAL model may have sufficient structure to encourage greater efficiency for candidates and the Board looks forward to reviewing IPAL metrics when they are available.

63. Provide any workforce development data collected by the board, such as:

(a) Workforce shortages

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty hiring new architects.

(b) Successful training programs.

No data is available.

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Section 9 – Current Issues

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

N/A

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. However, the Board strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the Board continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The Board is exceeding expectations by closing complaints within an average of 124 days.

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The Board is not using the BreEZe platform. The Board was originally in the BreEZe Release 3 and has not submitted any change requests.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

The Board, along with 19 other boards and bureaus was scheduled for the third release of BreEZe. However, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board.

The Department of Consumer Affairs (DCA) developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose of this initiative is to address business and technology needs for programs that continue to rely on legacy

technology solutions. The Plan identifies a methodical step-by-step approach that boards and bureaus within DCA will use to assist in moving their programs forward. The goal is to embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlines four stages of the project approval process: Stage 1 - document business justification, Stage 2 - alternatives and cost benefit analysis, Stage 3 - solution development framework, and Stage 4 - project approval. The final step of the process will be system implementation.

An initial meeting was held on July 11, 2017, with the Board and DCA's Organizational Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, the Board met with OCM to discuss the Project Charter and initial inventory of the Board's existing administrative, enforcement, and licensing business processes. The Charter outlines the roles and responsibilities of key project stakeholders, describes the project decision-making authority, and the commitment needed in order to conduct a successful project. The Charter was finalized in January 2018.

The Board's Business Modernization Report accompanies the Business Modernization Plan and documents the business modernization activities that will be conducted specific to the Board. The Plan and Report were presented to the Board at their March 1, 2018 meeting along with a presentation by a DCA representative explaining the process planned for Release 3 boards. The Report presented to the Board included a proposed timeline, with a "go-live" release of a minimum viable product by November 2021 with release of configuration and phased implementation enhancements by November 2022. However, the Board's potential need for a Budget Change Proposal could extend this timeline.

The Board's business processes inventory was finalized and provided to OCM in April 2018. The next step included mapping all of the business processes in consultation of the Board's subject matter experts.

Currently the Board utilizes two legacy systems (Applicant Tracking System [ATS] and Consumer Affairs System [CAS]) and is not using a bridge or workaround system.

CALIFORNIA ARCHITECTS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2018

Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

CAB ISSUE #1: TRAVEL RESTRICTIONS. Should the Committees encourage travel to professional conferences or meetings that directly affect licensure of California licensees?

Committee Staff's Recommendation: The Committees should encourage the Board to pursue opportunities at which its Members and Officers can interact directly with their national peers, and provide a strong voice for California's unique perspective and needs. The Board should inform the Committees of whether it continues to face travel restrictions that prohibit it from attending meetings where its representation could significantly impact California's ability to ensure that national examinations or standards reflect California's needs and protect California licensees, candidates for licensure, and consumers.

2014 Board Response:

The Board/LATC concurs with the Committees' recommendation. Participation in national affairs is critical for the Board and LATC. The national examinations save the Board and LATC literally millions of dollars by not having to replicate the national examinations. In addition, the Board relies on the Intern Development Program to ensure that candidates receive experience in crucial areas of practice.

The Board and LATC have had recent success on travel, with approvals to attend three key out-of-state national sessions. In addition, three recent sessions have been in California, where the Board was also able to participate. These approved trips for the Board were funded by our national nonprofit - the National Council of Architectural Registration Boards (NCARB), so no State funds were spent. The Board has not received approval to travel with State funds since 2010. LATC was approved to travel to the Annual Business Meeting of the Council of Landscape Architectural Registration Boards (CLARB) in 2009 and 2014 with State funds, but CLARB does not offer "funded trips." LATC was denied the opportunity to attend a CLARB session that was held in California. Sending a Board member to the Annual Meeting costs a fraction of the Board's budget - approximately .0005.

The Board just participated in the NCARB Regional Summit on March 13-14 in Long Beach. At that meeting, the main proposal discussed would restrict existing reciprocity standards and prevent nearly 2,000 California architects from practicing in other states. California was the only state advocating to preserve the existing pathway. Through our efforts, we built a coalition to oppose the measure when it is up for a vote in June at the Annual Business Meeting. There is much more to be done to defeat the measure, but much of the effort takes place on-site at the meeting. In order to succeed, the Board must be in attendance with a strong delegation. This is because there are approximately 250 people in attendance from the 54-member jurisdictions, as well as NCARB executive staff and leadership from the American Institute of Architects, National Architectural Accrediting Board, Association of Collegiate Schools of Architecture and American Institute of Architects - Students. Persuading a group of that size requires a delegation of at least four, but a larger group has greater odds for success and also helps with succession planning so that new Board/LATC members can learn first-hand about the national associations and develop the relationships needed to protect California's interests.

The Board is in the process of submitting an out-of-state trip request to Department of Consumer Affairs (DCA) to add two members in addition to the two that were previously approved. This will provide the Board a strong delegation to work to defeat the resolution.

The professions, via the American Institute of Architects - California Council and California Council of the American Society of Landscape Architects, understand the importance of participation and regularly and consistently support the Board's engagement in NCARB and CLARB. The Board appreciates that DCA and Administration have been approving some of the trips, and the Board encourages ongoing and increased support for the criticality of national issues.

(Note: This was Issue #1 for LATC in the Sunset Background Paper.)

2018 Board Update Response:

The Board's and LATC's travel requests for out-of-state meetings have been consistently approved since the last report. The Board has participated in all the NCARB Annual Meetings since the last report except for the 2017 Regional Meeting which took place in Kansas, a State banned from travel pursuant to Assembly Bill 1887 (Chapter 687, Statutes of 2016). This bill prohibits State-funded or state sponsored travel to states that, after June 26, 2015, have enacted a law of a discriminatory nature.

The work conducted at these meetings is critically important and can have a profound impact on issues such as reciprocity. The Board's and LATC's participation can directly influence the policies and procedures that are discussed and decided upon. For example, by California's participation at an NCARB Annual Meeting, the Board was able to successfully advocate against a resolution that would have precluded California architects who do not hold an accredited degree from attaining the "NCARB Certificate" and, accordingly, gaining reciprocity in key states that require the certificate. Through the Board's advocacy, we were able to preserve this important pathway. Similarly, the presence of LATC representatives at the CLARB Annual Meetings ensures that California is sufficiently informed on CLARB activity and able to participate in major discussions and decisions that occur during the meetings. Additionally, during their annual meetings CLARB hosts many discussions to help inform participants of various trends related to the licensing, regulatory, and disciplinary functions of CLARB member boards. The Board and LATC look forward to maintaining a strong presence at the national level.

CAB ISSUE #2: PRO RATA. What services does the Board receive for its share of pro rata?

Committee Staff's Recommendation: The Board should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, the Board should discuss whether it could achieve cost savings by providing some of these services in-house.

2014 Board Response:

The Board/LATC's share of the department's pro rata is calculated based on authorized position counts, licensing and enforcement record counts, prior year workload, and interagency agreements. The Board/LATC currently utilizes most of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise in certain administrative services to be effective. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

Senate Bill 1243 (Chapter 395, Statutes of 2014) requires DCA to conduct a study and submit a report to the Legislature on its pro rata calculation of administrative expenses by July 1, 2015. The study will assess whether the pro rata system is the most productive, efficient, and cost-effective methodology and whether some of the services should be outsourced or charged on an as-needed basis. The study will also include consideration of whether the boards should be permitted to elect not to receive (and be charged for) certain administrative services. As part of the study, the Board/LATC has participated in a survey of its use of DCA's services. Based on the outcome of the study and the DCA's report to the Legislature, the Board/LATC will reassess its continued use of the DCA's pro rata services.

(Note: This was Issue #4 for LATC in the Sunset Background Paper.)

2018 Board Update Response:

The Board's 2014 response is still applicable. The Board/LATC's share of the department's distributed costs (pro rata) is calculated based on authorized position counts, licensing and enforcement record counts, volume of calls, complaints and correspondence, prior year workload, interagency agreements, and other distributions. The Board/LATC currently utilizes most, if not all, of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise (and potentially additional resources) to provide such administrative services in an effective manner. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

At an annual meeting, DCA provides an overview of the department's distributed costs. The purpose of this meeting is to explain how the costs of DCA's services are funded. In addition, Senate Bill 1243 (Chapter 395, Statutes of 2014) required the department to provide a one-time study of its process for distributing administrative costs among its 29 boards, bureaus, committees, commission and program (boards). The distribution of costs for these divisions is budgeted to all boards utilizing the various distribution methodologies described above. The study and resultant report provided to all boards provides robust data as to pro rata. The Board is appreciative of the transparency and DCA's efforts to explain the basis for costs for services.

CAB ISSUE #3: BREEZE IMPLEMENTATION. The Board was supposed to be part of BreEZe's Release Three, which has now been delayed until at least 2016.

Committee Staff's Recommendation: The Board should inform the Committees of any difficulties it foresees as a result of having to remain on its legacy system, and whether any additional stop-gap technological measures are needed until BreEZe is implemented. The Board should inform the Committees of how costs related to BreEZe will impact its fund condition.

2014 Board Response:

Substantial difficulties are foreseeable, as a result of having to remain on the legacy systems, due to numerous significant changes to the national Architect Registration Examination (ARE) and potential changes to other national programs. Board/LATC staff is conducting an assessment of the impact due to delayed implementation of BreEZe for Release 3 boards and bureaus and coordinating efforts with DCA to develop stop-gap measures that could involve significant modifications to the legacy systems.

The Board believes, however, that due to the changes to the ARE, the corresponding changes to the “business model analysis” that was prepared in preparation for BreEZe approximately five years ago, are so significant that the current delay and repositioning of BreEZe may actually be a strategic advantage. Had BreEZe actually rolled out with the ARE consisting of seven divisions, as it does now, it would be completely dysfunctional, as the ARE previously had nine divisions. To add further complexities, there are intricate new rules that place restrictions on candidates’ eligibility, which would have further exacerbated the problems.

The Board/LATC routinely monitors its fund condition and works very closely with DCA’s Budget Office. The Budget Office has provided the Board/LATC’s fund condition projected to fiscal year (FY) 2016/17, which includes anticipated BreEZe costs. The Board/LATC and the Budget Office do not foresee an issue with the Board/LATC’s fund condition based on the current projections for BreEZe costs. The Board’s fund condition will have an 11-month reserve in FY 2016/17, the year the BreEZe program is planned to be implemented for the Board.

(Note: This was Issue #3 for LATC in the Sunset Background Paper.)

2018 Board Update Response:

The Board is working in collaboration with DCA on its Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is a structured approach to identifying business needs and overlaying those requirements on available licensing platforms and complimentary technology. This approach will take time and the Board is pursuing a stop gap measure to accept credit card payments for renewal transactions, our highest volume transaction.

Since the inception of the BreEZe project, the Board has contributed a total of \$328,269 through FY 2016-17. The Board’s estimated contribution in FY 2017-18 is \$83,000. A budget change proposal may be required if the costs for the new platform are not absorbable. The Board has not yet determined whether it will utilize the BreEZe system or an alternative platform.

CAB ISSUE #4: LICENSURE AND LICENSEE POPULATION. Should the Board continue to explore ways to streamline the licensure process? Should the Board examine whether there is a shortage of licensed architects and capacity for architecture programs to train students?

Committee Staff's Recommendation: The Board should continue to explore streamlined paths to licensure as a way to simplify the licensure process. The Board should continue monitoring the efforts of, and working closely with, NCARB, to ensure that any proposed changes to the licensure process do not affect competency or create reciprocity issues, and that California's needs are represented at the national level. The Board should monitor workforce capacity to determine if the demand for licensed architects is, and will continue to be, met.

2014 Board Response:

The Board concurs with the Committees' recommendations. There is an ongoing objective from the Board's 2014 Strategic Plan to collaborate with California's National Architectural Accrediting Board (NAAB) accredited programs to establish and promote an Additional Path to Architectural Licensure (APAL). NCARB has taken a leadership role at the national level with the APAL; the Board is working with California schools and has hosted two summits (February 26, 2014 and March 12, 2015) to further those efforts.

NCARB has released its Request for Proposal (RFP), responses to which are due June 1, 2015. After a review of the RFPs, NCARB will provide an endorsement of those programs that conform to the programmatic requirements. The Board will continue its monitoring of NCARB and the national trends with respect to efforts for developing a streamlined licensure process.

Board staff will also coordinate with the Employment Development Department on conducting an analysis of the demand for architects and whether it will continue to be met in the long-term.

2018 Board Update Response:

Since its response to this issue in the 2014 Sunset Review Report, the Board has continued its close collaboration with the NCARB to streamline the licensure process and routinely assessed its requirements to see where it may realize efficiencies. After reviewing the RFP from interested schools across the nation, NCARB, as part of the inaugural cohort comprised of 14 schools, selected three California schools: NewSchool of Architecture and Design, University of Southern California, and Woodbury University.

To maintain a strong connection with the three universities, the Board holds some of its meetings on campuses with an Integrated Path to Architectural Licensure (IPAL) program (formerly known as APAL). This affords each institution the opportunity to provide updates on its program, explain any challenges, and identify areas where collaboration with the Board can assist the program. As part of its strong support of IPAL, the Board sponsored an amendment to its Sunset Review bill (Assembly Bill 177 - Bonilla [Chapter 428, Statutes of 2015]) to allow students enrolled in an IPAL program early access to the national examination. In 2017, in an effort to assist IPAL schools in finding viable opportunities for students to gain the architectural training experience required for the national structured internship program (NCARB's Architectural Experience Program, or AXP), the Board sent letters to local architectural firms requesting their consideration of hiring an IPAL student. The Board's newsletter, *California Architects*, has also been a tremendous vehicle for showcasing California IPAL programs via a feature story on each one. Driven by the efficiencies being realized with IPAL, and the national examination in particular, the Board is amending its regulations to reduce the mandatory waiting period for candidates who must retake the California Supplemental Examination from 180 to 90 days.

IPAL is a dynamic program still in its early years of development. As such, the Board will continue to closely monitor it for opportunities to support the programs. As NCARB continues to provide leadership for IPAL programs, the Board will also monitor metrics to assess the performance of the programs and possible improvements.

IPAL programs are expected to have a positive impact on the pipeline into the profession. With respect to workforce needs, data from the Employment Development Department indicates that the demand for architects (excluding landscape and naval architects) is expected to grow slower than average growth rate for all occupations. Jobs for architects are expected to increase by 9.7 percent, or 1,500 jobs between 2014 and 2024. This appears to be a sustainable demand, as the Board licenses over 500 new architects per year. (The US Department of Labor - Bureau of Labor Statistics [BLS] job outlook for architects for 2016 to 2026 is 4%, which is considered by BLS to be less than average). The numerous recent efficiencies in the licensure process (such as reducing the number of divisions on the ARE) may also help promote licensure to meet future needs.

With respect to national licensing data, as of 2016 (the most recent available), the number of architects in the U.S. held steady at nearly 110,000 across all NCARB member board jurisdictions. There are two trends worth noting that reveal a continued demand for architectural licenses: 1) practitioners are seeking to expand their work into other states, as more than 126,000 reciprocal licenses are held by architects (an increase of 3% from 2015); and 2) the pool of emerging professionals is stable, with more than 41,000 in the process (reporting experience or taking the ARE). In the past decade (2007–2016) the pool of licensure candidates across the nation increased by more than 17,000 and the number licensed architects increased by nearly 7,000.

The Board will continue to support the IPAL programs and new efficiencies in the licensure process. Although the current workforce trends are encouraging, the Board will continue to monitor national and state data to identify the need for additional action.

CAB ISSUE #5: CONTINUING EDUCATION (CE). The Board notes that it has examined its CE requirement due to recent legislation and changes to the NCARB Model Law, and continues to monitor its CE requirement to ensure reciprocity issues do not exist.

Committee Staff's Recommendation: The Board should inform the Committees of why its failure rate for CEs is so high, and how it can reduce that rate. The Board should continue to monitor the trend regarding CEs at the national level.

2014 Board Response:

The Board concurs with the Committees' recommendation. Continuing education (CE) on disability access requirements is a relatively new (since July 1, 2009) requirement; audits were only required as of January 1, 2013. The statistics provided in the Board's Sunset Review Report represent the first year audits were conducted, and the first time licensees certified on their renewal application the CE requirement was fulfilled.

Prior to the commencement of audits, licensees submitted all relevant coursework provider documentation to the Board for review and acceptance before a license could be renewed (more than 20,000 records). The Board's audit failure rate is in fact comparable to other DCA entities that audit, which have averaged 13%.

The Board believes that two factors may help reduce the noncompliance rate. First, the deterrent effect of citations should improve audit results. The first group of citations was served in early 2015. Once those citations are adjudicated, practitioners will know that the Board takes strong actions against violations. In addition, the Board is coordinating with professional organizations for increased communication to licensees. Common noncompliance violations include: coursework taken after license renewal/audit notification; coursework taken more than two years prior to license renewal; deficient coursework (number of hours); failure to respond to audit in a timely manner; and, incorrect coursework taken and/or submitted. The Board will use this data in its communications efforts to assist architects in complying with this requirement.

The Board will continue monitoring, through NCARB, the national trends relative to CE initiatives and changes to the NCARB Model Laws.

2018 Board Update Response:

The Board's audit compliance rate is 83%, which is consistent with other boards surveyed that provided data. The audit program is still relatively new, as it has been in place for only two complete renewal cycles. The Board believes that citations may improve compliance over time and act as a deterrent. To facilitate compliance, the Board's license renewal form and website contain prominent information about the CE requirement and the statement of compliance is signed under penalty of perjury. Articles in *California Architects* (the Board's newsletter) have underscored the importance of compliance, and cab.ca.gov contains robust information about the requirement. Professional associations, such as The American Institute of Architects, also regularly promote course offerings and compliance information. The Board is currently completing an assessment of the program, which is required pursuant to Assembly Bill 1746 (Emmerson) [Chapter 240, Statutes of 2010], which will analyze the level of licensee compliance with the requirements, any actions taken for noncompliance with the requirements, the findings of audits, and any recommendations for improving the process. This report to the Legislature will form the basis for future improvements to the program.

CAB ISSUE #6: INFORMATION SHARING. The Board reports that it is unable to share relevant disciplinary information of its licensees with a national database due to information-sharing restrictions.

Committee Staff's Recommendation: The Board should inform the Committees of the specific types of information it would like to disclose to NCARB, and provide the Committees with the specific code sections that prevent the Board from disclosing that information. The Board should also weigh the benefits of sharing disciplinary information to assist other regulatory entities against the individual privacy rights, and potential threats to those rights.

2014 Board Response:

The Board concurs with the Committees' recommendation.

The Board currently utilizes the NCARB Disciplinary Database by disclosing actions, such as Accusations and Statements of Issues, taken against licensees. Other NCARB Member Boards can view this information by securely accessing the database; additionally, prior to the Board issuing a license, the database is utilized to confirm whether disciplinary action has been taken against an individual in another state. A 2.0 version of the NCARB Disciplinary Database was recently launched and the Board continues to find that this is a useful tool.

Identifying information that is captured in the database includes: 1) an individual's full name; 2) State license number; and 3) the NCARB Record Number and/or Certificate Number (if an individual possesses either of these). Other identifying information that can be captured in the database is date of birth (DOB) and last four digits of Social Security Number (SSN). However, the Board cannot share DOB and SSN due to the Information Practices Act of 1977 (Civil Code section 1798 et seq.).

The Board will continue to weigh the benefits of sharing disciplinary information against the privacy rights of individuals.

2018 Board Update Response:

The Board's 2014 response remains applicable. The Board has been able to effectively utilize NCARB's Disciplinary Database to monitor action of other states. There have been no additional requests for data, and there is no need for additional action from the Board at this time.

CAB ISSUE #7: COLLECTION OF FINES. The Board notes that it is seeking ways to increase collection of fines, particularly in cases of unlicensed practice when it does not have the leverage of a license to incentivize payment.

Committee Staff's Recommendation: The Board should continue to explore ways to improve its enforcement efforts and collect fines. The Board should examine other agencies that are authorized to release SSNs to collection agencies, and whether there are any privacy or security issues that may arise if such information was transmitted. The Board should work with other licensing boards, such as the Contractors State Licensing Board, the Bureau of Real Estate, and the Board of Professional Engineers, Land Surveyors, and Geologists, to determine the feasibility of sharing disciplinary information for purposes of leveraging other professional licenses as a way to achieve compliance; how such a system would operate; and what changes would be necessary.

2014 Board Response:

The Board/LATC concurs with the Committees' recommendations.

The Board currently has an ongoing objective from its 2014 Strategic Plan to "pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties" and is committed to continuous improvements with regard to all enforcement efforts.

The Board's fine collection success has averaged about 62% over the last three fiscal years, while other construction/design boards have averaged 37%.

Should the Board pursue authority to release SSNs to collection agencies, it would fully investigate whether there are any privacy or security issues that may arise. The Board has noted that the Respiratory Care Board is authorized to release SSNs to collection agencies via Business and Professions Code section 3778 (Chapter 586, Statutes of 2003); the Board is currently not aware of other agencies with similar authority.

As part of its Strategic Plan objective, the Board/LATC will research the feasibility of working with other licensing boards in sharing disciplinary information for purposes of leveraging other professional licenses. Other strategies the Board/LATC has utilized with regard to fine collection: Franchise Tax Board Intercept Program;

payment plans; revised enforcement letters; etc. In addition, the Board is working with DCA to explore the possibility of establishing a collections unit in DCA to assist boards in collecting citation penalties.

(Note: This was Issue #5 for LATC in the Sunset Background Paper.)

2018 Board Update Response:

The Board continues to focus on the collection of citation penalties, and its current Strategic Plan includes an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. The Board's ongoing efforts to pursue payment of citation penalties resulted in a 70% collection rate over the past three fiscal years, while other design and construction boards have averaged 56%. Research has also indicated that collection agencies can take action without SSNs. Accordingly, the Board is currently in the process of contracting with a collection agency for full-service debt collection services, including skip-tracing, credit reporting, and filing legal actions, as appropriate. In addition, collaboration with other boards may be feasible when the Board is on a new platform system.

CAB ISSUE #8: CONTINUED REGULATION BY THE BOARD. Should the licensing and regulation of architects be continued and be regulated by the current Board membership?

Committee Staff's Recommendation: Recommend that the licensing and regulation of architects continue to be regulated by the current Board members of the California Architects Board in order to protect the interests of the public and be reviewed once again in four years.

The Board/LATC concurs with the Committees' recommendation.

(Note: This was Issue #6 for LATC in the Sunset Background Paper and the Board/LATC concur with that recommendation.)

CALIFORNIA ARCHITECTS BOARD

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2018

Section 11 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

The Board has addressed all issues from the prior review.

NEW ISSUES

Integrated Path to Architectural Licensing (IPAL)

IPAL continues to be a critical initiative at the national and state levels with the goal of strengthening the licensing system. The licensing model used for decades consists of an eight-year linear process, with five years of education (or equivalents), a three-year experience component, and national and state examinations. Although the time between initial application and licensure has been on a downward trend, many licensure candidates find that it may take up to 12.5 years to receive a license. The Board and other architectural collateral organizations understand the process is heavily candidate-driven – the pace of completion largely determined by the individual candidate.

IPAL is an innovative licensing model similar to those used in some other countries, that logically configures the three components of licensure (education, experience, and examination). In August 2015, National Council of Architectural Registration Boards (NCARB) accepted proposals from over a dozen architecture schools to implement IPAL within the respective academic programs accredited by the National Architectural Accrediting Board (NAAB). The specific approach for how to integrate the three licensure components used by each program accepted by the NCARB to achieve the goal of licensure at or near graduation varied from one to another. Nonetheless, the overarching goal of achieving licensure within a more tenable timeframe remained the common driver. Each program is required to ensure that its students are afforded the opportunity to gain work experience and take each division of the Architect Registration Examination (ARE) prior to graduation.

Since August 2015, NCARB has accepted a total of 26 programs from 21 colleges to participate. Three California schools were among the initial cohort: NewSchool of Architecture and Design (San Diego, two Master of Architecture [M.Arch.] programs); University of Southern California (Los Angeles, Bachelor of Architecture [B.Arch.] program); and Woodbury University (Burbank, one each B.Arch. and M.Arch. program). In the early developmental stages of IPAL NCARB would periodically solicit Requests for Proposals (RPF) from interested schools. However, through evolution of the process RPFs are now accepted year-round.

To maintain a strong connection to the three universities, the Board holds some of its meetings on campuses with an IPAL program. This affords each institution the opportunity to provide updates on its program, explain any challenges, and identify areas where collaboration with the Board can assist the program. As part of its strong support of IPAL, the Board sponsored an amendment to its Sunset Review bill (Assembly Bill 177 - Bonilla [Chapter 428, Statutes of 2015]) to allow students enrolled in an IPAL program early access to the national examination (ARE). In 2017, in an effort to assist IPAL schools in finding viable opportunities for students to gain the architectural training experience required for the national structured internship program (NCARB's Architectural Experience Program, or AXP), the Board sent letters to local architecture firms requesting their consideration of hiring an IPAL student. The Board's newsletter, *California Architects*, has also been a tremendous vehicle for showcasing California IPAL programs via a feature story on each one. Driven by the efficiencies being realized with IPAL, and the national examination in particular, the Board is amending its regulations to reduce the mandatory waiting period for candidates who must retake the California Supplemental Examination from 180 to 90 days.

IPAL is a dynamic program still in its early years of development and is expected to have a positive impact on the pipeline into the profession. As such, the Board will continue to closely monitor IPAL for opportunities to support the participating schools. As NCARB continues to provide leadership for IPAL programs, the Board will also monitor metrics and assess the performance of the programs for possible process improvements and revisions

to the Architects Practice Act. The Board remains highly enthusiastic about the outlook for IPAL. It is vitally important for the Board and profession to work together and ensure, to the extent possible, the path to licensure is efficient and effective so California's best and brightest are able to navigate the process and become an architect in a reasonable timeframe.

Written Contract

The Board's "written contact requirement" is one of its most important consumer protection tools. Assembly Bill (AB) 969 (Chapter 117, Statutes of 1995) added Business and Professions Code (BPC) section 5536.22 to the Architects Practice Act (Act). The provision requires architects to use a written contract when contracting to provide professional services to a client, with specified exceptions. The architect's written contract must: 1) describe the services to be provided by the architect to the client; 2) describe the basis of compensation and method of payment; 3) identify by name and address the client and the architect, including the architect's license number; 4) describe the procedure to accommodate additional services; and 5) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced opportunity for one party to take advantage of the other. The Board believes that the contract requirement benefits both the consumer and the architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the Enforcement Program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations section 160(f)(1), architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing. However, architects are not currently required to define the project description in their written contracts with clients. Therefore, it can be difficult for the client or architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers related to disputes regarding the ownership and use of an architect's instruments of service. AB 630 (Chapter 453, Statutes of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the architect's instruments of service.

The Board is proposing to amend BPC section 5536.22 in order to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project for which the

client is seeking services; 2) the project address; 3) a description of the procedure that the architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment; and 4) a statement identifying the ownership and use of instruments of service prepared by the architect.

The Board expects this proposal to benefit consumers and architects by reducing the number of disputes related to disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service. In addition, by ensuring that both the architect and the client understand these issues, there may be cost savings for the Board due to fewer complaints.

The Board respectfully requests that this proposal be included as part of the legislation addressing its sunset date. See proposed language below:

Amend section 5536.22 of the Business and Professions Code to read:

(a) An architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. That written contract shall be executed by the architect and the client, or his or her representative, prior to the architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following items:

- (1) A description of the project for which the client is seeking services.
- (~~2~~) A description of the services to be provided by the architect to the client.
- (~~3~~) A description of any basis of compensation applicable to the contract and the method of payment agreed upon by both parties.
- (~~4~~) The name, address, and license number of the architect, and the name and address of the client and project address.
- (~~5~~) A description of the procedure that the architect and the client will use to accommodate additional services.
- (6) A description of the procedure that the architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.
- (~~7~~) A description of the procedure to be used by either party to terminate the contract.
- (8) A statement identifying the ownership and use of instruments of service prepared by the architect.

(b) This section shall not apply to any of the following:

- (1) Professional services rendered by an architect for which the client will not pay compensation.

- (2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the architect's services are of the same general kind which the architect has previously rendered to and received payment from the same client.
- (3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.
- (4) Professional services rendered by an architect to a professional engineer registered to practice engineering under Chapter 7 (commencing with Section 6700), or to a land surveyor licensed under Chapter 15 (commencing with Section 8700).

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CALIFORNIA ARCHITECTS BOARD
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT
REGULATORY PROGRAM
As of November 1, 2018

**Section 12 –
Attachments**

Please provide the following attachments:

A. Board’s administrative manual.

See Attachment A - Board Member Administrative Procedure Manual

B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).

See Attachment B - Committee Organizational Chart

C. Major studies, if any (cf., Section 1, Question 4).

See Attachment C - XXX

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).

See Attachment D - Year-End Organization Charts - FYs 14/15 – 17/18

E. Quarterly and annual performance measure reports (cf., Section 2, Question 6).

See Attachment E - Quarterly Performance Measure Reports

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 1, 2018

Section 1 –

Background and Description of the LATC and Regulated Profession

Provide a short explanation of the history and function of the board. Describe the occupations/profession that are licensed and/or regulated by the board (Practice Acts vs. Title Acts).

- The Board of Landscape Architects (BLA) was created by the California Legislature in 1953.
- The Landscape Architects Technical Committee (LATC) was established under the California Architects Board in 1997 to replace BLA.
- The 5-member Committee consists of 3 gubernatorial appointees, 1 Senate Rules Committee appointee, and 1 Assembly Speaker appointee.
- Fifty U.S. states, three Canadian Provinces, and Puerto Rico regulate the practice of landscape architecture.
- Of the 54 jurisdictions, 47 have practice acts and 7 have title acts only. California has both a practice and title act.
- There are more than 16,400 licensed landscape architects in the United States.
- More than 21 percent of the nation's landscape architects are licensed in California.
- The LATC is a strong proponent of strategic planning and collaborates with professional, consumer, and government agencies to develop effective and efficient solutions to challenges.
- The LATC is proactive and preventative by providing information and education to consumers, candidates, clients, licensees, rather than expend more resources later.
- The LATC is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of landscape architecture.

Landscape architects offer an essential array of talent and expertise to develop and implement solutions for the built and natural environment. Based on environmental, physical, social, and economic considerations, landscape architects produce overall guidelines, reports, master plans, conceptual plans, construction contract documents, and construction oversight for landscape projects that create a balance between the needs and wants of people and the limitations of the environment. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as the public and environment. Therefore, it is essential that landscape architects meet minimum standards of competency.

California began regulating the practice of landscape architecture in 1953 with the formation of the BLA. In 1994, the statute authorizing the existence of the BLA expired. The Department of Consumer Affairs (DCA) recommended the Board as the appropriate oversight agency due to the similarities between the two professions and the Boards' regulatory programs. DCA began discussions with the Board and other interested parties on possible organizational structures for regulating landscape architecture in California. In April 1997, the groups reached consensus and the Board unanimously supported legislation to establish the LATC under its *Landscape Architects Technical Committee*

jurisdiction. Legislation establishing the LATC was passed by the Legislature and signed into law effective January 1, 1998.

The LATC is responsible for the examination, licensure, and enforcement programs concerning landscape architects. The LATC currently licenses more than 3,600 of the over 16,400 licensed landscape architects in the United States. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts the use of the title “landscape architect” to those who have been licensed by the LATC.

Mission

The LATC regulates the practice of landscape architecture through the enforcement of the Landscape Architects Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

In fulfilling its mission, the LATC has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor problems from becoming disasters. As such, the LATC works to aggressively address issues well before they exacerbate into catastrophes. The LATC works closely with professional groups to ensure that landscape architects understand changes in laws, codes, and standards. The LATC also invests in communicating with schools, and related professions and organizations. To ensure the effectiveness of these endeavors, the LATC works to upgrade and enhance its communications by seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the LATC’s firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

1. Describe the make-up and functions of each of the LATC’s committees (cf., Section 12, Attachment B).

To assist in the performance of its duties, the LATC establishes subcommittees and task forces, as needed, which are assigned specific issues to address.

The **Education/Experience Subcommittee** (Subcommittee) was charged with reviewing informational tools and data relevant to California’s current landscape architecture licensure requirements and various licensure pathways in other states. Thereafter, the Subcommittee was charged with issuing a recommendation to the LATC for expanded pathways to licensure and amendment of California Code of Regulations (CCR) section 2620 to define and prescribe allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee’s recommendations and accepted them with the exception of the Subcommittee’s proposal to allocate credit toward designated non-accredited related degrees and any associates degree. On December 7, 2017, the California Architects Board approved the proposed amendments to CCR section 2620. As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law (OAL) initiating a regulatory change to amend CCR section 2620.

An organizational chart of the LATC's committee structure is provided below:

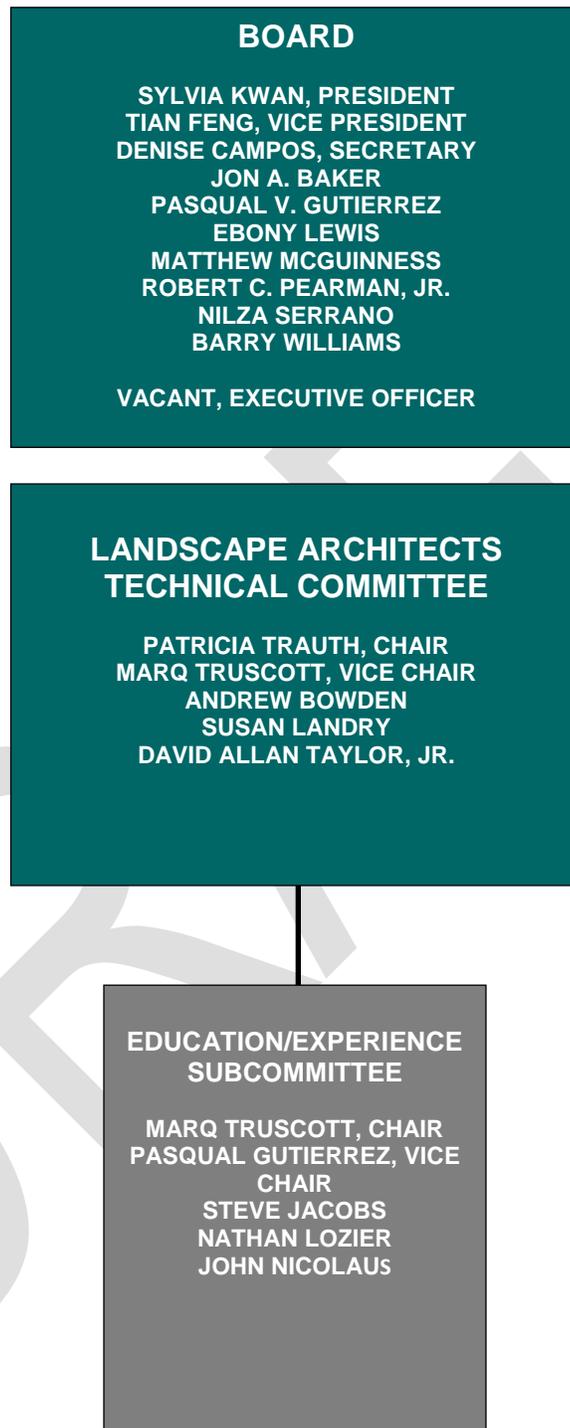


Table 1a. Attendance

Andrew Bowden

Date Appointed: 1/17/2008 [Term Expired 6/10/2010]
 Date Re-appointed: 5/24/2012 [Term Expired 6/1/2015]
 Date Re-appointed: 6/1/2015 [Term Expires: 6/1/2019]

Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	
LATC Meeting	7/20/2018		

Nicki Johnson

Date Appointed: 5/24/2012 [Term Expired 6/1/2014]

Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes

Stephanie Landregan

Date Appointed: 5/11/2006 [Term Expired 6/1/2010]
 Date Re-appointed: 12/10/2010 [Term Expired 6/1/2014]

Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes

Susan Landry			
Date Appointed: 4/19/2018 [Term Expired 6/1/2018]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	5/4/2018	Sacramento	
LATC Meeting	7/20/2018		

Katherine Spitz			
Date Appointed: 5/24/2012 [Term Expired: 6/1/2016]			
Resigned: 5/14/2015			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	No
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	No

David Allan Taylor, Jr.			
Date Appointed: 6/25/2008 [Term Expired 6/1/2010]			
Date Re-appointed: 6/1/2010 [Term Expired 6/1/2014]			
Date Re-appointed: 6/4/2014 [Term Expired 6/1/2018]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10-11/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	No
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	No
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	
LATC Meeting	7/20/2018		

Patricia Trauth			
Date Appointed: 6/1/2015 [Term Expired 6/1/2018]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	
LATC Meeting	7/20/2018		

Marq Truscott			
Date Appointed: 9/1/2015 [Term Expired 6/1/2016]			
Date Re-appointed: 6/9/2016 [Term Expires 6/1/2020]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	
LATC Meeting	7/20/2018		

Table 1b. Board/Committee Member Roster					
Member Name* (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
PATRICIA TRAUTH, Chair	6/1/2015	N/A	6/1/2018	Governor	Landscape Architect
MARQ TRUSCOTT, Vice Chair	9/1/2015	6/9/2016	6/1/2016 6/1/2020	Governor	Landscape Architect
ANDREW BOWDEN	1/17/2008	5/24/2012 6/1/2015	6/10/2010 6/1/2015 6/1/2019	Governor	Landscape Architect
NICKI JOHNSON	5/24/2012	N/A	6/1/2014	Governor	Landscape Architect
DAVID ALLAN TAYLOR, JR..	6/25/2008	6/1/2010 6/4/2014	6/1/2010 6/1/2014 6/1/2018	Senate Rules Committee	Landscape Architect
SUSAN LANDRY	4/19/2018	N/A	6/1/2018	Speaker of the Assembly	Landscape Architect

*Includes current and prior members (who served during this reporting period) of the LATC.

2. In the past four years, was the LATC unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

No, in the past four years, the LATC has held all meetings without any quorum issues.

3. Describe any major changes to the LATC since the last Sunset Review, including, but not limited to:

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

California Supplemental Examination (CSE)

The CSE tests for areas of practice unique to California. In January 2013, the LATC contracted with DCA’s Office of Professional Examination Services (OPES) to conduct an occupational analysis (OA) of the landscape architect profession. The purpose of the OA was to define practice for landscape architects in terms of actual job tasks that new licensees must be able to perform safely and competently.

In May 2013, OPES initiated the OA process and finalized the OA report in June 2014. As part and parcel of the OA process, OPES conducted a Landscape Architect Registration Examination (LARE) review and linkage study in November 2014 that compared the content of the 2014 CSE Test Plan with the subject matter covered in the various sections of the LARE. The findings of the linkage study were then used to define the content of the CSE and form the basis for determining “minimum acceptable competence” as it relates to safe practice at the time of initial licensure.

The LATC has since contracted with OPES to prepare a new CSE form every year; using the examination plan contained in the 2014 OA as the basis. As a result, LATC developed and administered new CSE forms in 2015, 2016, 2017, and 2018.

Proposal to Expand Initial Pathways to Licensure

The LATC appointed the Education/Experience Subcommittee (Subcommittee) to issue a recommendation to the LATC that expands pathways to licensure and enables amendments of California Code of Regulations (CCR) section 2620 to define and prescribes allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee's recommendations and accepted them a minor change with the exception of the Subcommittee's proposal to allocate credit toward designated non-accredited related degrees and any associates degree. On December 7, 2017, the California Architects Board approved the proposed amendments to CCR section 2620. The regulatory proposal is pending Office of Administrative Law (OAL) approval.

Strategic Planning

The LATC utilizes DCA SOLID Planning Solutions staff to facilitate the development of its biennial annual Strategic Plans. As preparation for each new Strategic Plan, SOLID conducts an environmental scan for the LATC, which is used as a reference tool for the establishment of new Strategic Plan objectives. Presently, the LATC is in the midst of its 2017-2018 Strategic Plan. Beginning Fall 2018, LATC will engage with SOLID to commence the development of its 2019-2020 Strategic Plan.

Leadership and Personnel

The LATC experienced a leadership change when former Program Manager, Trish Rodriguez, left the LATC in November 2016. In March 2017, Brianna Miller was hired as Program Manager. LATC has also experienced transitional changes as staff promoted to outside agencies. Presently, the LATC is fully staffed.

- **All legislation sponsored by the LATC and affecting the LATC since the last sunset review.**

Senate Bill (SB) 800 (Chapter 573, Statutes of 2017) authorizes a license to be renewed within five years of its expiration and prohibits a license that is expired for more than five years from being renewed, restored, reissued, or reinstated. Rather, the holder of the expired license would apply for a new license.

Assembly Bill (AB) 177 (Chapter 428, Statutes of 2015) extends the effective date of the Landscape Architects Technical Committee from January 1, 2016 to January 1, 2020.

- **All regulation changes approved by the LATC since the last sunset review. Include the status of each regulatory change approved by the LATC.**

A number of relevant regulatory changes have been enacted or proposed since the last Sunset Review. These changes are listed below.

Education and Training Credits (CCR section 2620) - Effective January 2017, CCR section 2620 was amended to add new subsection 2620(a)(13) to allow candidates to gain up to one year of training/practice credit for teaching in an approved or non-approved landscape architecture degree program or an associate landscape architecture degree program, under the supervision of a licensed landscape architect.

Fees (CCR section 2649) – Effective July 2017, CCR section 2649 was amended to extend the temporary renewal fee reduction to continue at \$220 between July 1, 2017 and June 30, 2019.

Reciprocity (CCR section 2615) – In September 2016, the LATC initiated a regulatory proposal that would amend CCR section 2615(c)(1) by adding a provision requiring candidates applying for California licensure based on licensure in another jurisdiction to submit verifiable documentation to the LATC that they possess both education and experience equivalent to that required of California applicants or, if they do not meet the education requirement, that they hold a current license in good standing in another jurisdiction where they have been actively engaged in the profession for at least 10 of the last 15 years. In response to this regulatory proposal, staff received 296 public comments, many of which were not supportive of the proposal. Thereafter, the LATC determined that reciprocity requirements should mirror the initial licensure requirements. As the regulatory package was not consistent with initial licensure requirements, at the advice provided by DCA legal counsel, the LATC elected to not pursue this regulatory change to CCR section 2615.

Application for Examination (CCR section 2610) – Effective April 2015, CCR section 2610 was amended to increase the amount of time that candidates have to apply for the LARE, and change the registration deadline to be consistent with LATC’s current application processing timeframe. This proposal also has the potential to expedite the pathway to licensure for prospective licensees.

Reciprocity, Education, and Training Credits (CCR sections 2615 and 2620) - The LATC is pursuing a regulatory change to amend CCR sections 2615 and 2620 to mirror its expanded licensure pathways and reciprocity requirements with those already used by the Board. Specifically, proposed amendments to section 2620(a) will expand pathways for licensure to provide credit for a candidate with an accredited civil engineering degree, any bachelor’s degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway. As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law initiating a regulatory change.

Expired License (CCR sections 2624 and 2624.1) – The LATC is pursuing a regulatory change to repeal CCR sections 2624 and 2624.1 as they no longer are supported by statute due to amendments made to Business and Professions Code sections 5680.1 (Expired License – Renewal) and 5680.2 (License Renewal – Three Years After Expiration) effective January 1, 2018. These amendments allow an expired license holder to renew his/her license within five years of its expiration; and, an expired license holder, whose license is not renewed within five years after its expiration, to pay the fees

required of new applicants and pass the CSE. As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law initiating a regulatory change.

4. Describe any major studies conducted by the LATC (cf. Section 12, Attachment C).

In 2017, the LATC began reviewing existing education and training requirements for licensure to ensure that there are no barriers to the landscape architect profession for qualified individuals. Staff collected initial research via two public forums, held on March 17, 2017 and April 18, 2017 in northern and southern California, to obtain stakeholder feedback about the expansion of existing licensure requirements. This feedback contributed to the LATC's pursuit of regulatory changes to create more opportunities for licensure.

In October 2017, the LATC held an Education/Experience Subcommittee (Subcommittee) meeting to evaluate and issue a recommendation to the LATC regarding increased pathways to licensure. To prepare for this meeting, staff conducted extensive research in order to provide the Subcommittee with data to guide their recommendation. This data included examination content areas for the CSE and the LARE, as well as the accreditation requirements for degrees in landscape architecture, architecture, and civil engineering. In addition, staff collected data on other states' licensing requirements. This included a reporting on which states allow for degrees in fields related to landscape architecture, baccalaureate degree requirements, associate degree requirements, and experience-only.

On November 2, 2017, the LATC considered the Subcommittee's recommendations and proposed amendments to CCR section 2620. The LATC made a recommendation for the Board's approval to expand the pathways to licensure that include related degrees (accredited architecture and civil engineering degrees), non-related baccalaureate degrees, an experience-only pathway, and experience supervised by a landscape contractor. As of the date of this report, staff has submitted a rulemaking file to OAL initiating a regulatory change to update CCR 2620, accordingly. The regulatory proposal is pending Office of Administrative Law (OAL) approval.

5. List the status of all national associations to which the LATC belongs.

- Does the LATC's membership include voting privileges?

The LATC is a member of CLARB and exercises its voting rights pursuant to CLARB's bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which the LATC participates.

None.

- How many meetings did LATC representative(s) attend? When and where?

The LATC was approved to participate in the CLARB Annual Meetings as follows:

CLARB Annual Meeting

September 17-19, 2015 (New Orleans, LA)

September 22-24, 2016 (Philadelphia, PA)

September 14-16, 2017 (Boise, ID)

September 27-29, 2018 (Toronto, ON)

- If the LATC is using a national exam, how is the LATC involved in its development, scoring, analysis, and administration?

The national exam, the LARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. CLARB contacts licensees directly to select technical experts for a four-year term on their Exam Writing Committee. Currently, there are three California participants on CLARB's Exam Writing Committee.

DRAFT

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the LATC as published on the DCA website.

The LATC's quarterly and annual performance measure reports for the last four years are attached. (cf., Section 12, Attachment E).

7. Provide results for each question in the LATC's customer satisfaction survey broken down by fiscal year (FY). Discuss the results of the customer satisfaction surveys.

The LATC performs customer satisfaction surveys of consumers including those who have filed complaints against landscape architects/unlicensed individuals and of individuals seeking or renewing a license to practice landscape architecture in California. For this reporting period, the LATC received a relatively low response rate. However, a majority (69%) of the responses to the survey demonstrate that individuals are satisfied or very satisfied with the services provided by the LATC (non-applicable responses excluded).

	FY 2017–2018	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?						
2.	When you visited our website, how would you rate the ease of locating information?						
3.	When you visited our website, how would you rate the usefulness of the provided information?						
4.	If you submitted an application, how would you rate the timeliness of processing your application?						
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?						
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?						
7.	Were you satisfied with the overall service provided by the LATC?						
	Total:						

	FY 2016–2017	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	3	2	0	0	1	1
2.	When you visited our website, how would you rate the ease of locating information?	0	2	2	3	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	0	2	2	2	0	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	0	0	0	0	0	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	0	0	0	7
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	0	0	0	7
7.	Were you satisfied with the overall service provided by the LATC?	2	1	1	2	0	1
	Total:	5	7	5	7	1	24

	FY 2015–2016	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	6	2	1	1	2	2
2.	When you visited our website, how would you rate the ease of locating information?	5	4	4	1	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	4	5	1	2	1	0
4.	If you submitted an application, how would you rate the timeliness of processing your application?	3	0	2	2	1	6
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	2	0	1	1	2	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	1	0	1	0	2	10
7.	Were you satisfied with the overall service provided by the LATC?	4	3	2	1	3	1
	Total:	25	14	12	8	11	27

FY 2014–2015		Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	5	1	2	0	4	2
2.	When you visited our website, how would you rate the ease of locating information?	1	4	3	3	1	1
3.	When you visited our website, how would you rate the usefulness of the provided information?	2	3	4	3	1	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	1	0	3	0	2	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	1	0	3	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	1	0	3	8
7.	Were you satisfied with the overall service provided by the LATC?	3	4	2	0	4	1
Total:		12	12	16	6	18	28

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 3 – Fiscal and Staff

Fiscal Issues

- 8. Is the board's fund continuously appropriated? If Yes, please cite the statute outlining this continuous appropriation.**

No.

- 9. Describe the LATC's current reserve level, spending, and if a statutory reserve level exists.**

Per Business and Professions Code section 128.5(b), the LATC's statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2017/18 is \$1,557,000 (17.1 months in reserve). The current spending level is \$1,062,000. The LATC's fund condition is shown below in Table 2, identifying fund balance and expenditure levels. In addition, due to Landscape Architect Registration Examination and California Supplemental Examination savings, the LATC's request for spending authority reduction in the form of a negative Budget Change Proposal (BCP) was approved in the amount of \$200,000 for FY 2015/16 and ongoing.

- 10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the LATC.**

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. LATC is committed to continue monitoring its fund condition to determine if the fee reduction should continue or whether a permanent fee reduction should be implemented.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18***	FY 2018/19***	FY 2019/20***
Beginning Balance*	\$2,524	\$2,521	\$2,299	\$2,102	\$1,557	\$976
Revenues and Transfers	\$787	\$540	\$519	\$517	\$512	\$814
Total Revenue	\$3,311	\$3,061	\$2,818	\$2,619	\$2,069	\$1,790
Budget Authority	\$1,190	\$1,019	\$972	\$1,009	\$1,034	\$1,055
Expenditures**	\$773	\$751	\$716	\$1,009	\$1,034	\$1,055
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$2,538	\$2,310	\$2,102	\$1,557	\$976	\$683
Months in Reserve	40.6	38.7	23.8	17.1	10.6	7.3
* Includes beginning balance adjustments						
** Includes direct draws from SCO and Fi\$cal						
*** Projected to spend full budget						

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the LATC? Has interest been paid? What is the remaining balance?

The LATC has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the LATC loaned the general fund \$1.2 million that was repaid with interest in FY 2005/06.

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the LATC in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

During the last four years, the LATC has spent approximately XX% of its budget on the enforcement program, XX% on the examination program, XX% on the licensing program, XX% on administration, and XX% on DCA pro rata.

Table 3. Expenditures by Program Component								(list dollars in thousands)	
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18*		
	Personnel Services	OE&E							
Enforcement									
Examination									
Licensing									
Administration**									
DCA Pro Rata									
Total Expenditures									

* Governor's Budget FY 2017/18
** Administration includes costs for executive staff, board, administrative support, and fiscal services
*** DCA Pro Rata included in OE&E for FY 2014/15 and FY 2015/16

13. Describe the amount the board has contributed to the BreEZe program. What are the anticipated BreEZe costs the board has received from DCA?

Since the inception of the BreEZe project, the LATC has contributed a total of \$44,221. The LATC's estimated contribution in FY 2017-18 is \$11,000.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the LATC.

The LATC is a special fund agency that generates revenue from its fees. The LATC's main source of revenue is from applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the license, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

Fees for an original license and biennial renewal increased on July 1, 2009, pursuant to CCR section 2649. As a result:

- 1) Original license fees increased from \$300 to \$400 (license is prorated based on birth month and year);
- 2) Renewal fees increased from \$300 to \$400 (prior to that, the fee had not been increased since 1991, when it was raised from \$200 to \$300); and
- 3) Delinquency fee increased from \$150 to \$200.

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. LATC is committed to continue monitoring its fund condition to determine if the fee reduction should continue or whether a permanent fee reduction should be implemented.

CCR section 2649 currently authorizes the following fees:

- a) Eligibility application fee is \$35;
- b) Reciprocity application is \$35;
- c) CSE application fee is \$35;
- d) CSE fee is \$275;
- e) Original license fee is \$400 (Prorated);
- f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal is \$400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal is \$220. For licenses expiring on or after July 1, 2019, the fee for biennial renewal is \$400.;
- g) Delinquency fee is \$110; and
- h) Duplicate certificate fee is \$15.

Table 4. Fee Schedule and Revenue							
<i>(list dollars in thousands)</i>							
Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	% of Total Revenue
Duplicate License/Cert.	\$15	\$50					
Citation/Fine*	Various	Various					
Citation/Fine FTB Collection	Various	Various					
Citation/Fine*	Various	Various					
Cost Recovery	Various	Various					
Initial License (Prorated)	\$400	\$400					
CA Supplemental Exam	\$275	\$275					
LARE Eligibility	\$35	\$100					
Biennial Renewal	\$400	\$400					
Accrued Renewal	Various	Various	N/A	N/A	N/A		
Delinquent Renewal	\$200	\$200					
Dishonored Check	\$25	\$50					
TOTAL(S)							

*Citation/Fine received and cashiered by LATC.

15. Describe Budget Change Proposals (BCPs) submitted by the LATC in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

The LATC has not submitted BCPs in the past four FYs.

Staffing Issues

16. Describe any LATC staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The LATC works to expeditiously fill vacant positions to help ensure adequate staff resources to meet the LATC’s objectives. Currently, the LATC has all positions filled. The LATC’s position vacancies have mainly been in the Staff Services Analyst and Office Technician classifications, which are entry level. These vacancies are often attributed to other promotional opportunities, a common civil service occurrence. Since one staff person is allocated to each program area a single vacancy is 20% of the staffing level and can have a significant impact on workload until the position is filled. The LATC has been successful in reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs and cross trains staff. Hiring temporary help such as Retired Annuitants and limited-term staff has also been effective in minimizing interruption in workload, training and succession planning, when necessary.

The LATC utilizes DCA’s Workforce and Succession Plan and has identified mission critical positions that have a significant impact on the LATC and require specialized job skills and/or expertise. The LATC is refining the plan to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

17. Describe the LATC’s staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

The LATC encourages training for all staff and participates heavily in courses offered at no cost through DCA’s Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged to pursue SOLID’s Analyst Certification Training. This

training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities both in-house and externally. In the past FYs, staff have taken more than XX courses at no charge. In addition, SOLID offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs as well as leadership trainings, such as the Future Leadership Development Program, which the Program Manager participated in.

Specialized training is also encouraged and provided to staff as needed. These include mandatory courses, such as sexual harassment prevention, ethics, information technology, and defensive driving. In the past three FYs, the average cost spent on training is approximately \$595.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 4 – Licensing Program

18. What are the LATC's performance targets/expectations for its licensing program? Is the LATC meeting those expectations? If not, what is the LATC doing to improve performance?

The LATC's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete, all requirements met (including the submission of required supporting documentation and there is no criminal history), the LATC has typically been able to meet this goal. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the LATC to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the LATC migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

19. Describe any increase or decrease in the LATC's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the LATC to address them? What are the performance barriers and what improvement plans are in place? What has the LATC done and what is the LATC going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Staff processing of applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Landscape Architect Registration Examination (LARE) at any time and if found eligible, it may take several years for the candidate to pass all sections of the test. Candidates may submit applications for the California Supplemental Examination (CSE) and licensure once determined eligible by the LATC. There are no set deadlines for completing the examinations; however, inactive candidate records may be purged after five years (CCR section 2620 (d)(2)). The Council of Landscape Architectural Registration Boards (CLARB) implemented a Council Record as part of the application process in 2012. The Council Record includes information on the candidate's education and certifications of experience which are maintained annually. The Council Record can be transmitted to the LATC and is typically available within one day of the request.

Another matter for consideration relative to application processing is the documentation that must be submitted in support of an application. Candidates are required to have certified transcripts sent directly from their school verifying their qualifying degree and a Certification of Experience form submitted by the licensee who supervised their experience. The LATC sends Ineligibility Notifications when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

There can also be a great variation in the amount of time candidates who have passed the CSE wait to apply for licensure. CSE results are provided to candidates immediately upon completion of the examination at the test center. However, a candidate may choose to wait before applying for licensure. A license is typically issued within 30 days after receipt of the completed application and fee.

20. How many licenses or registrations does the LATC issue each year? How many renewals does the LATC issue each year?

Table 6. Licensee Population					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Landscape Architect	Active	3,507	3,593	3,607	
	Delinquent	292	253	227	
	Retired	N/A	N/A	N/A	N/A
	Out-of-State	461	470	490	
	Out-of-Country	34	32	30	

Table 7a. Licensing Data by Type											
Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2015/16	LARE	225	194	NA	N/A	DNA	DNA	DNA	See note below ²		
	CSE	152	122	NA	N/A	DNA	DNA	DNA	"		
	License	97	96	N/A	96	DNA	DNA	DNA	"		
	Renewal ¹	1,873	1,873	N/A	1,873	DNA	DNA	DNA	"		
FY 2016/17	LARE	231	177	N/A	N/A	DNA	DNA	DNA	"		
	CSE	196	146	N/A	N/A	DNA	DNA	DNA	"		
	License	74	74	N/A	74	DNA	DNA	DNA	"		
	Renewal ¹	1,769	1,769	N/A	1,769	DNA	DNA	DNA	"		
FY 2017/18	LARE			N/A	N/A	DNA	DNA	DNA	"		
	CSE			N/A	N/A	DNA	DNA	DNA	"		
	License			N/A		DNA	DNA	DNA	"		
	Renewal ¹			N/A		DNA	DNA	DNA	"		

* Optional. List if tracked by the board.
 DNA = Data Not Available N/A – Not Applicable

¹Data does not include pending incomplete renewal applications, which range from 10 to 25 per FY.

²Applications are typically processed within 30 days from the date of receipt, provided application is complete and required supporting documentation submitted in accordance with the LATC's regulations (i.e., certified transcripts sent by the educational institution).

Table 7b. Total Licensing Data			
	FY 2015/16	FY 2016/17	FY 2017/18
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	375	427	
Initial License/Initial Exam Applications Approved	316	323	
Initial License/Initial Exam Applications Closed	N/A	N/A	N/A
License Issued	96	74	
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	N/A	N/A	N/A
Pending Applications (outside of board control)*	N/A	N/A	N/A
Pending Applications (within the board control)*	N/A	N/A	N/A
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	See note 2 above for Table 7a		
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
License Renewal Data:			
License Renewed	1,873	1,769	
Note: The values in Table 7b are the aggregates of values contained in Table 7a			
* Optional. List if tracked by the board.			

21. How does the LATC verify information provided by the applicant?

The LATC uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate the qualifying degree or certificate listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the LATC for credit to be granted.

Work experience must be submitted on the LATC approved Certification of Experience form signed by the licensed professional who supervised the candidate's work to receive credit. LATC staff verify with the appropriate jurisdiction or regulatory agency that the licensing information provided on the form is true and correct for the supervising professional.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request that their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information must provide the examination history detailing what form of the LARE (or equivalent) was taken and when each section was passed.

Initial and reciprocal licensure candidates may substitute their CLARB Council Record in lieu of the above-mentioned transcripts and work experience documentation. The CLARB Council Record provides information on education, experience and examination. LATC staff use the information included in the Council Record to verify that the candidate meets California's licensure requirements.

a. What process does the LATC use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

The LATC's applications include the following questions about the candidate's criminal/disciplinary history:

- Have you ever had a landscape architecture license denied, suspended, or revoked?
- Have you ever been disciplined by another public agency?
- Have you ever been convicted of, or plead guilty or nolo contendere to any criminal or civil offense in the United States, its territories, or a foreign country?
- Is any criminal action pending against you or are you currently awaiting judgement and sentencing following entry of a plea or jury verdict?

The applications of those candidates responding "yes" to any of the questions are referred to the LATC's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based on LATC's regulations and relevant statutes, whether the offense or action is substantially related to the practice of landscape architecture or to the candidate's ability to practice landscape architecture in the interest of the public health, safety, and welfare.

CLARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

b. Does the LATC fingerprint all applicants?

The LATC is a component of the Board and works in tandem to align processes and procedures. The Board and LATC are not statutorily authorized to fingerprint candidates (applicants) for a landscape architect license.

In 2011 and 2012, the Board considered the necessity of a fingerprinting requirement as part of its Strategic Plan objectives and determined that based on the anticipated low number of arrest and prosecution reports expected, there would be little increased benefit to the public health, safety, and welfare. It was noted that current law already requires landscape architects working on school projects where children are present to have a background check conducted by submitting their fingerprints. Additionally, there would be increased costs to licensees and candidates.

The Board's current Strategic Plan includes an objective assigned to its Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. At this time, the Board is one of six programs within the Department of Consumer Affairs' (DCA) 39 boards and bureaus without the statutory authority to use fingerprinting for criminal background checks. Staff is researching how other DCA boards and bureaus implemented their fingerprint requirements for applicants and licensees, as well as examining

the current fingerprint requirements for other architectural licensing boards throughout the country. The REC plans to review and discuss this objective at its next meeting, and develop a recommendation for the Board's consideration at a future meeting in 2018.

Nonetheless, the LATC continues to monitor the Board's action on fingerprinting and included an objective on its current 2017-2018 Strategic Plan to follow the Board's determination regarding a licensure fingerprint requirement.

c. Have all current licensees been fingerprinted? If not, explain.

No. The LATC is not statutorily authorized to fingerprint licensees. See response to 21b for additional information.

d. Is there a national databank relating to disciplinary actions? Does the LATC check the national databank prior to issuing a license? Renewing a license?

Yes, as noted above, CLARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards and the LATC's enforcement unit utilizes this resource. The LATC checks the database prior to issuing licenses and when a licensee discloses on his or her license renewal application that he or she had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

e. Does the LATC require primary source documentation?

Yes, the LATC requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The LATC also accepts CLARB Council Records which require primary source documentation.

22. Describe the LATC's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The LATC's laws and regulations require all candidates to meet the same prerequisites for a license. Candidates must document a combination of six years education and experience as specified in CCR section 2620 and successfully complete both the national examination (LARE or the equivalent) and the CSE.

23. Describe the LATC's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The LATC considers military education, training, and experience the same as that from any other source, provided it is related to the practice of landscape architecture. Education, training, and experience must fall within the parameters established in California Code of Regulations section 2620 to receive credit towards the six-year experience licensure requirement.

a. Does the LATC identify or track applicants who are veterans? If not, when does the LATC expect to be compliant with BPC § 114.5?

Yes, the LATC tracks the military status of all candidates (applicants), including branch of service and military documentation received.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the LATC?

None.

c. What regulatory changes has the LATC made to bring it into conformance with BPC § 35?

No changes are necessary, as the LATC is already permitted by its regulations to grant credit for military education, training or experience that is related to the practice of landscape architecture.

d. How many licensees has the LATC waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on LATC revenues?

None.

e. How many applications has the LATC expedited pursuant to BPC § 115.5?

None. No candidates seeking reciprocal licensure and who are married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California have requested the expedited processing.

24. Does the LATC send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

N/A

Examinations

Table 8. Examination Data – Tables modified to include examination results for the CSE and the LARE (by division).

Table 8. Examination Data		
California Supplemental Examination (CSE)		
	License Type	Landscape Architect
FY 2014/15	# of 1 st Time Candidates	90
	Pass %	81%
FY 2015/16	# of 1 st Time Candidates	107
	Pass %	81%
FY 2016/17	# of 1 st Time Candidates	117

	Pass %	76%
FY 2017/18	# of 1 st time Candidates	
	Pass %	
Date of Last OA		May 2014
Name of OA Developer		OPES
Target OA Date		May 2020

Table 8. Examination Data							
Landscape Architect Registration Examination (LARE) (National Examination)							
License Type		Landscape Architect					
Exam Title: LARE Divisions*		Section 1	Section 2	Section 3	Section 4		
FY 2014/15	# of 1 st Time Candidates ¹	DNA	DNA	DNA	DNA		
	Pass %	69%	65%	68%	47%		
FY 2015/16	# of 1 st Time Candidates ¹	DNA	DNA	DNA	DNA		
	Pass %	72%	62%	62%	54%		
FY 2016/17	# of 1 st Time Candidates ¹	DNA	DNA	DNA	DNA		
	Pass %	69%	66%	60%	58%		
FY 2017/18	# of 1 st Time Candidates ¹	DNA	DNA	DNA	DNA		
	Pass %						
Date of Last OA		2016					
Name of OA Developer		Professional Testing, Inc.					
Target OA Date		TBD					

¹Data includes all California candidates. CLARB does not report LARE data separately for first time candidates.

The LARE sections currently administered are:

- Section 1: Project and Construction Administration
- Section 2: Inventory and Analysis
- Section 3: Design
- Section 4: Grading Drainage and Construction Documentation

25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Each candidate for licensure is required to complete both a national examination (LARE) and CSE to become licensed. The two examinations test candidates for their entry-level knowledge, skills, and ability to provide services required of a landscape architect who possesses entry-level competence. Both examinations are only offered in English.

Landscape Architect Registration Examination (LARE)

The LARE is a practice-based examination developed by CLARB. The content of the LARE is based on an analysis of landscape architectural practice conducted every five to seven years. The study identifies what is required at the initial point of licensure in terms of tasks to be completed and the knowledge required to successfully complete those tasks. The most recent “Practice Analysis” was conducted by CLARB in 2016. The LARE concentrates on those services that most affect the public health, safety, and welfare. The LARE has been developed with specific concern for its fidelity to the practice of landscape architecture; that is, its content relates to the actual tasks a landscape architect encounters in practice. No single examination can test for competency in all aspects of landscape architecture, which is why the LARE is not the only requirement to become a licensed landscape architect. Education and experience are also crucial licensure requirements. The examination attempts to determine the candidate’s qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of landscape architecture as an integrated whole.

All sections of the LARE are administered and graded by computer. The following is a list of the sections:

- Section 1 - Project and Construction Management
- Section 2 - Inventory and Analysis
- Section 3 - Design
- Section 4 - Grading, Drainage, and Construction Documentation

CLARB partners with Pearson VUE Test Centers to administer the LARE three times annually. There are 22 test centers in California and over 250 nationwide, making the examination easily accessible for candidates.

Candidates must pass each section of the LARE independently and receive credit for sections passed, but must retake those sections not passed. Full or partial credit may be given when all sections have not been completed at the time a new LARE is introduced. Otherwise credit for sections passed is valid until the candidate passes the entire current examination. Candidates receive an email from CLARB when their results are ready for viewing.

California Supplemental Examination (CSE)

The setting for landscape architectural practice in California is distinct from that of other states. California’s large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for landscape architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring landscape architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary landscape architectural knowledge and skills to respond to the conditions found in California.

The LATC administers the CSE to candidates who have successfully completed all sections of the LARE, as well as to eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice unique to California, including accessibility,

energy conservation, sustainability, irrigation, water management, wetlands, wildlife corridors, wildfire resistant landscapes and legal issues (California Environmental Quality Act, etc.), as well as those aspects of practice that are not adequately tested for in the LARE.

The CSE was previously administered as a written examination, but has been delivered via computer since February 2011. The CSE is based on the 2014 Occupational Analysis (OA) and Test Plan and consists of 100 multiple-choice questions that cover site assessment, program development, design process, and construction documents and contract performance. The CSE is administered by computer at a total of 40 nationwide locations, including 17 testing centers within California, and candidates are given two and one-half hours to complete.

The OA was completed in May 2014. The OA was immediately followed by a review of the LARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *Task Analysis for the Council of Landscape Architectural Registration Board’s Landscape Architect (2010)* to ensure there is no overlap between the content in the LARE and CSE.

26. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

Statistics collected by CLARB relative to pass rates for the LARE do not distinguish between first-time and retake candidates by state. However, the LATC does collect CSE pass rate statistics for a comparison between first-time and retake candidates. Proportionately across the board, re-exam candidates have lower pass rates and once they have failed their pass rates drop precipitously. Both the LARE and CSE are only offered in English. The following table provides a comparison for CSE candidates.

Fiscal Year	First-Time Candidates	Retake Candidates
2014/2015	66%	62%
2015/2016	73%	64%
2016/2017	54%	47%
2017/2018	%	%

27. Is the LATC using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the LATC utilizes computer-based testing (CBT) for its licensing examinations. The LARE and CSE, which are required for licensure, are both administered through CBT. The LARE has been administered via CBT since 2012 when the exam transitioned from five to four sections. The CSE was a written examination given by the LATC until 2008 when the LATC contracted with Psychological Services Inc. (PSI) to begin offering the examination via CBT. The LARE is offered three times annually and each administration takes place over a two-week period.

Candidates schedule LARE sections through the CLARB online service. This service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their

convenience. Pearson VUE Test Services is the test administrator for the LARE. Candidates schedule their exam appointments through CLARB and sit for an administration at a Pearson Vue test center. Each of the four LARE sections is scheduled and administered separately. Depending on the length of the specific section, it is possible to take more than one section on the same day.

The CSE is administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI test centers throughout the U.S. (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their examination.

28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School approvals

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the LATC work with BPPE in the school approval process?

In accordance with CCR section 2620(b)(2), a degree from a school with a landscape architecture program is deemed approved by the LATC if the curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB), as specified in its publication “Accreditation Standards for Programs in Landscape Architecture.” The Bureau for Private Postsecondary Education does not play a role in the process of approving schools of landscape architecture or landscape architectural degree programs for the purposes of the LATC.

The LAAB is the only agency nationally recognized to accredit professional and post-professional degree programs in landscape architecture within the U.S. LAAB accredits the degree programs within the schools, not the schools themselves. The Canadian Society of Landscape Architects Accreditation Council (CSLAAC) is the Canadian equivalent of LAAB and accredits the landscape architectural degree programs in Canada.

The LATC does approve extension certificate programs in landscape architecture. Currently, there are two such programs in California, the University of California, Los Angeles Extension Program and the University of California, Berkeley Extension Program. Programs must meet the requirements specified in CCR section 2620.5 for approval as extension certificate programs. In 2013, the LATC conducted reviews for each of the extension program. Approval is granted with the provision that curriculum cannot be changed without LATC approval. Both programs are currently approved through December 31, 2020. In July 2017, LATC was advised that the University of California, Berkeley Extension Program will close in the Fall 2019 and is no longer accepting new students.

30. How many schools are approved by the LATC? How often are approved schools reviewed? Can the LATC remove its approval of a school?

The LATC is not statutorily authorized to approve schools of landscape architecture or the professional and post-professional degree programs offered by them. The LAAB reviews degree programs every three to six years and has the authority to withdraw accreditation if the program is not meeting accreditation standards.

There are two landscape architecture extension certificate programs in California, as noted above, approved by the LATC. Approval is granted for seven-year periods.

31. What are the LATC's legal requirements regarding approval of international schools?

The LATC is not authorized to approve schools of landscape architecture outside the U.S. or its territories. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approvals of landscape architectural schools or the professional and post-professional programs available at those schools. LAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

Continuing Education/Competency Requirements

32. Describe the LATC's continuing education/competency requirements, if any. Describe any changes made by the LATC since the last review.

The Landscape Architects Practice Act does not require continuing education.

a. How does the LATC verify CE or other competency requirements?

N/A

b. Does the LATC conduct CE audits of licensees? Describe the LATC's policy on CE audits.

N/A

c. What are consequences for failing a CE audit?

N/A

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

N/A

e. What is the LATC's course approval policy?

N/A

f. Who approves CE providers? Who approves CE courses? If the LATC approves them, what is the LATC application review process?

N/A

g. How many applications for CE providers and CE courses were received? How many were approved?

N/A

h. Does the LATC audit CE providers? If so, describe the LATC's policy and process.

N/A

i. Describe the LATC's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

N/A

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 5 – Enforcement Program

33. What are the LATC's performance targets/expectations for its enforcement program? Is the LATC meeting those expectations? If not, what is the LATC doing to improve performance?

The LATC's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Landscape Architects Practice Act (Act).

For all complaints received, the LATC has a goal of assigning complaints to staff for investigation within seven days. Currently, the average time of assigning complaints for investigation to staff is two days. The LATC is exceeding expectations in this area. Concerning the time necessary to investigate a complaint, the LATC's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For fiscal years (FY's) 2014/15, 2015/16, 2016/17, and 2017/18, the LATC averaged 330 days, 306 days, 151 days, and XX days respectively. Case review, evaluation, and consideration of the technical expert consultant findings and staff recommendations are critical, but are often a very time-consuming process that adds to the aging of the investigation and case closure process. The LATC's experts are not physically located in LATC's office. All complaint information must be copied and sent to them for review and returned by the expert upon completion of the report. To aid in improving the length of time it takes to investigate a complaint, the LATC contracts with two expert consultants and recruits additional experts as needed.

34. Explain trends in enforcement data and the LATC's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the LATC done and what is the LATC going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Since the last reporting period, the LATC has not experienced any fluctuations in enforcement data trends. The LATC received an average of 23 complaints for FY's 2014/15, 2015/16, 2016/17, and 2017/18, of which 16 were advertising and unlicensed activity complaints. Staff has maintained an average of 13 pending complaints at the end of each FY. Enforcement staff closed 32% of investigations within 90 days and 42% within one year.

The LATC has issued 10 citations since the last reporting period. Nine of the citations included a fine assessment averaging \$1,639, and one outlier at \$16,000. The majority of citations issued were to unlicensed individuals, who are often difficult to locate because they change addresses frequently. For these citations, staff utilizes the Franchise Tax Board (FTB) Intercept Program to attempt to collect fines. However, there is currently no incentive for these individuals to pay their fines, unlike licensees who cannot renew their license without paying.

Lastly, the LATC’s 2017/2018 Strategic Plan contained an objective to collect and review data respective to unlicensed activity and licensee violations to identify if trends exist. The LATC will use the results of the collected data to shape consumer education and enhance enforcement efforts.

The LATC has also continued to focus on promptly responding to consumer complaints and maintain an internal weekly report on case aging to improve the tracking of each case through the intake and investigation processes.

Table 9a. Enforcement Statistics			
	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT			
Intake			
Received	22	24	
Closed	0	0	
Referred to INV	22	24	
Average Time to Close	1	5	
Pending (close of FY)	0	0	
Source of Complaint			
Public	9	5	
Licensee/ Professional Groups	9	9	
Governmental Agencies	3	7	
Other	1	3	
Conviction / Arrest			
CONV Received	3	4	
CONV Closed	2	4	
Average Time to Close	86 days	95 days	
CONV Pending (close of FY)	0	0	
LICENSE DENIAL			
License Applications Denied	0	0	
SOIs Filed	0	0	
SOIs Withdrawn	0	0	
SOIs Dismissed	0	0	
SOIs Declined	0	0	
Average Days SOI	N/A	N/A	
ACCUSATION			
Accusations Filed	1	0	
Accusations Withdrawn	0	0	
Accusations Dismissed	0	0	
Accusations Declined	0	0	

Average Days Accusations	1,260	N/A	
Pending (close of FY)	0	0	
* All complaints received by the LATC are referred for investigation.			

Table 9b. Enforcement Statistics (continued)			
	FY 2015/16	FY 2016/17	FY 2017/18
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	0	1	
Stipulations	0	1	
Average Days to Complete	0	1,092	
AG Cases Initiated	1	1	
AG Cases Pending (close of FY)	2	1	
Disciplinary Outcomes			
Revocation	0	1	
Voluntary Surrender	0	1	
Suspension	0	0	
Probation with Suspension	1	0	
Probation	0	0	
Probationary License Issued	0	0	
Other	0	0	
PROBATION			
New Probationers	1	0	
Probations Successfully Completed	0	0	
Probationers (close of FY)	1	1	
Petitions to Revoke Probation	0	0	
Probations Revoked	0	0	
Probations Modified	0	0	
Probations Extended	0	0	
Probationers Subject to Drug Testing	N/A	N/A	
Drug Tests Ordered	N/A	N/A	
Positive Drug Tests	N/A	N/A	
Petition for Reinstatement Granted	0	0	
DIVERSION			
New Participants	N/A	N/A	
Successful Completions	N/A	N/A	
Participants (close of FY)	N/A	N/A	
Terminations	N/A	N/A	
Terminations for Public Threat	N/A	N/A	
Drug Tests Ordered	N/A	N/A	
Positive Drug Tests	N/A	N/A	

Table 9c. Enforcement Statistics (continued)			
	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION			
All Investigations			
First Assigned	22	24	
Closed	33	19	
Average days to close	306	145	
Pending (close of FY)	8	13	
Desk Investigations			
Closed	33	24	
Average days to close	306	145	
Pending (close of FY)	8	13	
Non-Sworn Investigation			
Closed	0	0	
Average days to close	0	0	
Pending (close of FY)	0	0	
Sworn Investigation			
Closed	3	2	
Average days to close	80	169	
Pending (close of FY)	2	0	
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	
PC 23 Orders Requested	0	0	
Other Suspension Orders	0	0	
Public Letter of Reprimand	0	0	
Cease & Desist/Warning	15	6	
Referred for Diversion	N/A	N/A	
Compel Examination	N/A	N/A	
CITATION AND FINE			
Citations Issued	8	4	
Average Days to Complete	648	248	
Amount of Fines Assessed	\$12,500	\$18,250	
Reduced, Withdrawn, Dismissed	2	0	
Amount Collected	\$1,000	\$8,750*	
CRIMINAL ACTION			
Referred for Criminal Prosecution	1	1	

*Amounts reflect fines collected, which were assessed in previous years.

Table 10. Enforcement Aging						
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0-1 Year	0%	0%	0%			
1-2 Years	0%	0%	0%			
2-3 Years	0%	0%	(1) 100%			
3-4 Years	0%	(1) 100%	0%			
Over 4 Years	0%	0%	0%			
Total Attorney General Cases Closed*	0	1	1			
Investigations (Average %)						
Closed Within:						
90 Days	9 (34.6%)	9 (27.3%)	7 (36.8%)			
91-180 Days	2 (7.7%)	8 (24.2%)	8 (42.1%)			
181 Days-1 Year	6 (23.1%)	7 (21.2%)	2 (10.5%)			
1-2 Years	5 (19.2%)	6 (18.2%)	2 (10.5%)			
2-3 Years	3 (11.5%)	1 (3%)	0 (0%)			
Over 3 Years	1 (3.8%)	2 (6.1%)	0 (0%)			
Total Cases Closed	26	33	19			

*Accusation filed

35. What do overall statistics show as to increases or decreases in disciplinary action since last review.

The LATC filed four accusations, all seeking revocation of licensure, during the current reporting period (FY 2014/15 through FY 2017/18) an increase by two from the last reporting period. One accusation resulted in a stipulated settlement in which the respondent voluntarily surrendered his license in response to the accusation. One accusation resulted in respondent's license being revoked. Respondent contested the decision and a hearing was held in April 2018. The majority of respondent's motions have been denied and the court ordered further briefing on one motion. At this time, the parties have not briefed nor has the court scheduled another hearing. Two accusations have been served to the respondent and are currently awaiting a decision.

In evaluating an enforcement program, it is important to reflect on the nature of the profession being regulated. Landscape architects often collaborate with other parties (engineers, architects, attorneys, contractors, and other landscape architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the LATC typically do not deal with major property damage or bodily injury.

36. How are cases prioritized? What is the LATC’s complaint prioritization policy? Is it different from DCA’s *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The LATC’s case prioritization policy is consistent with DCA’s guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the LATC’s prioritization guidelines. Complaints given the highest or “urgent” priority include imminent life and safety issues, severe financial harm to clients, egregious pattern of complaints, and project abandonment. Complaints given a “high” priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The most common complaints are contract violations, unlicensed advertising (title) violations, and routine settlement reports.

37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the LATC actions taken against a licensee. Are there problems with the LATC receiving the required reports? If so, what could be done to correct the problems?

Mandatory reporting requirements are specified in BPC sections 5678 (Report of Settlement or Arbitration - Licensee) and 5678.1 (Report of Settlement or Arbitration - Insurer). The law requires that within 30 days, every licensee and insurer providing professional liability insurance to a California landscape architect send a report to the LATC on any civil action judgment, settlement, arbitration award, or administrative action of \$5,000, or greater of any action alleging the license holder’s fraud, deceit, negligence, incompetency, or recklessness in practice.

Another mandatory reporting requirement is BPC section 5680.05 (Report to Board by Clerk of Court of Judgment of Conviction of Crime by License Holder), which requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license’s fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the LATC.

In addition, BPC section 5680 (Renewal of License - Forms) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

a. What is the dollar threshold for settlement reports received by the board?

As noted above, the dollar threshold for settlement cases received by the LATC is \$5,000.

b. What is the average dollar amount of settlements reported to the board?

The average dollar amount of settlements reported to the LATC during the current reporting period is \$80,924.

38. Describe settlements the LATC, and Office of the Attorney General on behalf of the board, enter into with licensees.

The Board considers agreeing into stipulated settlements with licensees where appropriate to promote cost-effective consumer protection and to expedite disciplinary decisions. In order to enter into a settlement with the Board, the licensee is generally required to admit to the violations set forth in the accusation, have his or her license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

a. What is the number of cases, pre-accusation, that the LATC settled for the past four years, compared to the number that resulted in a hearing?

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, there were four cases sent to the Office of the Attorney General, all of which resulted in the filing of an accusation. Out of those four cases, three were settled without going to hearing and one resulted in a hearing.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

In the past four years, 75% of disciplinary cases were settled, 0% resulted in default decisions, and 25% resulted in a hearing.

39. Does the LATC operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the LATC's policy on statute of limitations?

The LATC's statute of limitations is defined by BPC section 5661. All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the Board within three years after the Board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than six years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of BPC section 5667 (Fraud, Misrepresentation - Obtaining License), the accusation may be filed within three years after the discovery by the Board of the alleged facts constituting the fraud or misrepresentation prohibited by BPC section 5667.

Since FY 2014/15, the Board received two cases in which the alleged violation(s) occurred beyond the statute of limitations, and as a result, could not be investigated by the Board. These cases involved

settlement reports where the landscape architectural services were provided more than six years prior to the receipt of the report.

40. Describe the LATC's efforts to address unlicensed activity and the underground economy.

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The LATC addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

In an effort to address unlicensed practice, the LATC's website contains a document entitled "Permitted Practice for Professionals, Practitioners, and Unlicensed Person," which provides a quick reference regarding the various professionals, practitioners, and unlicensed persons who may offer landscape design services and the permitted scope and/or limitations that pertain to each.

Additionally, on its website, the LATC promotes publications for selecting a landscape architect for residential, private development, and public-sector projects. These publications were designed with the intention to help consumers understand the sometimes complex and technical nature of landscape architectural services to include: how to find and select a landscape architect; written contract requirements and recommendations; and what to do if a problem occurs with the project. The LATC also promotes its *Consumer's Guide to Hiring a Landscape Architect* to provide information on the practice of landscape architecture and how to choose the right landscape architect for a project. This information contains a number of basic steps that consumers can take to help keep their projects on track.

In addition, the LATC provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

Cite and Fine

41. Discuss the extent to which the LATC has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the LATC increased its maximum fines to the \$5,000 statutory limit?

The citation program provides the LATC with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 2630, the regulation that authorizes the LATC to issue administrative citations and fines, was last amended in 2006 to: 1) increase the maximum administrative fine to \$5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the laws or regulations.

For this reporting period, citations averaged three each year. Of those, all included a fine assessment averaging \$1,639, with one outlier fine assessment of \$16,000.

42. How is cite and fine used? What types of violations are the basis for citation and fine?

As noted above, the citation program provides the LATC with an expeditious method of addressing violations that have not result in substantial financial or physical harm. All professional practice complaints and some unlicensed practice complaints recommended for citation are reviewed by an expert. Administrative fines range from \$250 to \$5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The LATC has used the citation program most frequently to cite individuals who have violated the following:

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions

CCR Section:

- 2670 - Rules of Professional Conduct

Licenses who fail to pay the assessed fines have a “hold” placed on their license record that prevents renewal of the license until the fine is paid.

43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

In the last four fiscal years, there have been six informal conferences and no administrative hearings as a result of citation appeals.

44. What are the 5 most common violations for which citations are issued?

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions
- 5657 - Filing of Mailing Address - Requirement
- 5671 - Negligence, Willful Misconduct in Practice

CCR Section:

- 2670 - Rules for Professional Conduct

45. What is average fine pre- and post-appeal?

The average pre-appeal fine is \$1,639 and the average post-appeal fine is \$1,306 with an outlier fine of \$16,000.

46. Describe the LATC’s use of Franchise Tax Board intercepts to collect outstanding fines.

The LATC uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the LATC’s outstanding, unpaid fines are against unlicensed individuals, and Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

Cost Recovery and Restitution

47. Describe the LATC’s efforts to obtain cost recovery. Discuss any changes from the last review.

The LATC seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is required pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

48. How many and how much is ordered by the LATC for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing.

In the last four FYs, the Board has filed four accusations. One accusation resulted in a disciplinary decision of license surrender with a cost reimbursement of \$4,775; a second accusation resulted in a disciplinary decision of license revocation with a cost reimbursement of \$7,762.50 (this accusation is currently being appealed through the State of California Superior Court); and two accusations pending disciplinary decisions.

49. Are there cases for which the LATC does not seek cost recovery? Why?

No.

50. Describe the LATC’s use of Franchise Tax Board intercepts to collect cost recovery.

The LATC currently utilizes FTB to collect cost recovery.

51. Describe the LATC’s efforts to obtain restitution for individual consumers, any formal or informal LATC restitution policy, and the types of restitution that the LATC attempts to collect, i.e., monetary, services, etc. Describe the situation in which the LATC may seek restitution from the licensee to a harmed consumer.

The LATC has no authority to order restitution outside of a stipulated agreement or an administrative law judge’s proposed decision. Through the LATC’s complaint handling process, the LATC may recommend that a licensee refund a client’s monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The LATC has no jurisdiction over fee disputes.

Table 11. Cost Recovery (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures	154	150	131	
Potential Cases for Recovery *	0	0	2	
Cases Recovery Ordered	0	0	2	
Amount of Cost Recovery Ordered	0	0	\$12,537	
Amount Collected	0	0	0	
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Table 12. Restitution (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 6 – Public Information Policies

52. How does the LATC use the internet to keep the public informed of LATC activities? Does the LATC post LATC meeting materials online? When are they posted? How long do they remain on the LATC's website? When are draft meeting minutes posted online? When does the LATC post final meeting minutes? How long do meeting minutes remain available online?

The LATC continually updates its website to reflect upcoming LATC and committee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the LATC's retention schedule. Draft meeting minutes are posted on the website in the subsequent meeting packet for Committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the LATC's retention schedule. The LATC continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents. Other tools used by the LATC to communicate its messages include the eSubscriber list for e-news broadcasts and Twitter.

53. Does the LATC webcast its meetings? What is the LATC's plan to webcast future LATC and committee meetings? How long do webcast meetings remain available online?

The LATC webcasts its meetings when DCA resources are available. The meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the LATC has actively engaged with the DCAs' Office of Public Affairs to facilitate the webcasting of its Committee meetings and includes notification of webcast availability on its meeting notices. Despite the LATC's active effort to facilitate webcast at each of its meetings, varying technical capabilities of the meeting sites (schools of landscape architecture) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are available online for an indefinite period of time.

54. Does the LATC establish an annual meeting calendar, and post it on the LATC's web site?

Yes. The LATC establishes a meeting calendar normally at its last meeting of each year and posts it on the website afterwards. Meetings of committees are also posted to the calendar when the dates are determined by the respective committee Chair.

55. Is the LATC's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the LATC post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions (May 21, 2010)*?

The LATC's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the LATC's website according to the LATC's records retention schedule.

56. What information does the LATC provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

California Code of Regulations (CCR) section 2608 requires the LATC to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed landscape architects and unlicensed persons subject to its jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). Information is made available by the LATC in writing or by telephone within 10 days of the request.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the LATC's records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The LATC also discloses the total number of enforcement and disciplinary actions, as well as brief summaries. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 2608), accusations, statements of issues, and citations filed by the Board.

57. What methods are used by the LATC to provide consumer outreach and education?

The LATC provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

The LATC has specific publications targeting consumers and utilizes the following long-standing publications:

1. *Consumer Tips for Design Projects*. This information is a concise document that summarizes the basic steps that consumers can take to help keep their projects on track.
2. *Selecting a Landscape Architect* publications, which include: *Selecting a Landscape Architect for Public Sector Projects*; *Selecting a Landscape Architect for Residential Projects*; and *Selecting a Landscape Architect for Private Development Projects*. These publications contain information regarding: 1) A description of the typical services a licensed landscape architect can provide; 2) How to select a landscape architect; 3) What the written agreement between a consumer and a landscape architect should

include; and 4) The LATC's role as a regulatory entity. Though the information provided in each of the three publications is consistent, each publication has information tailored to the type of project being performed by the landscape architect.

Additionally, in 2017, the LATC approved a new consumer-oriented publication: *Consumer's Guide for Hiring a Landscape Architect*. This publication is a comprehensive guide for consumers that includes information about the practice of a landscape architect, contract criteria, as well as how to file a complaint.

A key means of distributing these publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on landscape architects and managing a project. In addition, the LATC's posts these publications on its website in order to make them readily available. Further, in response to the LATC's 2017-2018 Strategic Plan objective to expand communication to stakeholders, the LATC is conducting more frequent emails to its e-Subscribers. An example of such notification includes advertisement of the availability of new publications and means by which stakeholders can request hardcopies for their own use or distribution.

Lastly, the website continues to be a primary focus of our efforts, providing the public, licensees, and candidates with a wide range of information. The website provides stakeholders with access to enforcement actions, a license verification tool, newsletters, as well as a comprehensive list of downloadable applications, forms, publications, and instructional materials.

The LATC will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 7 – Online Practice Issues

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the LATC regulate online practice? Does the LATC have any plans to regulate internet business practices or believe there is a need to do so?

Technology in the landscape architectural profession continues to have a tremendous impact on practice. While technology has certainly provided efficiencies in practice, it also can have an impact on quality control.

Thus far the LATC has not identified Internet business practices as a key or focus area for enforcement. To date, there have been no consumer complaints specifically related to Internet-based practice. However, there have been some complaints related to Internet advertising of landscape architectural services by persons who are not California licensees. The LATC expects Internet advertising to be an ongoing issue since there are no governmental or geographic boundaries on the Internet. Another approach to the problem this situation creates is increased consumer education on the license requirements in California when selecting a landscape architect on the Internet.

Landscape architects can out-source the production of their instruments of service to online, “plan production mills” in order to remain efficient and competitive. Such arrangements can stretch the limit of an operational definition of the landscape architect’s “responsible control” over the work produced. As long as Business and Professions Code (BPC) section 5659 continues to require the landscape architect’s stamp or seal and signature “...as evidence of the person’s responsibility for those documents...” the LATC has an enforceable consumer protection provision. At this point, the use of such plans has not resulted in an increase in complaints.

Another important consumer protection tool in this area is the written contract requirement (BPC section 5616), which requires a landscape architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against landscape architects, but the LATC will continue to monitor these issues closely.

A final issue with the increased use of technology in landscape architecture is security. Security of information or documents are generally not issues within the jurisdiction of the LATC. The control of electronic documents, especially those that are electronically “stamped and signed” is an issue the profession addresses in various ways. Theft of work product, however, is addressed under the fraudulent practice sections of the Act. The LATC is also very concerned about targeted marketing within the state if

persons not licensed to practice in California are marketing themselves and their services in California. The applicable business name restrictions and the provisions against misrepresentation and unlicensed practice found in BPC section 5640 will be applied in such cases.

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LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 8 – Workforce Development and Job Creation

59. What actions has the LATC taken in terms of workforce development?

The LATC has amended regulations and implemented process efficiencies to expand the eligibility requirements for licensure. In 2017, amendments to CCR section 2620 (Education and Training Credits) became effective, which grant candidates up to one year of training credit for teaching in a landscape architecture degree program.

The LATC is currently pursuing additional amendments to CCR section 2620 that would expand the eligibility requirements to grant two years of education credit for an accredited degree in civil engineering or architecture, one-year of credit for any bachelor's degree, and up to six years of training credit for qualifying landscape architectural experience. Presently, a candidate must hold a landscape architectural degree or certificate, or an accredited architecture degree to qualify for licensure. By expanding these pathways, the LATC hopes to achieve more opportunities for individuals to become licensed landscape architects. (See Section 11 for additional information.)

Additionally, the LATC maintains its website (latc.ca.gov), which contains easy-to-understand information about licensing requirements and other related issues. Staff provides presentations regarding licensure at the accredited and approved schools of landscape architecture. The LATC strives to remove impediments to licensure, such as allowing candidates to take Sections 1 and 2 of the LARE prior to completion of the experience requirements.

60. Describe any assessment the LATC has conducted on the impact of licensing delays.

No formal studies have been conducted. However, LATC management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce. In addition, converting the CSE to a computer-based testing format greatly expedites licensure, as does releasing scores on-site.

61. Describe the LATC's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The LATC is proactive in working with chairs, deans and students of landscape architectural programs to convey information on the licensing requirements in California. The LATC supplements this effort by holding Committee meetings at schools' campuses. Student outreach seminars are also conducted at campuses to explain licensing requirements. Additionally, at the commencement of the school year, the LATC, through the chairs and deans of the landscape architectural colleges, sends a letter introducing itself

and explaining its role to students. A similar related letter is disseminated at the end of the school year. The LATC believes that these efforts pay dividends by helping students become licensed more efficiently, which saves candidates time and money.

62. Describe any barriers to licensure and/or employment the board believes exist.

The LATC proactively strives to expand its pathways to licensure such that there are more opportunities for potential candidates to qualify for licensure. As the Committee operates under California Architects Board's (Board) governance, the LATC strives to mirror the regulations of the Board, where appropriate. The Board offers diversity in pathways to licensure, including granting credit for related and unrelated degrees and an Integrated Pathway to Architectural Licensure (IPAL) program. IPAL is a structured pathway designed for aspiring architects to have the opportunity to complete the requirements for licensure in an integrated and streamlined manner while earning their accredited degree.

Current LATC licensure requirements necessitate that a candidate must hold a degree or extension certificate in landscape architecture or an accredited degree in architecture. However, the LATC believes that education and training requirements should be expanded as valuable training can occur via the inclusion of more diversity in its licensure pathways. Accordingly, in 2017, the LATC voted to approve amendments to CCR section 2620 that would allow education credit for a degree in civil engineering as well as any baccalaureate degree. In addition, the proposed regulation would allow for expanded opportunities to gain experience credit for licensure as well as a new experience-only pathway to licensure. The LATC believes that promulgation of these regulatory amendments will achieve mitigation of licensure impediments as well as effectuate enhanced opportunities for individuals to pursue licensure in California.

63. Provide any workforce development data collected by the LATC, such as:

a. Workforce shortages

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty hiring new landscape architects.

b. Successful training programs.

No data is available.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 9 – Current Issues

64. What is the status of the LATC's implementation of the Uniform Standards for Substance Abusing Licensees?

N/A

65. What is the status of the LATC's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. However, the LATC strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the LATC continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The LATC is exceeding expectations by closing complaints within an average of 228 days.

66. Describe how the LATC is participating in development of BreEZe and any other secondary IT issues affecting the LATC.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The LATC is not using the BreEZe platform. The LATC was originally in the BreEZe Release 3 and has not submitted any change requests during this reporting period.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

The Board and LATC, along with 19 other boards and bureaus was scheduled for the third release of BreEZe. However, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

The Department of Consumer Affairs (DCA) developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT).

The purpose of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. The Plan identifies a methodical step-by-step approach that boards and bureaus within DCA will use to assist in moving their programs forward. The goal is to embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlines four stages of the project approval process: Stage 1 - document business justification, Stage 2 - alternatives and cost-benefit analysis, Stage 3 - solution development framework, and Stage 4 - project approval. The final step of the process will be system implementation.

An initial meeting was held on July 11, 2017, with the Board/LATC and DCA's Organizational Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, the Board/LATC met with OCM to discuss the Project Charter and initial inventory of the existing administrative, enforcement, and licensing business processes. The Charter outlines the roles and responsibilities of key project stakeholders, describes the project decision-making authority, and the commitment needed in order to conduct a successful project. The Charter was finalized in January 2018.

The Board/LATC's Business Modernization Report accompanies the Business Modernization Plan and documents the business modernization activities that will be conducted specific to the Board/LATC. The Plan and Report were presented to the Board at their March 1, 2018 meeting along with a presentation by a DCA representative explaining the process planned for Release 3 boards. The Report presented to the Board included a proposed timeline, with a "go-live" release of a minimum viable product by November 2021 with release of configuration and phased implementation enhancements by November 2022. However, the LATC's potential need for a Budget Change Proposal could extend this timeline.

The Board/LATC's business processes inventory was finalized and provided to OCM in April 2018. The next step included mapping all of the business processes in consultation of the Board/LATC's subject matter experts.

Currently the LATC utilizes two legacy systems (Consumer Affairs System [CAS] for licensing and enforcement and Applicant Tracking System [ATS] for cashiering) and a workaround system for candidates.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 10 – LATC Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the LATC.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the LATC took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the LATC has for dealing with the issue, if appropriate.

ISSUE #1: TRAVEL RESTRICTIONS. Should the Committees encourage travel to professional conferences or meetings that directly affect licensure of California licensees?

Committee Staff's Recommendation: The Committees should encourage the Board to pursue opportunities at which its Members and Officers can interact directly with their national peers, and provide a strong voice for California's unique perspective and needs. The Board should inform the Committees of whether it continues to face travel restrictions that prohibit it from attending meetings where its representation could significantly impact California's ability to ensure that national examinations or standards reflect California's needs and protect California licensees, candidates for licensure, and consumers.

2014 LATC Response:

The Board/LATC concurs with the Committees' recommendation. Participation in national affairs is critical for the Board and LATC. The national examinations save the Board and LATC literally millions of dollars by not having to replicate the national examinations. In addition, the Board relies on the Intern Development Program to ensure that candidates receive experience in crucial areas of practice.

The Board and LATC have had recent success on travel, with approvals to attend three key out-of-state national sessions. In addition, three recent sessions have been in California, where the Board was also able to participate. These approved trips for the Board were funded by our national nonprofit - the National Council of Architectural Registration Boards (NCARB), so no State funds were spent. The Board has not received approval to travel with State funds since 2010. LATC was approved to travel to the Annual Business Meeting

of the Council of Landscape Architectural Registration Boards (CLARB) in 2009 and 2014 with State funds, but CLARB does not offer “funded trips.” LATC was denied the opportunity to attend a CLARB session that was held in California. Sending a Board member to the Annual Meeting costs a fraction of the Board’s budget - approximately .0005.

The Board just participated in the NCARB Regional Summit on March 13-14 in Long Beach. At that meeting, the main proposal discussed would restrict existing reciprocity standards and prevent nearly 2,000 California architects from practicing in other states. California was the only state advocating to preserve the existing pathway. Through our efforts, we built a coalition to oppose the measure when it is up for a vote in June at the Annual Business Meeting. There is much more to be done to defeat the measure, but much of the effort takes place on-site at the meeting. In order to succeed, the Board must be in attendance with a strong delegation. This is because there are approximately 250 people in attendance from the 54-member jurisdictions, as well as NCARB executive staff and leadership from the American Institute of Architects, National Architectural Accrediting Board, Association of Collegiate Schools of Architecture and American Institute of Architects - Students. Persuading a group of that size requires a delegation of at least four, but a larger group has greater odds for success and also helps with succession planning so that new Board/LATC members can learn first-hand about the national associations and develop the relationships needed to protect California’s interests.

The Board is in the process of submitting an out-of-state trip request to Department of Consumer Affairs (DCA) to add two members in addition to the two that were previously approved. This will provide the Board a strong delegation to work to defeat the resolution.

The professions, via the American Institute of Architects - California Council and California Council of the American Society of Landscape Architects, understand the importance of participation and regularly and consistently support the Board’s engagement in NCARB and CLARB. The Board appreciates that DCA and Administration have been approving some of the trips, and the Board encourages ongoing and increased support for the criticality of national issues.

(Note: This was Issue #1 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board’s and LATC’s travel requests for out-of-state meetings have been consistently approved since the last report. The Board has participated in all the NCARB Annual Meetings since the last report except for the 2017 Regional Meeting which took place in Kansas, a State banned from travel pursuant to Assembly Bill 1887 (Chapter 687, Statutes of 2016). This bill prohibits State-funded or state sponsored travel to states that, after June 26, 2015, have enacted a law of a discriminatory nature.

The work conducted at these meetings is critically important and can have a profound impact on issues such as reciprocity. The Board’s and LATC’s participation can directly influence the policies and procedures that are discussed and decided upon. For example, by California’s participation at an NCARB Annual Meeting, the Board was able to successfully advocate against a resolution that would have precluded California architects who do not hold an accredited degree from attaining the “NCARB Certificate” and, accordingly, gaining reciprocity in key states that require the certificate. Through the Board’s advocacy, we were able to preserve this important pathway. Similarly, the presence of LATC representatives at the CLARB Annual Meetings ensures that California is sufficiently informed on CLARB activity and able to participate in major discussions

and decisions that occur during the meetings. Additionally, during their annual meetings CLARB hosts many discussions to help inform participants of various trends related to the licensing, regulatory, and disciplinary functions of CLARB member boards. The Board and LATC look forward to maintaining a strong presence at the national level.

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LATC ISSUE #2: PRO RATA. What services does the Board receive for its share of pro rata?

Committee Staff's Recommendation: The Board should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, the Board should discuss whether it could achieve cost savings by providing some of these services in-house.

2014 LATC Response:

The Board/LATC's share of the department's pro rata is calculated based on authorized position counts, licensing and enforcement record counts, prior year workload, and interagency agreements. The Board/LATC currently utilizes most of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise in certain administrative services to be effective. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

Senate Bill 1243 (Chapter 395, Statutes of 2014) requires DCA to conduct a study and submit a report to the Legislature on its pro rata calculation of administrative expenses by July 1, 2015. The study will assess whether the pro rata system is the most productive, efficient, and cost-effective methodology and whether some of the services should be outsourced or charged on an as-needed basis. The study will also include consideration of whether the boards should be permitted to elect not to receive (and be charged for) certain administrative services. As part of the study, the Board/LATC has participated in a survey of its use of DCA's services. Based on the outcome of the study and the DCA's report to the Legislature, the Board/LATC will reassess its continued use of the DCA's pro rata services.

(Note: This was Issue #4 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board's 2014 response is still applicable. The Board/LATC's share of the department's distributed costs (pro rata) is calculated based on authorized position counts, licensing and enforcement record counts, volume of calls, complaints and correspondence, prior year workload, interagency agreements, and other distributions. The Board/LATC currently utilizes most, if not all, of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise (and potentially additional resources) to provide such administrative services in an effective manner. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

At an annual meeting, DCA provides an overview of the department's distributed costs. The purpose of this meeting is to explain how the costs of DCA's services are funded. In addition, Senate Bill 1243 (Chapter 395, Statutes of 2014) required the department to provide a one-time study of its process for distributing administrative costs among its 29 boards, bureaus, committees, commission and program (boards). The distribution of costs for these divisions is budgeted to all boards utilizing the various distribution methodologies

described above. The study and resultant report provided to all boards provides robust data as to pro rata. The Board is appreciative of the transparency and DCA's efforts to explain the basis for costs for services.

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LATC ISSUE #3: BREEZE IMPLEMENTATION. The Board was supposed to be part of BreEZe's Release Three, which has now been delayed until at least 2016.

Committee Staff's Recommendation: The Board should inform the Committees of any difficulties it foresees as a result of having to remain on its legacy system, and whether any additional stop-gap technological measures are needed until BreEZe is implemented. The Board should inform the Committees of how costs related to BreEZe will impact its fund condition.

2014 LATC Response:

Substantial difficulties are foreseeable, as a result of having to remain on the legacy systems, due to numerous significant changes to the national Architect Registration Examination (ARE) and potential changes to other national programs. Board/LATC staff is conducting an assessment of the impact due to delayed implementation of BreEZe for Release 3 boards and bureaus and coordinating efforts with DCA to develop stop-gap measures that could involve significant modifications to the legacy systems.

The Board believes, however, that due to the changes to the ARE, the corresponding changes to the “business model analysis” that was prepared in preparation for BreEZe approximately five years ago, are so significant that the current delay and repositioning of BreEZe may actually be a strategic advantage. Had BreEZe actually rolled out with the ARE consisting of seven divisions, as it does now, it would be completely dysfunctional, as the ARE previously had nine divisions. To add further complexities, there are intricate new rules that place restrictions on candidates’ eligibility, which would have further exacerbated the problems.

The Board/LATC routinely monitors its fund condition and works very closely with DCA’s Budget Office. The Budget Office has provided the Board/LATC’s fund condition projected to fiscal year (FY) 2016/17, which includes anticipated BreEZe costs. The Board/LATC and the Budget Office do not foresee an issue with the Board/LATC’s fund condition based on the current projections for BreEZe costs. The Board’s fund condition will have an 11-month reserve in FY 2016/17, the year the BreEZe program is planned to be implemented for the Board.

(Note: This was Issue #3 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board is working in collaboration with DCA on its Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is a structured approach to identifying business needs and overlaying those requirements on available licensing platforms and complimentary technology. This approach will take time and the Board is pursuing a stop gap measure to accept credit card payments for renewal transactions, our highest volume transaction.

Since the inception of the BreEZe project, the Board has contributed a total of \$328,269 through FY 2016-17. The Board’s estimated contribution in FY 2017-18 is \$83,000. A budget change proposal may be required if the costs for the new platform are not absorbable. The Board has not yet determined whether it will utilize the BreEZe system or an alternative platform.

ISSUE #7: COLLECTION OF FINES. The Board notes that it is seeking ways to increase collection of fines, particularly in cases of unlicensed practice when it does not have the leverage of a license to incentivize payment.

Committee Staff's Recommendation: *The Board should continue to explore ways to improve its enforcement efforts and collect fines. The Board should examine other agencies that are authorized to release SSNs to collection agencies, and whether there are any privacy or security issues that may arise if such information was transmitted. The Board should work with other licensing boards, such as the Contractors State Licensing Board, the Bureau of Real Estate, and the Board of Professional Engineers, Land Surveyors, and Geologists, to determine the feasibility of sharing disciplinary information for purposes of leveraging other professional licenses as a way to achieve compliance; how such a system would operate; and what changes would be necessary.*

2014 LATC Response:

The Board/LATC concurs with the Committees' recommendations.

The Board currently has an ongoing objective from its 2014 Strategic Plan to “pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties” and is committed to continuous improvements with regard to all enforcement efforts.

The Board's fine collection success has averaged about 62% over the last three fiscal years, while other construction/design boards have averaged 37%.

Should the Board pursue authority to release SSNs to collection agencies, it would fully investigate whether there are any privacy or security issues that may arise. The Board has noted that the Respiratory Care Board is authorized to release SSNs to collection agencies via Business and Professions Code section 3778 (Chapter 586, Statutes of 2003); the Board is currently not aware of other agencies with similar authority.

As part of its Strategic Plan objective, the Board/LATC will research the feasibility of working with other licensing boards in sharing disciplinary information for purposes of leveraging other professional licenses. Other strategies the Board/LATC has utilized with regard to fine collection: Franchise Tax Board Intercept Program; payment plans; revised enforcement letters; etc. In addition, the Board is working with DCA to explore the possibility of establishing a collections unit in DCA to assist boards in collecting citation penalties.

(Note: This was Issue #5 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board continues to focus on the collection of citation penalties, and its current Strategic Plan includes an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. The Board's ongoing efforts to pursue payment of citation penalties resulted in a 70% collection rate over the past three fiscal years, while other design and construction boards have averaged 56%. Research has also indicated that collection agencies can take action without SSNs. Accordingly, the Board is currently in the process of contracting with a collection agency for full-service debt collection services, including skip-tracing, credit reporting, and filing legal actions, as appropriate. In addition, collaboration with other boards may be feasible when the Board is on a new platform system.

ISSUE #8: CONTINUED REGULATION BY THE BOARD. Should the licensing and regulation of architects be continued and be regulated by the current Board membership?

Committee Staff's Recommendation: Recommend that the licensing and regulation of architects continue to be regulated by the current Board members of the California Architects Board in order to protect the interests of the public and be reviewed once again in four years.

The Board/LATC concurs with the Committees' recommendation.

(Note: This was Issue #6 for LATC in the Sunset Background Paper and the Board/LATC concur with that recommendation.)

Note: as indicated on the cover memo, the following issue was unique to LATC.

LATC ISSUE #2: PATHWAYS TO LICENSURE. Should the LATC consider ways to streamline its licensure process or make its licensure process more flexible to accommodate out-of-state applicants?

Committee Staff's Recommendation: The LATC should continue to work closely with the Board to identify opportunities to initiate efficiencies in its licensure system, and consult with stakeholders to ensure that the path to licensure is efficient and effective. The LATC should also continue to discuss the possibility of expanding the definition of "education credit" to encompass a certain amount of licensed experience, and to consider granting education credit for degrees related to landscape architecture, while ensuring that licensees retain their competence and that consumers are protected by any changes in eligibility.

2014 LATC Response:

The LATC concurs with the Committees' recommendation. During this last reporting period, LATC has expanded its pathways to licensure to allow partial degrees, and architecture degrees to meet education requirements. The LATC is researching other related degrees that can meet the education requirement for licensure.

Efficiencies in the licensure processes were improved by permitting candidates to take certain sections of the national exam upon graduation. On the horizon are changes to allow credit for teaching under a landscape architect. LATC will also work closely with the Board on its efforts on the Accelerated Path to Architectural Licensure.

In addition, the LATC has received license applications from candidates who are licensed in other states but do not meet specific California requirements, namely a degree in landscape architecture. The LATC is reviewing reciprocity requirements of other states to determine possible changes to improve efficiencies. Initial research revealed varying minimum standards across states including education only, experience only, varying degree types, and acceptance of reciprocity from other states. The LATC will work closely with CLARB to establish the minimum years of licensed experience to qualify to take the California Supplemental Exam in order to become licensed in California. The LATC will also work closely with other stakeholders to ensure that the path to licensure is efficient and effective.

2018 LATC Update Response:

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

Generally, the LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulation that provide credit for a candidate with an accredited civil engineering degree, any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law initiating a regulatory change. Additionally, the Committee will continue discussions regarding how it will structure the allocation of experience-based credit. The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 11 – New Issues

This is the opportunity for the LATC to inform the Committees of solutions to issues identified by the LATC and by the Committees. Provide a short discussion of each of the outstanding issues, and the LATC's recommendation for action that could be taken by the LATC, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the LATC in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

The LATC has addressed all issues from the prior review.

NEW ISSUES

Enhanced Pathways to Licensure

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

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As of the date of this report, staff has submitted a rulemaking file to the Office of Administrative Law initiating a regulatory change. Additionally, the Committee will continue discussions regarding how it will structure the allocation of experience-based credit. The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

Written Contract

The LATC's "written contact requirement" is one of its most important consumer protection tools. Presently, the landscape architect's written contract must: 1) describe the services to be provided to the landscape architect to the client; 2) describe the basis of compensation, including total cost and method of payment; 3) include a notice that reads, "Landscape architects are licensed by the State of California"; 4) identify by name and address the client and the landscape architect, including the landscape architect's license number; 4) describe the procedure to accommodate additional services; and 5) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced

opportunity for one party to take advantage of the other. The LATC believes that the contract requirement benefits both the consumer and the landscape architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the enforcement program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect or landscape architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations section 2670(d), landscape architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing. However, landscape architects are not currently required to define the project description in their written contracts with clients. Therefore, it can be difficult for the client or landscape architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers related to disputes regarding the ownership and use of an architect's instruments of service. Assembly Bill 630 (Chapter 453, Statutes of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects nor landscape architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the instruments of service.

The LATC is proposing to amend BPC section 5616 in order to clarify that the following elements are needed in landscape architects' written contracts with clients for professional services: 1) a description of the project for which the client is seeking services; 2) the project address; 3) a description of the procedure that the landscape architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment; and 4) a statement identifying the ownership and use of instruments of service prepared by the landscape architect.

The LATC expects this proposal to benefit consumers and landscape architects by providing enhanced transparency for contracted parties, thereby, reducing the number of disputes related to disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

The LATC respectfully requests that this proposal be included as part of the legislation addressing its sunset date.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of November 1, 2018

Section 12 – Attachments

Please provide the following attachments:

A. Board’s administrative manual.

See Attachment A – LATC Member Administrative Procedure Manual

B. Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1).

See Attachment B – Committee Organization Chart

C. Major studies, if any (cf., Section 1, Question 4).

See Attachment C – XXX

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 17)

See Attachment D – Year End Organization Charts – FYs 14/15 – 17/18

E. Quarterly Performance Measure Reports.

See Attachment E – Quarterly Performance Measure Reports

ADJOURNMENT

Time: _____