

California Architects Board
Board Meeting
February 27, 2019
San Diego, California





CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Gavin Newsom
Governor

NOTICE OF BOARD MEETING

Board Members

Sylvia Kwan, President
Tian Feng, Vice President
Nilza Serrano, Secretary
Denise Campos
Pasqual V. Gutierrez
Ebony Lewis
Robert C. Pearman, Jr.
Barry Williams

February 27, 2019

**NewSchool of Architecture and Design
747 Park Blvd., Auditorium
San Diego, CA 92101
(800) 490-7081 or (916) 574-7220 (Board)**

The California Architects Board will hold its quarterly meeting as noted above.
Action may be taken on any item listed on the agenda.

Agenda

**10:30 a.m. to 5:00 p.m.
(or until completion of business)**

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Update on the Department of Consumer Affairs (DCA) – Dean R. Grafilo, Director
- D. Public Comment on Items Not on the Agenda
The Board may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).
- E. Public Comment on Design After Disaster – Douglas W. Burdge
- F. Presentation on NewSchool of Architecture and Design's Integrated Path to Architectural Licensure (IPAL) Programs by Dr. Mitra Kanaani, IPAL Coordinator
- G. Review and Possible Action on December 13-14, 2018 Board Meeting Minutes
- H. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- I. Hearing on Petition for Reinstatement of License – Arthur Frank Kent (1:00 p.m. approximate)
- J. Closed Session – Pursuant to Government Code Sections 11126(c)(3), 11126(f)(4), and 11126.1, the Board Will Meet in Closed Session to:
 - 1. Deliberate and Vote on Disciplinary Matters
 - 2. Review and Possible Action on December 13, 2018 Closed Session Minutes
 - 3. Adjourn Closed Session

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(Continued)

- K. Reconvene Open Session
- L. Update on 2019 Sunset Review of Board and Landscape Architects Technical Committee (LATC) and Possible Action on Responses to Background Papers
- M. Review and Possible Action on Draft 2019-2021 Strategic Plan
- N. Executive Committee Report
 - 1. Update on January 31, 2019 Executive Committee Meeting
 - 2. Discuss and Possible Action on New Board Logo
 - 3. Review and Possible Action on Recommended Amendments to Board Member Administrative Procedure Manual
- O. National Council of Architectural Registration Boards (NCARB)
 - 1. Review of 2019 NCARB Regional Summit Agenda
 - 2. Consider and Take Action on Candidates for 2019 NCARB and Region VI Officers and Directors
- P. Review and Possible Action on Contract for Debt Collection Services to Collect Outstanding Administrative Fines and Cost Recoveries
- Q. LATC Report
 - 1. Update on February 8, 2019 LATC Meeting
 - 2. Review and Possible Action on Draft 2019–2021 Strategic Plan
 - 3. Review and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2603 Delegation of Certain Functions
 - 4. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2655 Substantial Relationship Criteria; 2656 Criteria for Rehabilitation; and 2680 Disciplinary Guidelines; and LATC’s *Disciplinary Guidelines*
- R. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 2, Article 2, Sections 110 Substantial Relationship Criteria and 110.1 Criteria for Rehabilitation; Article 8, Section 154 Disciplinary Guidelines; and Board’s *Disciplinary Guidelines*
- S. Review of Future Board Meeting Dates
- T. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast the meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

(Continued)

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

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

Person: Gabe Nessar

Telephone: (916) 575-7202

Email: gabrial.nessar@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.)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

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

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

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

Board Member Roster

Denise Campos

Tian Feng

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Nilza Serrano

Barry Williams

Agenda Item B

PRESIDENT'S PROCEDURAL REMARKS AND BOARD MEMBER INTRODUCTORY COMMENTS

Board President Sylvia Kwan or, in her absence, the Vice President will review the scheduled Board actions and make appropriate announcements.

Agenda Item C

UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) – DEAN R. GRAFILO, DIRECTOR

Dean R. Grafilo, DCA Director will provide the Board with an update on the DCA.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Board at this time.

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

Public comments will also be taken on agenda items at the time the item is heard and prior to the Board taking any action on said items. Total time allocated for public comment may be limited at the discretion of the Board President.

Agenda Item E

PUBLIC COMMENT ON DESIGN AFTER DISASTER – DOUGLAS W. BURDGE

Douglas W. Burdge, AIA will provide comments to the Board regarding designing after a disaster.

**PRESENTATION ON NEWSCHOOL OF ARCHITECTURE AND DESIGN'S
INTEGRATED PATH TO ARCHITECTURAL LICENSURE (IPAL) PROGRAMS BY
DR. MITRA KANAANI, IPAL COORDINATOR**

Dr. Mitra Kanaani will deliver a presentation and provide the Board with an update on the IPAL programs offered by the NewSchool of Architecture and Design.

REVIEW AND POSSIBLE ACTION ON DECEMBER 13-14, 2018 BOARD MEETING MINUTES

The Board is asked to review and take possible action on the minutes of the December 13-14, 2018 Board meeting.

Attachment:

December 13-14, 2018 Board Meeting Minutes (Draft)

MINUTES
BOARD MEETING
CALIFORNIA ARCHITECTS BOARD
DECEMBER 13-14, 2018
SACRAMENTO

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

On December 13, 2018, Board President, Sylvia Kwan, called the meeting to order at 10:21 a.m. and Board Secretary, Robert Pearman, Jr., called roll.

Board Members Present

Sylvia Kwan, President
Tian Feng, Vice President (arrived at 10:32 a.m.)
Denise Campos
Pasqual Gutierrez
Ebony Lewis
Matthew McGuinness
Robert C. Pearman, Jr.
Nilza Serrano
Barry Williams

Guests Present

Mark Christian, Director of Government Relations, The American Institute of Architects,
California Council (AIACC)
Jay Hyde, California Building Officials (CALBO)
Brianna Miller, Board and Bureau Services Specialist, Office of Board and Bureau Services,
Department of Consumer Affairs (DCA)
Karen Nelson, Assistant Deputy Director, DCA
Roze Wiebe, Executive Director, California Council for Interior Designer Certification (CCDIC)
Pablo X. Manzo, Associate Vice Chancellor of Facilities Management, Los Rios Community
College District, Community College Facility Coalition

Staff Present

Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant Executive Officer (AEO)
Alicia Hegje, Program Manager Administration/Enforcement
Marccus Reinhardt, Program Manager Examination/Licensing
Trish Rodriguez, Program Manager Landscape Architects Technical Committee (LATC)
Gabrial Nessar, Administration Technician
Bob Carter, Architect Consultant
Bob Chase, Architect Consultant
Tara Welch, Attorney III, DCA
Mike Sanchez, Television Specialist, DCA

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

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

Ms. Kwan made the following remarks: 1) the meeting is being webcast, 2) thanked Cosumnes River College for allowing the California Architects Board to hold its meeting at their facility. and 3) all motions will be repeated for the record, and votes on all motions will be taken by roll-call.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (Public Comment continued after Agenda Item N)

Jay Hyde representing CALBO, addressed the Board on a letter previously sent to the Board offering assistance.

D. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA) – KAREN NELSON, ASSISTANT DEPUTY DIRECTOR, OFFICE OF BOARD AND BUREAU SERVICES

Karen Nelson updated the Board on the Director’s quarterly teleconference meeting held in October 2018 which included information on the:

- Division of Investigation Client Satisfaction Survey;
- EO salary study;
- Draft plan to assist boards and bureaus to implement Assembly Bill (AB) 2138 (Chiu, Chapter 995 Statutes of 2018) by July 2020; and
- New video previewed by Office of Public Affairs on the overview of DCA and the boards and bureaus that it regulates.

Ms. Nelson advised they are confirming the 2019 Director’s Meeting schedule and will share the dates with the Board when they are available. She also provided an update on the following DCA activities:

- DCA hosted the 2nd Board Member and Advisory Committee Leadership teleconference on December 7, 2018;
- Licensing and Enforcement Work Groups continue to meet monthly to discuss best practices and in October and November Office of Information Services provided a preview of an interactive reporting tool for performance measures to promote openness and transparency;
- Contract awarded with KH Consulting to provide by the Spring 2019 a comprehensive, independent review and assessment of the EO salary levels and evaluate programmatic changes; and
- Kick off of Future Leadership Development Program with seven individuals participating.

E. REVIEW AND POSSIBLE ACTION ON SEPTEMBER 12, 2018 BOARD MEETING MINUTES

Ms. Kwan asked for comments concerning the minutes of the September 12, 2018 Board meeting.

- **Nilza Serrano moved to approve the September 12, 2018 Board meeting minutes.**

Ebony Lewis seconded the motion.

There were no comments from the public.

Members Feng, Gutierrez, Lewis, McGuinness, Pearman, Serrano, and President Kwan voted in favor of the motion. Members Williams and Campos abstained. The motion passed 7-0-2

Pasqual Gutierrez provided additional clarification of his prior comments reflected in the September meeting minutes under Agenda Item D related to the Integrated Path to Architectural Licensure (IPAL) and Emerging Professional Companion (EPC):

1. The challenge is accomplishing work experience in alignment with IPAL curriculum order and designated sequence in experience area categories students are required to complete.
2. EPC is an AIA program no longer in use or recognized by the National Council of Architectural Registration Boards (NCARB) as an acceptable alternative to limited accomplishment of the Architectural Experience Program (AXP).
3. A similar EPC format may serve to offset a considered risk management issue of interns executing assignments in designated areas of experience, such as construction administration or program management.
4. A similar format to the EPC would allow for mentoring in an AXP environment by allowing firms to use active projects as learning tools.

F. ELECTION OF 2019 BOARD OFFICERS

Ms. Kwan referred this agenda item to the Nominations Committee members, Barry Williams and Ebony Lewis. Mr. Williams presented the Committee's recommended slate of officers for 2019 and advised that Mr. Gutierrez also expressed an interest in serving as Secretary:

Nominations Committee Recommended Slate of Officers for 2019

Sylvia Kwan – President
Tian Feng – Vice President
Nilza Serrano – Secretary

Mr. Williams asked the Board to consider extending the officer one-year term thereby allowing Ms. Kwan and Mr. Feng to serve another year if elected. The Board members discussed the pros and cons of extending the officer positions and officer relationships with professional organizations such as NCARB and attending their meetings. Mr. Gutierrez added that if the Board decides to extend the term, he would respectfully withdraw his name as a candidate for an officer position.

Tara Welch referred to Business and Professions Code section 5518 that states, "*The board shall elect from its members a president, a vice president, and a secretary to hold office for one year, or until their successors are duly elected and qualified.*" She indicated since section 5518 was amended in 1985, it is difficult to state with certainty if they intended the office to be held for one year until someone else was elected or for at least one year so that elections are conducted once per year. Vickie Mayer advised that the *Board Member Administrative Procedure Manual*, states the Board President may serve more than one term and if the member's term ends while

serving in office, the individual will be able to serve in his/her grace period. She added that prior Board member, Jon Baker is an example of serving more than one officer term.

Ms. Welch clarified with the Board their discussion was whether or not to re-elect the same members for two terms rather than electing someone to serve for two years. The Board agreed they were considering whether or not to re-elect the same members for two terms.

Ms. Kwan sought clarification about NCARB funding to attend annual meetings. Laura Zuniga explained for each annual meeting, NCARB funds a certain number of members. She advised for the June 2019 annual meeting in Washington DC, NCARB is planning to fund the EO, two Board members, and one public member to attend the meeting. She added the possibility of California funding an additional member, would be difficult to obtain approval. The Board discussed benefits to have involvement at NCARB meetings and prior practices to choose who should attend each meeting.

Ms. Welch recommended that the Board maintain the annual election of officers so that public Board members have the opportunity to participate at the executive level. Ms. Mayer advised the *Board Member Administrative Procedure Manual* states an officer may be re-elected and serve more than one term.

- **Robert Pearman moved to elect Sylvia Kwan for President, Tian Feng for Vice President, and Nilza Serrano for Secretary for 2019.**

Ebony Lewis seconded the motion.

There were no comments from the public.

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

I.* PRESENTATION BY THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN
CERTIFICATION (CCIDC) EXECUTIVE DIRECTOR, ROZE WIEBE, ON CCIDC
ACTIVITIES AND COMMERCIAL DESIGNATION

Ms. Wiebe introduced herself to the Board as the new Executive Director for the CCIDC and remarked that she replaced Doug Stead, who had been in the same position with the CCIDC for more than 20 years. She advised the Board the CCIDC underwent its sunset review process between 2016 and 2017. Ms. Wiebe summarized the more important current issues from the CCIDC Sunset Review. She provided members with a handout that included the specific issues: 1) acceptance of certified interior design plans by local jurisdictions; 2) status of the CCIDC Strategic Plan; and 3) development of a new certification category for commercial interior designers.

Ms. Wiebe stated that despite an exemption within the Architects Practice Act (Act) specifically permitting unlicensed individuals (which includes those authorized by statute to use the Certified Interior Designer [CID] title) to prepare drawings for nonstructural and nonseismic projects, local jurisdictions still often refuse to accept plans prepared by a CID and not stamped by an architect. Ms. Wiebe indicated that to address the issue, the CCIDC decided to hold a stakeholder meeting and included the Board, California Building Officials (CALBO), and the

AIACC. She said during the meeting a proposal was made to clarify the definition of CID within the relevant statutes of the CCIDC title act in the hopes of resolving the problem – unfortunately this effort did not result in success.

Ms. Wiebe added that the CCIDC returned to the proverbial drawing board to formulate and explore other measures to effect the desired change. She said during the meeting, stakeholders considered a proposal for a new commercial designation that would require an individual to fulfill the following: 1) passage of the National Council for Interior Design Qualification Examination; 2) passage of a supplemental examination testing knowledge of the California Building Code; and 3) annual continuing education sanctioned by CALBO (agreeable to the interior design profession). Ms. Wiebe reminded the Board that building officials are the final authority (within their respective jurisdiction) to determine whether a licensed design professional is required for a project. She explained to Board members the issue confronting CCIDC centers on building officials accepting CID plans for commercial work based upon a concern for building safety, which is often broadly interpreted by officials.

Ms. Wiebe clarified the statutory authority and limitations for the CCIDC, the general scope of practice permitted by CIDs within the Act, and the relevant provisions of the Business and Professions Code. She advised the Board the CCIDC is seeking to partner with its key stakeholders, including the Board and AIACC, to address the commercial practice issues.

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

Ms. Zuniga provided the Board with the following updates to its programs:

- Staff is working with DCA on the acceptance of credit card payments for license renewals and is expected to launch later this month, members will be notified when it is officially launched, and an update on the usage and fees collected will be provided to the Board at the June meeting;
- Sunset Review Report was submitted to the Legislature;
- *New Licensee Information Guide* will be disseminated to new licensees with their license and posted on the Board's website in December 2018;
- Lead Enforcement Analyst, Kristin Walker accepted a promotion at the Board of Chiropractic Examiners;
- Number of posts per month will be added to the Social Media section of the monthly report per a member's request;
- DCA Office of Professional Examination Services (OPES) will give a presentation to the members tomorrow on the factors that contribute to examination pass rates;
- More than 400 students are enrolled in the 17 IPAL programs and 5 graduated in May and received their license;
- Staff is preparing the regulatory package to change the California Supplemental Examination (CSE) retest wait time from 180 to 90 days which was implemented on December 1, 2018;
- DCA is reviewing the required documents to initiate a collection agency contract to increase the Board/LATC's collection rate of unpaid administrative fines;
- Letter to planning departments was sent in October 2018 educating them on the Act and requesting they verify licensure on nonexempt projects submitted for their review to prevent unlicensed activity; and

- Staff is preparing the regulatory package to allow the EO to delegate authority to another staff person to hold an informal conference as well as the Board's *Disciplinary Guidelines* as a result of AB 2138 (Chiu, Chapter 995 Statutes of 2018) which will require the Board's approval.

K. UPDATE ON DECEMBER 6-7, 2018 LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) MEETING

Program Manager, Trish Rodriguez provided the Board with the following updates for the LATC:

- Business Modernization process mapping and review has been completed for enforcement and examination/licensing programs and administration and cashiering will be conducted next;
- Recruitment has begun to fill the Special Projects Analyst position previously held by Tremaine Palmer;
- New LATC website format launched in October 2018 which included the new *Consumer's Guide to Hiring a Landscape Architect* and the license look up conversion is expected to launch in December;
- LATC met on December 6-7, 2018, no action items for the Board's consideration at this time;
- Model Water Efficient Landscape Ordinance (MWELO) was on the meeting agenda in anticipation of proposed revisions and will be on future meeting agendas as an ongoing discussion item;
- Members were not approved to attend the CLARB Annual Meeting in Toronto, Canada;
- Updated *LATC Member Administrative Procedure Manual* was presented to members;
- LATC followed the Board's decision on whether to require fingerprinting;
- Work Group (two person) appointed to propose revisions to California Code of Regulations (CCR) section 2620.5 regarding the extension certificate programs;
- Marq Truscott was elected as Chair and Andrew Bowden as Vice Chair for 2019;
- LATC conducted a strategic planning session to update its plan and identified 19 objectives which will be provided to the LATC and Board for approval; and
- Next meeting is scheduled for February 8, 2019 preferably at a school with a landscape architecture program.

H. DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2018 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARDS

Ms. Zuniga explained the history of the Octavius Morgan Distinguished Service Award and reported that staff nominated two recipients for 2018 for the Board's approval: Barry Williams and Robert Kitamura.

- **Tian Feng moved to approve that Barry Williams and Robert Kitamura be awarded the Octavius Morgan Distinguished Service Award for 2018.**

Denise Campos seconded the motion.

There were no comments from the public.

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

The members agreed to pay for the awards from their own personal funds.

J. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT

Mr. Feng, Chair of PQC advised the Board there were several items the PQC discussed at its October 25, 2018 meeting. He said there was one item of great importance to highlight relative to revising the *Candidate Handbook* and asked Marcus Reinhardt to update the Board on the PQC's activities.

Mr. Reinhardt advised the Board that within the meeting packet was the latest revision of the *Architect Licensure Handbook* prepared by staff based upon input received from PQC members. He also advised that during the PQC meeting staff compared the now out-of-print *Candidate Handbook* with the new *Architect Licensure Handbook* to clarify the differences between the two publications for Committee members. Mr. Reinhardt explained the revised organizational structure of the new handbook to Board members and provided details on the PQC recommendations. He reviewed the graphical timelines and explained the rationale used in the formulation of them. The Board provided suggested edits to the handbook and recommended clarifications be made to the graphical timelines. Ms. Serrano, on a related note, recommended members consider visiting *studyarchitecture.com*, which she opined would be a great resource for individuals seeking an architectural education.

Mr. Reinhardt advised members the *Architect Licensure Handbook* would be provided to emerging professionals for a peer review and then forwarded to DCA Legal Office for review.

L. REVIEW OF FUTURE BOARD MEETING DATES

Ms. Zuniga reviewed future Board and LATC meeting dates. Based on members' availability, the dates and locations below were tentatively identified for Board meetings in 2019. Members will be sent a notification once the dates have been confirmed.

February 27 - San Diego (NewSchool of Architecture and Design)

June 12 - San Luis Obispo (California Polytechnic State University, San Luis Obispo)

September 11 - Bay Area (University of California, Berkeley)

December 11 - Sacramento (TBD)

Note: East Los Angeles College possible meeting location for the future.

M. CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(C)(3), 11126(F)(4), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

1. REVIEW AND POSSIBLE ACTION ON JUNE 13, 2018 CLOSED SESSION MINUTES
2. DELIBERATE AND VOTE ON DISCIPLINARY MATTERS
3. ADJOURN CLOSED SESSION

The Board went into Closed Session to:

1. Review and possible action on June 13, 2018 Closed Session Minutes; and
2. Deliberate and vote on disciplinary matters.

N. RECONVENE OPEN SESSION

The Board reconvened in Open Session.

C. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (Continued)

Pablo X. Manzo representing Los Rios Community College District, Community College Facility Coalition provided insights about the projects and programs that they have completed. In addition, he provided a briefing about improving energy consumption for each building individually.

O. RECESS

The meeting recessed at 3:00 p.m.

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

On December 14, 2018, Ms. Kwan called the meeting to order at 8:56 a.m. and Mr. Pearman called roll.

Board Members Present

Sylvia Kwan, President
Tian Feng, Vice President
Denise Campos
Pasqual Gutierrez (arrived at 8:58 a.m.)
Ebony Lewis
Matthew McGuinness
Robert C. Pearman, Jr.
Nilza Serrano
Barry Williams

Guests Present

Mark Christian, Director of Government Relations, AIACC
Elizabeth Coronel, Strategic Planner & Facilitator, DCA SOLID
Heidi Lincer Ph.D., Chief, DCA OPES
Tavi Popp, Research Manager II, DCA OPES
Lusine Sarkisyan, Strategic Planner & Facilitator, DCA SOLID

Staff Present

Laura Zuniga, EO
Vickie Mayer, AEO
Alicia Hegje, Program Manager Administration/Enforcement
Marcus Reinhardt, Program Manager Examination/Licensing
Trish Rodriguez, Program Manager LATC
Lily Dong, Examination Analyst
Gabrial Nessar, Administration Technician
Tara Welch, Attorney III, DCA

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

Q. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no comments from the public.

R. PRESENTATION BY THE DCA OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) REGARDING EXAMINATION PERFORMANCE STATISTICS FOR THE ARCHITECT REGISTRATION EXAMINATION (ARE) AND CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE)

Tavi Popp, from OPES, provided the Board with a presentation to explain factors that contribute to examination pass rates. She reminded the members that the foremost important mission of DCA and the Board is public protection. Ms. Popp added, however, that OPES' examinations also aim at not creating artificial barriers to licensing. OPES strives at striking a balance between public protection and the licensure of minimally competent candidates.

Ms. Popp provided members with a general overview of the examination development process. She advised the Board that state law requires an occupational analysis (OA) be conducted every five to seven years to ensure examinations are relevant to current professional practices; she said the law also requires the use of subject matter experts for development of items and the establishment of the passing score. Ms. Popp reminded members that the OA serves as the basis for future examination development.

Specifically addressing the contributing factors, Ms. Popp explained to members that literature on the topic of pass rates points to numerous factors that can affect candidate performance. She said that most factors are outside the control of the Board. Ms. Popp provided a comparison for members clearly showing that candidates who attended an accredited program in architecture were more likely to be successful than those who did not attend such a program. She said the data provided by NCARB supports this conclusion. Ms. Popp addressed the performance disparity between ARE 4.0 and ARE 5.0 which was launched in 2016. She and Heidi Lincer, OPES Chief, explained it is normal for pass rates to decline after the launch of a new examination and it should not be considered problematic. Ms. Popp and Lincer said it is typical for the pass rates to gradually increase over time as candidates become more familiar with the new examination format. Ms. Lincer advised the Board that it is normal for professions with multiple paths to have lower performance on licensing examinations. Ms. Popp said that research points to factors such as: college grade point average (GPA); pre-licensing practice test; study habits; college admission and retention policies; advance degrees; high school class size; high school class rank; scholastic aptitude test (SAT) score; and focus and determination that could influence examination performance.

Ms. Popp said that to further increase fairness to candidates, there are a few additional things OPES is planning on doing: 1) make public a sample of items that would be retired from the examination; and 2) review and revise the study material to be more focused. Ms. Popp explained that work for the new contract with OPES starts in March 2019. The first two workshops for that contract will cover those two topics. Subject matter experts will (1) help OPES to select a set of questions that can be released to the public and (2) revise the Reference

Material currently provided to candidates to be more focused on the topics specifically tested on the examination.

Mr. Feng asked whether staff could research and provide information to the Board regarding the supply of architects in the marketplace. Mr. Williams asked whether data exists regarding the number of architects that do not renew during economic downturns. Mr. Gutierrez requested that the information regarding marketplace needs requested by Mr. Feng be channeled to high school counselors, so they know what the trend is in the profession.

At a future meeting, OPES will provide the Board with an overview of the OA, examination development process, and ARE review (linkage study).

S. STRATEGIC PLANNING SESSION

Elizabeth Coronel and Lusine Sarkisyan from SOLID facilitated the Board's strategic planning session and lead the Board through its review of accomplishments for 2017-2018; its mission, vision, values; and strategic goals which assisted members in developing objectives for 2019-2020.

SOLID will update the Strategic Plan with changes made during this session, and the Board will review and finalize the plan at its next meeting.

ADJOURNMENT

The meeting adjourned at 3:35 p.m.

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

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

The Executive Officer will provide an update on the Board's Administration / Management, Examination, Licensing, and Enforcement Programs.

Attachments:

1. January 2019 Monthly Report
2. Enforcement Program Report



Gavin Newsom
Governor

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MEMORANDUM

DATE: February 1, 2019

TO: Board and Landscape Architects Technical Committee (LATC) Members

FROM: Laura Zuniga, Executive Officer

SUBJECT: JANUARY 2019 MONTHLY REPORT

The following information is provided as an overview of Board activities and projects as of January 31, 2019.

ADMINISTRATIVE/MANAGEMENT

Board The Board's next meeting is scheduled for February 27, 2019, at the NewSchool of Architecture and Design in San Diego. The remainder of the meetings planned for 2019 are as follows: June 12 (California Polytechnic State University, San Luis Obispo), September 11 (University of California, Berkeley), and December 11 (Sacramento).

Business Modernization In December 2017, the Board, in collaboration with the Department of Consumer Affairs (DCA), finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform.

Key elements of Business Modernization specific to the needs of the Board and LATC include: 1) Business Activities, 2) Project Approval Lifecycle, and 3) System Implementation. Business Activities are scheduled from October 2018 through October 2019, the Project Approval Lifecycle from July 2019 through November 2020, and System Implementation from November 2020 through November 2022.

Because this planned approach will take time and to address the delayed implementation of a new platform, the Board and LATC are pursuing a stop gap measure to accept credit card payment for license renewal applications, our highest volume transaction. The online acceptance of credit card payments for license renewal is planned to be launched on February 5, 2019.

Communications Committee The next Communications Committee meeting has not been scheduled at this time.

Executive Committee The Executive Committee held a teleconference meeting on January 31, 2019 at various locations. At this meeting the Committee considered a new Board logo and reviewed the Board Member Administrative Procedure Manual. The Committee's recommendations are planned to be presented to the Board at its February meeting.

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Newsletter The *California Architects* newsletter was published on December 19, 2018. The next issue of the newsletter is planned for publication in early 2019.

Sunset Review The Board's and LATC's 2018 Sunset Review Reports were submitted to the Legislature on November 28, 2018. The hearing is scheduled for March 5, 2019.

Outreach Staff is working with DCA's Office of Publications, Design and Editing to design the *New Licensee Information Guide* for dissemination and inclusion in newly licensed packets to assist architects in understanding the Architects Practice Act (Act) and filing and notification requirements. The *Guide* will be published and disseminated in early 2019.

A letter to legislative district offices was sent on January 23, 2019. The letter provided information about the Board and asked the legislative offices to share the information with their respective building and planning departments. The *Consumer's Guide to Hiring an Architect* and *Consumer Tips for Design Projects* were referenced as valuable materials for consumers and that these publications were available upon request to legislative district offices. Board staff has been processing and tracking the requests for large quantities of both publications.

Personnel Supplemental Exam Analyst, Lily Dong retired from State service effective December 31, 2018. Recruitment efforts are underway to fill her position. Michael Sganga was selected to fill the Lead Enforcement Analyst position in the Enforcement Unit. His first day at the Board will be February 4, 2019.

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

January 2019 Social Media Statistics

Platform	Posts	Current Followers	Followers 1 Year Prior	Difference
Twitter (launched in 2014)	9	1,231	1,141	8%
Instagram (launched in 2016)	1	490	272	180%
Facebook (launched in 2017)	14	94	24	392%

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The pass rates for ARE divisions taken by California candidates between December 1–31, 2018, are shown in the following tables:

December 2018 ARE 5.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	68	44	65%	24	35%
Practice Management	128	52	41%	76	59%
Programming & Analysis	98	46	47%	52	53%
Project Development & Documentation	154	74	48%	80	52%
Project Management	75	44	59%	31	41%
Project Planning & Design	165	60	36%	105	64%

Pass rates for ARE divisions taken by California candidates during the previous calendar year (January 1, 2018 to December 31, 2018) are shown in the following tables:

2018 ARE 5.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	579	380	66%	199	34%
Practice Management	1,198	577	48%	621	52%
Programming & Analysis	890	413	46%	477	54%

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Project Development & Documentation	1,159	537	46%	622	54%
Project Management	805	468	58%	337	42%
Project Planning & Design	1,481	585	40%	896	60%

National pass rates for 2018 ARE 5.0 are shown in the following table for comparison with California data:

2018 California - National ARE Performance Comparison

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Construction & Evaluation	579	66%	51%	+15%
Practice Management	1,198	48%	62%	-14%
Programming & Analysis	890	46%	53%	-7%
Project Development & Documentation	1,159	46%	46%	0%
Project Management	805	58%	53%	+5%
Project Planning & Design	1,481	40%	70%	-30%

California Supplemental Examination (CSE) On July 5, 2018, a regulatory package related to reducing the mandatory waiting period for candidates who fail the CSE was submitted to DCA for an initial analysis before submission to the Office of Administrative Law (OAL) for noticing – see Regulatory Proposals below. On December 1, 2018, the Board reduced the waiting period for those who fail the CSE. Eligible candidates may now schedule a retake appointment if it has been at least 90 days since their last attempt.

The current Intra-Departmental Contract with the OPES for examination development for fiscal year (FY) 2018/19 expires on June 30, 2019. Staff are coordinating the development of the FY 2019/20 contract that will include provisions for the next Occupational Analysis (OA).

The pass rates for the CSE taken by candidates between January 1–31, 2019, and the prior FY are displayed in the following tables:

January 2019 CSE

CANDIDATE TYPE	CANDIDATES PASSED		CANDIDATES FAILED		TOTAL
	Count	Percent	Count	Percent	
Instate First-time	24	60%	16	40%	40
Instate Repeat	11	55%	9	45%	20
Reciprocity First-time	6	46%	7	54%	13
Reciprocity Repeat	2	67%	1	33%	3
Relicensure First-time	1	100%	0	0%	1
Relicensure Repeat	0	0%	0	0%	0
TOTAL	44	57%	33	43%	77

**FY 2018/19 CSE
(as of January 31, 2019)**

CANDIDATE TYPE	CANDIDATES PASSED		CANDIDATES FAILED		TOTAL
	Count	Percent	Count	Percent	
Instate First-time	241	60%	160	40%	401
Instate Repeat	87	57%	66	43%	153
Reciprocity First-time	78	55%	64	45%	142
Reciprocity Repeat	19	54%	16	46%	35
Relicensure First-time	3	38%	5	63%	8
Relicensure Repeat	1	100%	0	0%	1
TOTAL	429	58%	311	42%	740

FY 2017/18 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
1,144	645	56%	499	44%

NCARB ARE Contract The Board is required to have a contract with NCARB in order for NCARB to provide administration of the ARE to California candidates. The current contract is set to expire on June 30, 2019. Staff is coordinating with DCA to develop a new contract that will run until June 30, 2022.

NCARB Integrated Path to Architectural Licensure (IPAL) The most recent information from NCARB indicates there are more than 400 students enrolled across 17 IPAL programs; over 60 of whom have taken one or more ARE divisions. Five students graduated from IPAL programs in May and received their license. NCARB anticipates being able to provide more robust data in three to five years when more students have progressed through the programs.

Professional Qualifications Committee (PQC) Staff will be polling Committee members for their availability to attend a meeting in April to begin work on Strategic Plan objectives assigned to the Committee.

Regulatory Proposals *California Code of Regulations (CCR) Sections 124 (California Supplemental Examination) and 124.5 (Review of California Supplemental Examination)* The Board approved proposed regulatory language to amend CCR sections 124 and 124.5 at its March 1, 2018, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board’s regulatory proposal for CCR sections 124 and 124.5:

- March 1, 2018 Proposed regulatory language approved by the Board
- June 12, 2018 Proposed regulation submitted to DCA Legal for preruleview.
- July 2, 2018 DCA Legal concluded preruleview and returned regulation to staff
- July 5, 2018 Proposed regulation submitted to DCA Legal for Initial Analysis

ENFORCEMENT PROGRAM

Architect Consultants Building Official Contact Program: Architect consultants are available on-call to Building Officials to discuss the Board’s policies and interpretations of the Architects Practice Act (Act), stamp and signature requirements, and scope of architectural practice.

Education/Information Program: Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In January, there were 99 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 36 of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

Collection Agency Contract The Board’s 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties. Staff is in the process of securing a contract with a collection agency through the informal solicitation method (Government Code (Gov.) section 14838.5) to allow the Board to refer unpaid accounts aged beyond 90 days to a collection agency. The collection agency contract is planned to be presented to the Board for review and possible action at a future meeting.

<u>Enforcement Statistics</u>	<u>Current Month</u> January 2019	<u>Prior Month</u> December 2018	<u>FYTD</u> 2018/19	<u>5-FY Avg</u> 2013/14- 2017/18
Complaints				
Received/Opened (Reopened):	20 (0)	20 (0)	98 (1)	331 (2)
Closed:	14	23	107	316
Average Days to Close:	237 days	337 days	257 days	124 days
Pending:	154	148	163*	121
Average Age of Pending:	230 days	283 days	230 days*	148 days
Citations				
Issued:	2	6	21	48
Pending:	12	5	14*	11
Pending AG: †	0	1	2*	4
Final:	4	1	23	43
Disciplinary Actions				
Pending AG:	5	4	4*	5
Pending DA:	1	1	1*	1
Final:	0	0	1	3
Continuing Education (§5600.05)**				
Received/Opened:	1	1	4	67
Closed:	0	0	13	64
Pending:	6	1	2*	20
Settlement Reports (§5588)**				
Received/Opened:	1	1	16	28
Closed:	1	1	15	29
Pending:	18	18	16*	8

* Calculated as a monthly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

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

During FY 2018/19 (as of January 31, 2019), 28 citations with administrative fines became final with 41 violations of the provisions of the Act and/or Board regulations. Below are the most common violations that have resulted in enforcement action during the current FY:

- BPC section 5536(a) - Practice Without License or Holding Self Out as Architect [24.4%]
- BPC section 5536.22(a) - Written Contract [7.3%]
- BPC section 5583 - Fraud or Deceit [2.4%]
- BPC section 5584 - Negligence or Willful Misconduct [7.3%]
- BPC section 5600.05(a)(1) or (b) - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [36.6%]
- CCR section 134(a) - Use of the Term Architect [12.2%]
- CCR section 160(b)(2) - Rules of Professional Conduct (Willful Misconduct) [9.8%]

Regulatory Proposals *CCR section 152.5 (Contest of Citations, Informal Conference)* - Staff developed proposed regulatory language to amend CCR section 152.5 to allow the EO to delegate to a designee, such as the Assistant Executive Officer or the Enforcement Program Manager, the authority to hold an informal conference with a cited person and make a decision to affirm, modify, or dismiss a citation. The proposed regulatory language also contains 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. Staff is preparing the proposed regulatory package for submission to DCA for initial analysis, prior to publicly noticing with the OAL.

CCR section 154 (Disciplinary Guidelines) - The Board's 2013 and 2014 Strategic Plans included an objective to review and update the Board's *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board's *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of AIACC to address a proposed modification to the "Obey All Laws" condition of probation. The Board approved the proposed regulatory language to amend CCR section 154 at its June 10, 2015 meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its March 1, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the *Disciplinary Guidelines* and CCR section 154 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as CCR sections 110 (Substantial Relationship Criteria) and 110.1

(Criteria for Rehabilitation). The recommended changes will be presented to the Board for its consideration at its February 27, 2019 meeting.

Regulatory and Enforcement Committee (REC) The next REC meeting has not been scheduled at this time.

Written Contract (BPC section 5536.22) The Board previously approved a legislative proposal to amend BPC section 5536.22 sought to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project; 2) the project address; and 3) a description of the procedure to accommodate contract changes. The Senate Business, Professions and Economic Development Committee (BP&ED) staff determined that the proposal was substantive and, as such, would need to be included in another bill. The Board subsequently approved a revision to one suggested amendment, as well as an exemption from the written contract requirements for public contracts.

The Board's proposal to amend BPC section 5536.22 was presented to the Legislature for consideration via the "New Issues" section of the Sunset Review Report.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Personnel The LATC commenced recruitment efforts to fill the Special Projects Analyst position.

Business Modernization Refer to section under Board's Administrative/Management.

Committee The next LATC meeting is scheduled for February 8, 2019, at the University of Southern California. Future 2019 meeting dates have been posted to the LATC website and are as follows: May 23, in Campbell; August 13, in Chula Vista; and November 8, in Sacramento.

Committee member mandatory trainings must be completed as follows:

- Ethics Orientation – completed within the first six months of appointment and repeat every two years throughout a member's term
- Sexual Harassment Prevention – completed within the first six months of appointment and every two years throughout a member's term
- Board Member Orientation – completed within one year of a member's appointment and reappointment
- Defensive Driver – once every four years

Licensing On January 1, 2019, LATC transitioned from birthdate-based initial licensing to a more simplified process whereby all initial licenses will expire two years after issuance and the associated fee will be \$400, as outlined in CCR section 2649 (Fees).

Social Media The LATC maintains a Twitter account that currently has 149 followers. This account largely permits the LATC to have active social media participation with the public and professionals. On January 7, 2019, staff met with DCA Office of Public Affairs (OPA) to discuss and develop a

social media content strategy. On January 24, 2019, OPA provided training to staff covering introduction to social media, etiquette and best practices, and Twitter-specific tools and techniques for the management of the LATC Twitter account. A draft social media content strategy and communication plan will be presented to the LATC at its next meeting on February 8. The plan identifies: strategy objectives and goals, target audiences and topics, recommendations to enhance LATC's social media presence, and a timeline to begin implementing LATC's social media plan.

Website LATC launched a modernized license search feature on December 27, 2018 and is compatible for smart phones and provides consumers with enhanced licensee information. This replaced the LATC's License Look Up feature that was a PDF update and re-posted on the website on a monthly basis.

In November, minor revisions were made to the Reciprocity Application to mirror the format of the recently revised Certification of Experience form. The updated application is expected to be published on the LATC website in February 2019.

In January, staff updated the Committee member biographies to reflect the 2019 Committee Chair and Vice-Chair designations.

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) LATC's Intra-Departmental Contract with OPES for examination development will expire on June 30, 2019. Staff has prepared a draft FY 2019/20 contract for the LATC's consideration at their February 8, 2019 meeting.

OPES provides the LATC with OA and examination development services. Business and Professions Code (BPC) section 139 requires that an OA be conducted every five to seven years. An OA was completed by OPES for the LATC in 2014. The Test Plan developed from the 2014 OA is being used during content development of the CSE. The CSE development is based on an ongoing analysis of current CSE performance and evaluation of examination development needs. Staff recruits subject matter experts to participate in examination development workshops to focus on item writing and examination construction.

During the exam development workshops held on August 24-25, 2018 and September 14-15, 2018, OPES facilitated a review of the reference materials used for the CSE. Based on SME findings in these workshops, OPES recommended changes to the reference list that will be incorporated in the *CSE Candidate Guide* and reflected on the LATC website. OPES will inform the LATC when the updated list should be distributed.

CSE Results The pass rates for the CSE taken by candidates during FY 2018/19 (as of January 31, 2019) and prior FYs are shown in the following tables:

**FY 2018/19 CSE
(as of January 31, 2019)**

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
146	113	77%	33	23%

FY 2017/18 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
181	107	55%	89	45%

FY 2016/17 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
153	80	52%	73	48%

FY 2015/16 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
132	94	71%	38	29%

Landscape Architect Registration Examination (LARE) A LARE administration was held December 10-22, 2018, and the candidate application deadline was October 26, 2018. Examination results for all LARE administrations are released by the Council of Landscape Architectural Registration Boards (CLARB) within six weeks of the last day of administration. The next LARE administration will be held April 1-13, 2019, and the application deadline is February 15, 2019.

The pass rates for LARE sections taken by California candidates during the December 10-22, 2018, administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	65	47	72%	18	28%
Inventory and Analysis	65	41	63%	24	37%
Design	67	41	61%	26	39%
Grading, Drainage and Construction	50	33	66%	17	34%

National pass rates for LARE sections taken during the December 10-22, 2018, administration are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	65	72%	394	77%	-5%
Inventory and Analysis	65	63%	396	71%	-8%
Design	67	61%	419	70%	-9%
Grading, Drainage and Construction Documentation	50	66%	349	65%	1%

National pass rates for LARE sections taken in 2018 are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	220	66%	1,187	71%	-5%
Inventory and Analysis	200	62%	1,172	68%	-6%
Design	181	62%	1,169	64%	-2%
Grading, Drainage and Construction Documentation	191	69%	1,156	69%	0%

Regulatory Proposals CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)- At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR section 2615(c)(1), and recommended that the Board authorize LATC to proceed with a regulatory change. At its December 10, 2015 meeting, the Board approved the regulatory changes and delegated authority to the EO to adopt the corresponding regulations to amend CCR section 2615 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

The LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (at least 10 years, within the past 15 years) to be required of reciprocity candidates who do not meet California's educational requirements (specifically, a degree in landscape architecture). At its November 4, 2016 meeting, LATC reviewed and discussed the public comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017. At its January 17, 2017 meeting, the Committee directed staff to draft proposed regulatory language allowing reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel to draft new, proposed regulatory language in accordance with the Committee's direction. Staff was also advised that it would be more timely to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government Code (GC) section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017 meeting, the Committee approved the new proposed regulatory language to amend CCR section 2615(c)(1) and recommended that the Board authorize LATC to proceed with the regulatory change. The LATC's recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC's initial and reciprocal licensure requirements, and that closely aligns with the Board's current licensure requirements. The Board requested that the LATC's proposal should be presented to the Board at its next meeting.

At the July 13, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The LATC voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board's review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language. As initial licensing provisions and reciprocity provisions are closely tied, the LATC voted on July 13, 2017, to recommend to the Board that reciprocity requirements align with the final, amended provisions to CCR section 2620.

It was found that minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7). This new language

was presented to the LATC for review and possible approval at their meeting on May 4, 2018. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at the next Committee meeting.

Subsequent to the Committee meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings of staff research were presented to the LATC during its meeting on July 20, 2018; at which time the Committee granted approval to staff to move forward with the combined rulemaking file for CCR sections 2615 and 2620. The Board approved the LATC's proposed regulatory language at its meeting on September 12, 2018. Staff is preparing the proposed regulatory package for submission to DCA for initial analysis, prior to publicly noticing with the OAL.

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

- | | |
|--------------------|--|
| November 17, 2015 | Proposed regulatory language approved by the LATC |
| December 10, 2015 | Proposed regulatory language approved by the Board |
| August 2, 2016 | Notice of Proposed Changes in the Regulations submitted to OAL |
| August 12, 2016 | Notice of Proposed Changes in the Regulations published by OAL |
| September 27, 2016 | Public hearing, public comments received during 45-day period |
| April 18, 2017 | LATC voted to withdraw regulatory proposal and approved new proposed regulatory language |
| June 15, 2017 | Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's |
| July 13, 2017 | LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings |
| October 3, 2017 | The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/experience credit allocations) as amendments to CCR section 2620 for the LATC's consideration |
| November 2, 2017 | LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to CCR section 2620 to expand initial licensure pathways |
| December 7, 2017 | Board reviewed and approved the LATC's proposed amendments to CCR section 2620 |

May 4, 2018	LATC reviewed revised proposed regulatory language, to amend CCR 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for CCR sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA legal initial analysis

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

In 2012, the LATC appointed the University of California Extension Certificate Program Task Force, which was charged with developing procedures for the review of the extension certificate programs and conducting reviews of the programs utilizing the new procedures. As a result of these meetings, the Task Force recommended additional modifications to CCR section 2620.5 to further update the regulatory language with LAAB guidelines and LATC goals. At the November 14, 2012 LATC meeting, LATC approved the Task Force’s recommended modifications to CCR section 2620.5, with an additional edit. The Board approved adoption of the modified language for CCR section 2620.5 at their March 7, 2013 meeting.

On July 17, 2013, a Decision of Disapproval of Regulatory Action was issued by OAL. The disapproval was based on OAL’s determination that the regulatory package did not meet the necessity standard of the GC section 11349.1, subdivision (a)(1). GC section 11349(a) defines “necessity” as demonstrating the need for the regulatory change through evidence not limited to facts, studies, and expert opinion.

On December 8, 2014, staff was advised by LAAB that the accreditation standards are scheduled to be reviewed and updated beginning with draft proposals in the spring of 2015. LAAB anticipated adopting new standards in early 2016.

Proposed regulatory language was presented to the LATC at its February 10–11, 2015 meeting. At this meeting, the Committee approved the appointment of a new working group to assist staff in substantiating recommended standards and procedures in order to obtain OAL approval.

On June 5, 2015, LAAB confirmed that they are in the process of updating their Standards and Procedures for the Accreditation of Landscape Architecture Programs.

LAAB implemented its new Accreditation Standards and Procedures in March 2016, making significant changes to the curriculum requirements beginning in 2017. Staff recommended that LATC review the LAAB Accreditation Standards and Procedures

At the April 18, 2017 LATC meeting, the Committee heard comments from Mses. Landregan and Anderson, president-elect of the Council of Landscape Architectural Registration Boards, that offered insight on how LATC could incorporate LAAB accreditation standards and continue to approve University of California Extension Certificate programs. In addition, the LATC was presented with several written public comments addressing the University of California Extension Certificate programs.

At the July 20, 2018 LATC meeting, the Committee reviewed the proposed language to amend CCR section 2620.5 that was rejected by OAL on July 17, 2013. Following discussion, the Committee directed staff to explore options to engage LAAB as well as research private entities regarding the accreditation of extension certificate programs. The Committee requested that staff present their research findings for consideration at the next meeting on December 6-7, 2018.

At the December 6, 2018 LATC meeting, the Committee discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee comprised of Marq Truscott and Ms. Landregan to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed recommended changes to section 2620.5 and the review/approval procedures for LATC's consideration at their February 8, 2019 Committee meeting.

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

November 22, 2010	Proposed regulatory language approved by LATC
December 15, 2010	Proposed regulatory language approved by Board
June 22, 2012	Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties)
August 6, 2012	Public hearing, no public comments received
November 30, 2012	40-Day Notice of Availability of Modified Language posted on website
January 9, 2013	Written comment (one) received during 40-day period
January 24, 2013	Modified language to accommodate public comment approved by LATC
February 15, 2013	Final rulemaking file submitted to DCA's Legal Office and Division of Legislative and Policy Review
March 7, 2013	Final approval of modified language by Board
May 31, 2013	Final rulemaking file submitted to OAL for approval
July 17, 2013	Decision of Disapproval of Regulatory Action issued by OAL
August 20, 2013	LATC voted not to pursue a resubmission of rulemaking file to OAL

February 21, 2014	Staff worked with Task Force Chair to draft justifications for proposed changes
December 8, 2014	LAAB reported that accreditation standards are scheduled to be reviewed and updated in 2015
February 10, 2015	LATC approved the appointment of a new working group to assist staff
October 8, 2015	LATC received LAAB's suggested revisions to curriculum requirements
March 2016	LAAB implemented its new Accreditation Standards and Procedures
April 18, 2017	LATC directed the formation of a subcommittee to recommend regulatory changes for LATC's consideration
March 2018	LATC staff consulted with legal counsel regarding previously proposed amendments to CCR 2620.5
July 20, 2018	LATC directed staff to explore options to engage LAAB and private entities in the approval process of extension certificate programs
December 6, 2018	LATC directed the formation of a two-person subcommittee to recommend regulatory changes for LATC's consideration
January 17, 2019	LATC staff held a conference call with the subcommittee where together they developed recommended changes for LATC's consideration at its February 8, 2019 meeting.

CCR sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration) – SB 800 amended BPC section 5680.2 to authorize a license to be renewed within five years of its expiration. The bill also prohibits a license that is expired for more than five years from being renewed, restored, reissued, or reinstated, but would authorize the holder of the expired license to apply for a new license, as specified. SB 800 was approved by the Governor on October 7, 2017 and took effect on January 1, 2018.

With the passage of SB 800, CCR sections 2624 and 2624.1 are obsolete as they delineate application processes for re-licensure requirements that are no longer specified in statute. Accordingly, on December 17, 2018 LATC staff submitted a request to OAL to repeal CCR sections 2624 and 2624.1. Staff pursued this regulatory change in accordance with CCR section 100, which allows for a more expeditious regulatory change process because the proposed amendments are the deletion of regulatory provisions for which the statutory authority was repealed. On January 31, 2019 the section 100 package was approved by OAL and filed with the Secretary of State.

LATC ENFORCEMENT PROGRAM

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

On October 21, 2015, staff sent DCA Legal Counsel suggested edits to the Optional Conditions section in the *Disciplinary Guidelines* for review. Legal Counsel notified staff on November 12, 2015, that the edited portions were sufficient and substantive, and would require re-approval by the Board. At its December 10, 2015, meeting, the Board approved the revised *Disciplinary Guidelines* and the proposed regulation to amend CCR § 2680 and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for Legal Counsel's review and approval on March 15, 2016. On April 8, 2016, Legal Counsel advised staff that further substantive changes were necessary prior to submission to OAL. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR section 154 were approved by the Board at its December 15, 2016 meeting. Staff updated its *Guidelines* to include the approved revisions that are appropriate to the LATC. On July 13, 2017, the Committee approved the revised *Guidelines* and recommended they be presented to the Board for approval.

On September 5, 2017, Legal Counsel advised LATC staff that additional substantive changes to LATC's *Guidelines* and the proposed language to amend CCR section 2680 were necessary. These changes were communicated by Legal Counsel during the Board's September 7, 2017 meeting. The Board approved the revisions to LATC's *Guidelines*, including the necessary changes identified by Legal Counsel, as well as proposed language to amend CCR section 2680. Following the meeting, Board staff prepared additional, recommended revisions to the Board's *Guidelines* and the proposed language to amend CCR section 154 in response to Legal Counsel's concerns and presented those revisions to the Board for review and approval at its December 7, 2017 meeting. At the meeting, the Board accepted the additional revisions to the Board's *Guidelines* and directed Legal Counsel and staff to conduct further research to determine if the Board has the statutory authority to impose fines through the disciplinary process and whether it should be referenced in the *Guidelines*. At its March 1, 2018 meeting, the Board was presented with and approved the additional edits to its *Disciplinary Guidelines* with no changes and authorized staff to proceed with a regulatory amendment. Following the Board's approval of its *Guidelines*, LATC staff incorporated the changes made to the Board's *Guidelines* that were relevant to the LATC's *Guidelines*. On May 4, 2018, the Committee reviewed and approved the revised *Guidelines* and recommended they be presented to the Board for approval.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed changes to the LATC's *Disciplinary Guidelines* and CCR section 2680 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified.

As a result of guidance from DCA, staff made additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 and will present those changes to the Committee at its February 8, 2019 meeting.

Enforcement Actions

Doczi, Thomas – (Rancho Mirage) – Effective January 17, 2019, Thomas Doczi's landscape architect license number LA 2370 was revoked; however, the revocation was stayed, and Doczi has been placed on probation for five years with specific terms and conditions, including requiring Doczi to notify

current clients and provide such clients with a copy of the Board’s Decision and Order, and paying cost reimbursement to the Board in the amount of \$4,517.50 for its investigative and prosecution costs. The action was the result of a Stipulated Settlement and Disciplinary Order which was adopted by the Board on December 13, 2018. An Accusation was filed against Doczi alleging cause for license discipline under BPC section 490, subdivision (a) (conviction of crime substantially related to qualifications, functions, or duties of profession), following Doczi’s August 5, 2016 felony convictions for vehicular manslaughter while intoxicated, driving under the influence of alcohol causing injury, and driving a vehicle while having .08 percent and more of alcohol in his blood and causing injuries.

Sturgeon, Joseph – (Crestline) – The Board issued a one-count citation that included a \$750 administrative fine to Joseph Sturgeon, dba Sturgeon Construction Company, an unlicensed individual, for alleged violations of BPC section 5640 (Unlicensed Person Engaging in Practice – Sanctions). The action alleged that Sturgeon placed a title block on landscape design plans identifying Sturgeon Construction Company as a landscape architectural firm without Sturgeon being licensed as a landscape architect. The citation became final on December 28, 2018.

Hochman, Darrell – (San Juan Capistrano) – The Board issued a two-count citation that included a \$500 administrative fine to Darrell Hochman, landscape architect license number LA 5847, for alleged violations of BPC sections 5616 (Landscape Architecture Contract – Contents, Notice Requirements) and 5659 (Inclusion of License Number – Requirement). The action alleged that Hochman failed to execute a written contract prior to commencing work on a project and failed to sign or stamp all plans associated with the project. Hochman paid the fine, satisfying the citation. The citation became final on January 11, 2019, and has been paid in full.

<u>Enforcement Statistics</u>	<u>Current Month</u> January 2019	<u>Prior Month</u> December 2018	<u>FYTD</u> 2018/19	<u>5-FY Avg</u> 2013/14- 2017/18
Complaints				
Received/Opened (Reopened):	3 (0)	4 (0)	23 (0)	28 (0)
Closed:	2	3	24	31
Average Days to Close:	90 days	181 days	125 days	247 days
Pending:	14	14	12*	16
Average Age (Pending):	97 days	118 days	136 days*	252 days
Citations				
Issued:	0	0	1*	3
Pending:	2	2	2*	3
Pending AG: †	0	0	0*	1
Final:	1	1	2	3
Disciplinary Actions				
Pending AG:	0	1	1*	1
Pending DA:	0	0	0*	0
Final:	1	0	2	1
Settlement Reports (§5678)**				
Received/Opened:	0	1	2	2
Closed:	0	1	2	2

Pending: 1 1 1* 2

* *Calculated as a monthly average of pending cases.*

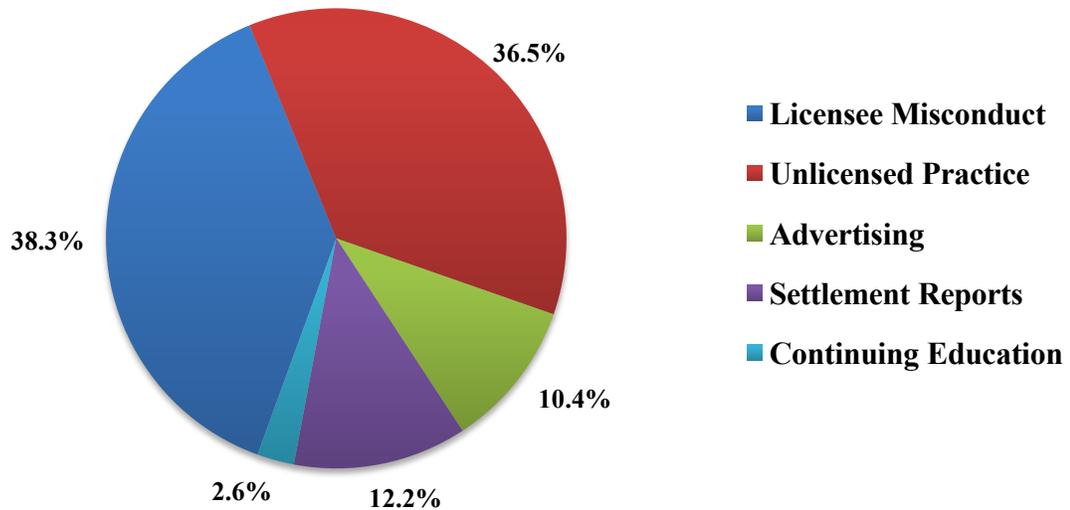
** *Also included within "Complaints" information.*

† *Also included within "Pending Citations."*

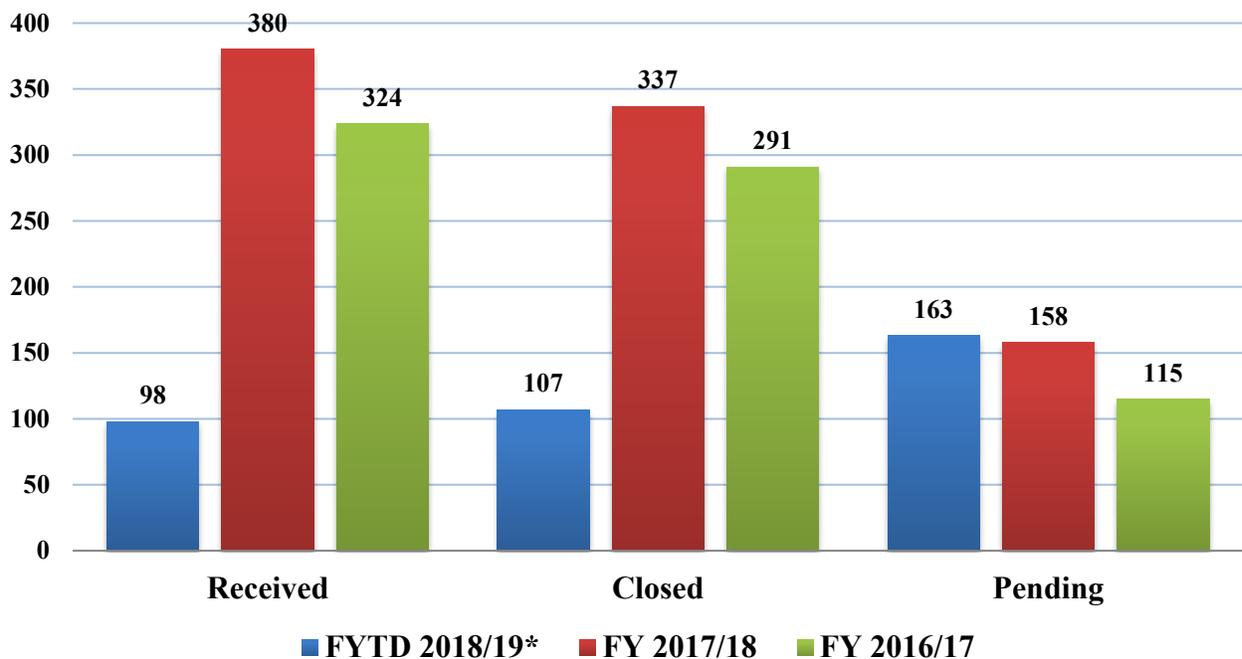
ENFORCEMENT PROGRAM REPORT

Fiscal Years 2016/17 – 2018/19*

Types of Complaints Received FYTD 2018/19*

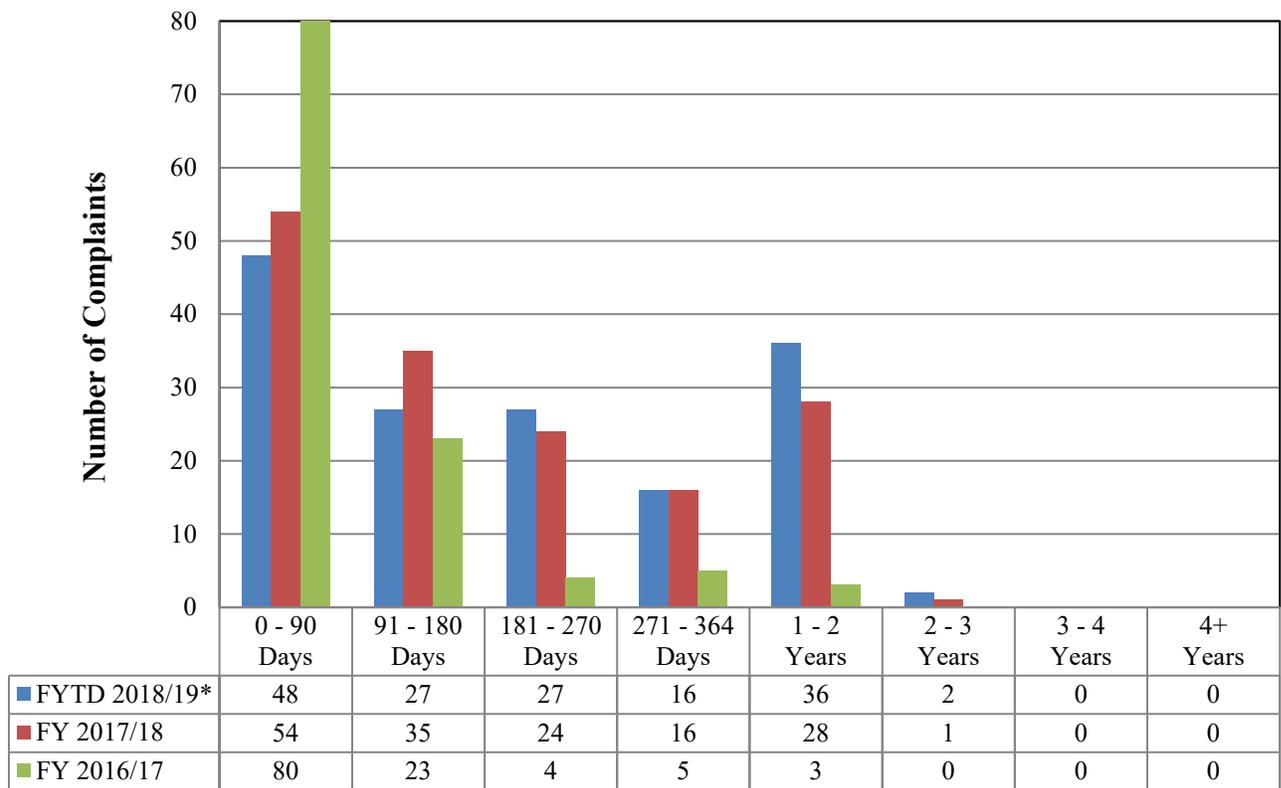


Complaints Received, Closed, and Pending by FY



* FYTD reflects data as of January 31, 2019.

Comparison of Age of Pending Complaints by FY



* FYTD reflects data as of January 31, 2019.

Closure of Complaints by FY

Type of Closure	FYTD 2018/19*	FY 2017/18	FY 2016/17
Cease/Desist Compliance	1	9	67
Citation Issued	30	64	30
Complaint Withdrawn	7	8	6
Insufficient Evidence	12	14	8
Letter of Advisement	31	157	99
No Jurisdiction	5	15	13
No Violation	22	40	52
Referred for Disciplinary Action	2	5	4
Other (i.e., Duplicate, Mediated, etc.)	9	25	12

* FYTD reflects data as of January 31, 2019.

Disciplinary and Enforcement Actions by FY

Action	FYTD 2018/19*	FY 2017/18	FY 2016/17
Disciplinary Cases Initiated	2	4	2
Pending Disciplinary Cases	6	5	4
Final Disciplinary Orders	1	3	4
Final Citations	23	54	32
Administrative Fines Assessed	\$22,250	\$36,000	\$45,750

* FYTD reflects data as of January 31, 2019.

Most Common Violations by FY

During FY 2018/19 (as of January 31, 2019), 28 citations with administrative fines became final with 41 violations of the provisions of the Architects Practice Act and/or Board regulations. The most common violations that resulted in enforcement action during the current and previous two fiscal years are listed below.

Business and Professions Code (BPC) Section or California Code of Regulations (CCR) Section	FYTD 2018/19*	FY 2017/18	FY 2016/17
BPC § 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	24.4%	8.1%	38.0%
BPC § 5536.1(c) – Unauthorized Practice	0%	3.2%	0%
BPC § 5536.22(a) – Written Contract	7.3%	1.6%	14.0%
BPC § 5584 – Negligence or Willful Misconduct	7.3%	1.6%	4.0%
BPC § 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements**	36.6% [†]	77.4% [†]	16.0%
CCR § 160(b)(2) – Rules of Professional Conduct	9.8%	4.8%	6.0%

* FYTD reflects data as of January 31, 2019.

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

† The high percentage of citations for BPC section 5600.05 violations compared to other violations is primarily due to vacancies in the Enforcement Unit.

HEARING ON PETITION FOR REINSTATEMENT OF LICENSE - ARTHUR FRANK KENT

Pursuant to the California Administrative Procedures Act, the California Architects Board will consider a Petition to Reinstate the License in the Matter of the Accusation and Decision against Arthur Frank Kent. This will be a formal hearing. An administrative law judge from the Office of Administrative Hearings will preside over the proceedings. Mr. Kent will be present, and Deputy Attorney General Lauro Paredes will represent the people of the State of California.

The Board will hear and consider evidence regarding Mr. Kent's competence and rehabilitation, as it relates to: 1) the nature and severity of the acts which resulted in the revocation of his license; 2) the time that has elapsed since the commission of the acts; and 3) compliance with the terms of restitution and/or other sanctions lawfully imposed.

After the hearing, the Board will enter closed session to consider and evaluate all competent evidence presented and render a decision in the matter of Mr. Kent's petition.

Attachments:

1. Accusation No. 14-01-001
2. Default Decision and Order dated June 14, 2016
3. Email from Arthur Frank Kent dated June 21, 2016
4. Order Vacating the Default Decision dated June 27, 2016
5. Decision and Order Letter sent on September 13, 2017 and Order dated September 7, 2017
6. Request for Reinstatement of License from Arthur Frank Kent dated January 25, 2019
7. Letter of Reference from Jeff Fredericks received January 30, 2019
8. Letter of Reference from Andy Ziething dated January 29, 2019
9. Letter of Reference from Jeff Benbow dated May 25, 2017
10. Letter of Reference from Theo B. Lassig received January 30, 2019
11. Letter of Reference from Michael W. Ivison dated June 3, 2017
12. Resume for Arthur Frank Kent
13. Sample Contract for Kent Design

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
4 State Bar No. 120482
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
Attorneys for Complainant

9 **BEFORE THE**
10 **CALIFORNIA ARCHITECTS BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 14-01-001

13 **ARTHUR FRANK KENT**
14 **619 16th Street**
Huntington Beach, CA 92648

ACCUSATION

15 **Architect License No. C-15748**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Douglas R. McCauley (Complainant) brings this Accusation solely in his official
21 capacity as the Executive Officer of the California Architects Board (Board), Department of
22 Consumer Affairs.

23 2. On or about May 14, 1985, the Board issued Architect License Number C-15748 to
24 Arthur Frank Kent (Respondent). The Architect License was in full force and effect at all times
25 relevant to the charges brought herein, and expired on November 30, 2015.

26 ///

27 ///

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 5555 states:

5 Licenses to practice architecture remain in full force until revoked or
6 suspended for cause, or until they expire, as provided in this chapter [Chapter 3
(commencing with Section 5500)].

7 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
8 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
9 disciplinary action during the period within which the license may be renewed, restored, reissued
10 or reinstated.

11 **STATUTORY AUTHORITY**

12 6. Section 5536.22 of the Code provides in relevant part:

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

19 (1) A description of services to be provided by the architect to the client.

20 (2) A description of any basis of compensation applicable to the contract and
21 method of payment agreed upon by both parties.

22 (3) The name, address, and license number of the architect and the name and
23 address of the client.

24 (4) A description of the procedure that the architect and the client will use to
25 accommodate additional services.

26 (5) A description of the procedure to be used by either party to terminate the
27 contract.

28

7. Section 5583 of the Code provides:

The fact that, in the practice of architecture, the holder of a license has been
guilty of fraud or deceit constitutes a ground for disciplinary action.

///

///

1 8. Section 5584 of the Code provides:

2 The fact that, in the practice of architecture, the holder of a license has been
3 guilty of negligence or willful misconduct constitutes a ground for disciplinary
4 action.

4 COSTS

5 9. Section 125.3, subdivision (a), states, in pertinent part:

6 Except as otherwise provided by law, in any order issued in resolution of a
7 disciplinary proceeding before any board within the department . . . upon request
8 of the entity bringing the proceedings the administrative law judge may direct a
9 licentiate found to have committed a violation or violations of the licensing act to
10 pay a sum not to exceed the reasonable costs of the investigation and enforcement
11 of the case.

10 FACTS

11 10. On or about August 2, 2013, Respondent was hired by Minh D. (Minh) to prepare site
12 and utility plans to install a commercial trailer on vacant property located at 10207 Bernardino
13 Avenue, in Whittier, California. Respondent did not provide Minh with a written contract for his
14 professional services. On or about August 1, 2013, Minh paid \$320.00 to Respondent for
15 conceptual site plans, and on or about August 22, 2013, Minh paid \$960.00 to Respondent for
16 preliminary drawings. On or about January 26, 2014, Respondent admitted to the Board that
17 Minh gave him a \$773.00 check made payable to the City of Los Angeles Planning Department
18 for permit fees on the project, and that he told Minh that he submitted the drawings to the City.
19 Respondent admitted that he did not submit the drawings or the permit fees to the City of Los
20 Angeles Planning Department, and that he acted unprofessionally. Respondent and Minh agreed
21 to terminate their professional relationship, and Respondent agreed to refund his money.

22 FIRST CAUSE FOR DISCIPLINE

23 (Fraud or Deceit)

24 11. Respondent is subject to disciplinary action under section 5583 in that Respondent
25 committed fraud or deceit by accepting payment for professional services he thereafter failed to
26 perform, and lying about performing the services he promised to perform, as set forth in
27 paragraph 10, above, which is incorporated here by this reference.

28 ///

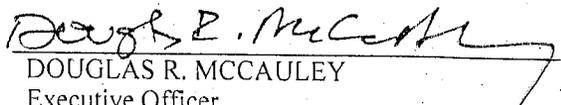
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Architects Board issue a decision:

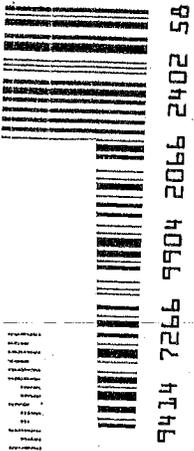
1. Revoking or suspending Architect License Number C-15748 issued to Arthur Frank Kent;
2. Ordering Arthur Frank Kent to pay the California Architects Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/29/2016


DOUGLAS R. MCCAULEY
Executive Officer
California Architects Board
Department of Consumer Affairs
State of California
Complainant

SD2015802876
81261142.doc

Hasler
03/23/2016
US POSTAGE
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Antoinette B
Office of the
600 West Broadway, Suite 1800
San Diego, CA 92101

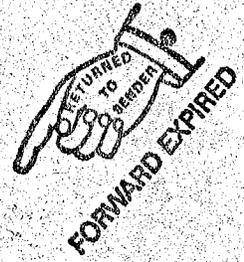
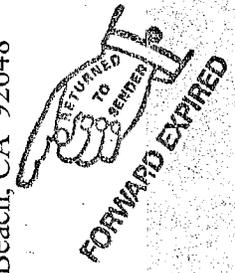
NIXIE 926482819-1N 04/01/16

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER



ATTORNEY GENERAL
325 A 2nd Street
Huntington Beach, CA 92648

4/1



ATTORNEY GENERAL
SAN DIEGO
2016 APR -4 PM 12:15

Antoinette B. Cincotta
Office of the Attorney General
600 West Broadway, Suite 1800
San Diego, CA 92101

Hasler
03/23/2016
US POSTAGE

CINCOTTA

SAN DIEGO
2016 APR -6 PM 2:05

Arthur Frank Kent
325 A 2nd Street
Huntington Beach, CA 92648



FORWARD EXPIRED
04/04/16

NIXIE
926482036-1N

RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER



Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED
USPS® MAIL CARRIER
DETACH ALONG PERFORATION

2. Article Number



9414 7266 9904 2061 6018 87

3. Service Type: CERTIFIED MAIL®

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Arthur Frank Kent
619 16th Street
Huntington Beach, CA 92648

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

Agent
 Addressee

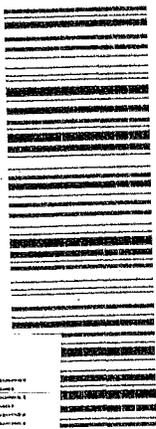
D. Is delivery address different from Item 1?
If YES, enter delivery address below:

Yes
 No

SD2015802876/Acc. Packet
Antoinette B. Cincotta

Thank you for using Return Receipt Service

Haster
03/02/2016
US POSTAGE



9414 7266 9904 2061 6016 87

Antoinette B. Cincotta
Office of the Attorney General
600 West Broadway, Suite 1800
San Diego, CA 92101

ATTORNEY GENERAL
SAN DIEGO

2016 APR -4 PM 12:15

UNCLAIMED

NIXIE 926482004-1N 03/28/16

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER

NAME _____
1ST NOTICE _____
2ND NOTICE _____
RETURN _____



3-46
3-17-16
3-21-16



Edmund G. Brown Jr.
GOVERNOR

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

June 14, 2016

REGULAR AND CERTIFIED MAIL

Arthur Frank Kent
619 – 16th Street
Huntington Beach, CA 92648

RE: In the Matter of Accusation No. 14-01-001

Dear Mr. Kent:

Enclosed is a copy of the Decision in the above referenced matter, which was adopted by the Board on June 9, 2016. The Default Decision and Order sets forth the grounds for disciplinary action and becomes effective on July 14, 2016.

Your Architect's License No. C-15748 is hereby revoked effective July 14, 2016.
You must return your license and wall certificate to this office within 15 days of the effective date of this decision.

Failure to surrender possession of, or continued use of, an architect license that has been revoked is a misdemeanor under Business and Professions Code section 119.

Enclosed are copies of Government Code sections 11521 and 11522 and California Code of Regulations section 110.1.

If you have any questions regarding this matter, please call me at (916) 575-7207 or sonja.ruffin@dca.ca.gov.

Sincerely,


SONJA RUFFIN
Enforcement Analyst

Enclosures

cc: Nicole Trama, Deputy Attorney General

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

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

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Arthur Frank Kent
 619 - 16th Street
 Huntington Beach, CA 92648

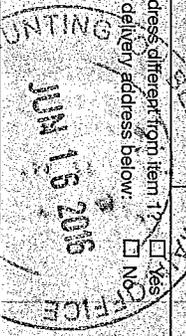
COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) _____ Date of Delivery _____

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

3. Service Type
 Certified Mail®
 Registered
 Insured Mail
 Priority Mail Express®
 Return Receipt for Merchandise
 Collect On Delivery
 Restricted Delivery? (Extra Fee) Yes No



2. Article No. **2012 3460 0003 1548 5489**
 (Transfer) PS Form 3811, July 2013 Domestic Return Receipt *Sony*

**U.S. Postal Service™
 CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

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For delivery information visit our website at www.usps.com

Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To *Arthur Frank Kent*
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4

9489 5489 1548 0003 3460 2012

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8 **BEFORE THE**
9 **CALIFORNIA ARCHITECTS BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **ARTHUR FRANK KENT**
14 **619 16th Street**
15 **Huntington Beach, CA 92648**

16 **Architect License No. C15748**

17 Respondent.

Case No. 14-01-001

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

18 FINDINGS OF FACT

19 1. On or about February 29, 2016, Complainant Douglas R. McCauley, in his official
20 capacity as the Executive Officer of the California Architects Board, Department of Consumer
21 Affairs, filed Accusation No. 14-01-001 against Arthur Frank Kent (Respondent) before the
22 California Architects Board. (Accusation attached as Exhibit A.)

23 2. On or about May 14, 1985, the California Architects Board (Board) issued Architect
24 License No. C15748 to Respondent. The Architect License was in full force and effect at all
25 times relevant to the charges brought in Accusation No. 14-01-001, and will expire on November
26 30, 2017; unless renewed.

27 3. On or about March 2, 2016, Respondent was served by Certified and First Class Mail
28 copies of the Accusation No. 14-01-001, Statement to Respondent, Notice of Defense; Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 5558 and California Code of Regulations, title 16, section 104, is required to be reported
4 and maintained with the Board. Respondent's address of record was and is: 619 16th Street,
5 Huntington Beach, CA 92648. On or about April 4, 2016, the documents sent by Certified Mail
6 were returned by the U.S. Postal Service marked "Return to Sender; Unclaimed; Unable to
7 Forward."

8 4. On or about March 23, 2016, Respondent was re-served by Certified and First Class
9 Mail copies of the Accusation No. 14-01-001, Statement to Respondent, Notice of Defense,
10 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
11 and 11507.7) at an alternate address: 325 A 2nd Street, Huntington Beach, CA 92648. On or
12 about April 4, 2016, the documents sent by Certified Mail were returned by the U.S. Postal
13 Service marked "Return to Sender; Unable to Forward; Forward Expired." On or about April 6,
14 2016, the aforementioned documents sent by First Class Mail were returned by the U.S. Postal
15 Service marked "Return to Sender; Unable to Forward; Forward Expired."

16 5. Service of the Accusation was effective as a matter of law under the provisions of
17 Government Code section 11505, subdivision (c) and/or Business and Professions Code section
18 124.

19 6. Government Code section 11506(c) states, in pertinent part:

20 (c) The respondent shall be entitled to a hearing on the merits if the respondent
21 files a notice of defense . . . and the notice shall be deemed a specific denial of all
22 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
23 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
24 discretion may nevertheless grant a hearing.

25 7. Respondent failed to file a Notice of Defense within fifteen (15) days after service
26 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
27 Accusation No. 14-01-001.

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1 8. California Government Code section 11520(a) states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense . . . or to appear at
3 the hearing, the agency may take action based upon the respondent's express
4 admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent

5 9. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on the
7 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
8 taking official notice of all the investigatory reports, exhibits and statements contained therein on
9 file at the Board's office regarding the allegations contained in Accusation No. 14-01-001, finds
10 that the charges and allegations in Accusation No. 14-01-001, are separately and severally, found
11 to be true and correct by clear and convincing evidence.

12 10. Taking official notice of its own internal records, pursuant to Business and
13 Professions Code section 125.3, it is hereby determined that the reasonable costs for investigation
14 and enforcement is \$2,310.50.

15 DETERMINATION OF ISSUES

16 1. Based on the foregoing findings of fact, Respondent Arthur Frank Kent has subjected
17 his Architect License No. C15748 to discipline.

18 2. The agency has jurisdiction to adjudicate this case by default.

19 3. The California Architects Board is authorized to revoke Respondent's Architect
20 License based upon the following violations alleged in the Accusation which are supported by the
21 evidence contained in the Default Decision Evidence Packet in this case.:

22 a. Respondent is subject to disciplinary action under section 5583 in that Respondent
23 committed fraud or deceit by accepting payment for professional services he thereafter failed to
24 perform, and lying about performing the services he promised to perform.

25 b. Respondent is subject to disciplinary action under section 5584 in that he committed
26 negligence or willful misconduct by accepting payment for professional services he thereafter
27 failed to perform.

28 ///

1 c. Respondent is subject to disciplinary action under section 5536.22, subsection (a), in
2 that he failed to use a written contract, executed prior to the commencement of actual work.

3 ORDER

4 IT IS SO ORDERED that Architect License No. C15748, heretofore issued to Respondent
5 Arthur Frank Kent, is revoked.

6 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
7 written motion requesting that the Decision be vacated and stating the grounds relied on within
8 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
9 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

10 This Decision shall become effective on July 14, 2016.

11 It is so ORDERED June 14, 2016

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14
15 FOR THE CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

16
17 81320257.DOC
DOJ Matter ID:SD2015802876

18 Attachment:
19 Exhibit A: Accusation



CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA GOVERNMENT CODE

11521.(a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to respondent, or on the date set by the agency itself as the effective date of the decision if that date occurs prior to the expiration of the 30-day period or at the termination of a stay of not to exceed 30 days which the agency may grant for the purpose of filing an application for reconsideration. If additional time is needed to evaluate a petition for reconsideration filed prior to the expiration of any of the applicable periods, an agency may grant a stay of that expiration for no more than 10 days, solely for the purpose of considering the petition. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied. (b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to an administrative law judge. A reconsideration assigned to an administrative law judge shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself, no agency member may vote unless he or she heard the evidence.

11522. A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

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

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



CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA CODE OF REGULATIONS

§ 110.1 Criteria for Rehabilitation

- (a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:
- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
 - (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
 - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) Evidence, if any, of rehabilitation submitted by the applicant.
- (b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:
- (1) Nature and severity of the act(s) or offense(s).
 - (2) Total criminal record.
 - (3) The time that has elapsed since commission of the act(s) or offense(s).
 - (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
 - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
 - (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

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CA 95834

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

Ruffin, Sonja@DCA

From: Arthur Kent, AIA <akentarchitects@aol.com>
Sent: Tuesday, June 21, 2016 9:05 PM
To: sonja.ruffin@dca.ca.gov.
Subject: Accusation No. 14-01-001

Dear Sonja Ruffin: My accusation information packet was quite a surprise to me. I mailed the board my response to Mr. Minh's project, with copies of plans, fee proposals and process history. I assumed that, because of no further response from the Board that there was no further action required. In June of 2015 I closed my office here in town. I have been in Austin Texas helping my adult son. I have returned home now. Wed. June 16th I received the accusation packet. Upon closing my office last year I disposed of all drawings and paper work of past projects. I understand and accept responsibility for the non city initial planning submittal. I have a question about the no written contract section 5536.22. We were in the process of establishing a scope of work. Once that was done the a simple contract would have followed. I am requesting a hearing to review my accusation no.14-01-001. Please let me know what my next step will be. Thank you. Art Kent

Arthur F. Kent, AIA
KENT ARCHITECTS
325 A 2nd Street
Huntington Beach CA 92648
702 335-9958



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MEMORANDUM

DATE: June 27, 2016

TO: Antoinette B. Cincotta, Supervising Deputy Attorney General
Office of the Attorney General
600 West Broadway, Suite 1800
San Diego, CA 92101

FROM: California Architects Board
Sonja Ruffin, Enforcement Analyst *Sonja Ruffin*

RE: In the Matter of the Accusation Against: Arthur Frank Kent
Case No. 14-01-001

MESSAGE: Enclosed is an **Order Vacating the Default Decision** issued to Arthur Frank Kent.

Please note that I have sent the Order to Arthur Frank Kent by certified and regular mail to both of the addresses he has on record with the Board, although his address of record is 619 – 16th Street, Huntington Beach, California.

Please set this matter for a hearing. If you have any questions, please contact me.

Enclosure

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

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

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

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BEFORE THE
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 14-01-001

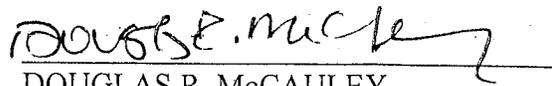
ARTHUR FRANK KENT
619 -16TH Street
Huntington Beach, CA 92648
Architect License No. C 15748

Respondent

ORDER VACATING DEFAULT DECISION

Good cause appearing as set forth in the Motion to Vacate Default Decision dated June 21, 2016, filed by Respondent in the above-entitled matter, the Default Decision and Order heretofore entered on June 14, 2016 with an original effective date of July 14, 2016 is hereby set aside pursuant to Government Code section 11520(c), and this matter shall be set for hearing on the merits in accordance with the Administrative Procedure Act. Respondent shall be notified of the time and place of said hearing when the same has been ascertained.

IT IS SO ORDERED this 27th day of June, 2016


DOUGLAS R. McCAULEY
Executive Officer
California Architects Board
Department of Consumer Affairs
State of California

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 or PO Box No. 619-16th Street
 City, State, ZIP+4 Huntington Beach, CA 92648
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
 Arthur Frank Kent
 619 - 16th Street
 Huntington Beach, CA 92648

COMPLETE THIS SECTION ON DELIVERY

3. Service Type
 Certified Mail®
 Registered
 Insured Mail
 Priority Mail Express™
 Return Receipt for Merchandise
 Collect on Delivery
 Restricted Delivery? (Extra Fee) Yes No

4. Restricted Delivery? (Extra Fee) Yes No

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

A. Signature Agent
 Received by [Signature] Addressee
 B. Received by (Printed Name)
 C. Date of Delivery

2. Article Number: 7032 3460 0003 1548 4703
 (Transfer)
 PS Form 3811, July 2013
 Domestic Return Receipt

5042

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BEFORE THE
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ARTHUR FRANK KENT
325 A 2nd Street
Huntington Beach, CA 92648

Architect License No. C 15748

Respondent

Case No. 14-01-001

ORDER VACATING DEFAULT DECISION

Good cause appearing as set forth in the Motion to Vacate Default Decision dated June 21, 2016, filed by Respondent in the above-entitled matter, the Default Decision and Order heretofore entered on June 14, 2016 with an original effective date of July 14, 2016 is hereby set aside pursuant to Government Code section 11520(c), and this matter shall be set for hearing on the merits in accordance with the Administrative Procedure Act. Respondent shall be notified of the time and place of said hearing when the same has been ascertained.

IT IS SO ORDERED this 27th day of June, 2016

Douglas R. McCauley
DOUGLAS R. McCAULEY
Executive Officer
California Architects Board
Department of Consumer Affairs
State of California

7012 3460 0003 1548 4710

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To *Arthur Frank Kent*
Street, Apt. No.,
or PO Box No. *325 A 2nd Street*
City, State, ZIP+4 *Huntington Beach CA 92648*



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

SENT VIA CERTIFIED AND REGULAR MAIL

September 13, 2017

Arthur Frank Kent
619 16th Street
Huntington Beach, CA 92648

RE: In the Matter of the Accusation Against Arthur Frank Kent
Case No. 14-01-001

Dear Mr. Kent:

Enclosed is a copy of the Proposed Decision in the above-referenced matter, which was adopted by the California Architects Board (Board) as its Decision on September 7, 2017. The Proposed Decision sets forth the grounds for disciplinary action and becomes effective October 13, 2017.

Your Architect License No. C-15748 is hereby revoked effective October 13, 2017. You must return your license, pocket receipt, and wall certificate to the Board's office within 15 days of the effective date of the Decision. Failure to surrender, and possession of, an architect license that has been revoked is a misdemeanor under Business and Professions Code section 119.

Also enclosed are copies of Government Code sections 11521 and 11522, and Title 16, California Code of Regulations section 110.1.

If you have any questions regarding this matter, please contact me at (916) 575-7203 or kristin.walker@dca.ca.gov.

Sincerely,

KRISTIN WALKER
Enforcement Analyst

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

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

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

Enclosures

cc: Ron Espinoza, Deputy Attorney General

BEFORE THE
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ARTHUR FRANK KENT,
Architect License No. C-15748,

Respondent.

Case No. 14-01-001

OAH No. 2016110572.1

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the California Architects Board as its Decision in the above-entitled matter, except that, pursuant to Government Code section 11517(c)(2)(C), typographical errors in the Proposed Decision are corrected as follows:

- 1) On page 2, paragraph 6, line 1, "Ming" is corrected to read "Minh" and "barber shops" is corrected to read "barbershops."
- 2) On page 3, line 3, "gave respondent with a check" is corrected to read "gave respondent a check."
- 3) On page 3, paragraph 10, line 2, "planning department office" is corrected to read "Planning Department."
- 4) On page 3, paragraph 10, line 5, "Angles" is corrected to read "Angeles."
- 5) On page 4, paragraph 12, line 2, "Bachelors" is corrected to read "Bachelor."
- 6) On page 5, line 1, "Angles" is corrected to read "Angeles."
- 7) On page 9, paragraph 1, line 3, "(2001)" is corrected to read "(2002)."
- 8) On page 11, paragraph 11, item g, line 2, "conditions" is corrected to read "terms."

The technical modifications made above do not affect the factual or legal basis of the Proposed Decision, which shall become effective on October 13, 2017.

IT IS SO ORDERED this 7th day of September, 2017.



MATTHEW MCGUINNESS
PRESIDENT
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

BEFORE THE
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ARTHUR FRANK KENT,
Architect License No. C-15748

Respondent.

Case No. 14-01-001

OAH No. 2016110572.1

PROPOSED DECISION

Administrative Law Judge Debra D. Nye-Perkins heard this matter on June 7, 2017, at the Office of Administrative Hearings in San Diego, California.

Ron Espinoza, Deputy Attorney General, represented complainant Douglas R. McCauley, Executive Officer, California Architects Board.

Respondent Arthur Frank Kent represented himself.

The matter was submitted on June 7, 2017.

FINDINGS OF FACT

Jurisdictional Background

1. On February 29, 2016, complainant, in his official capacity as the Executive Officer of the California Architects Board, signed the accusation in case number 14-01-001 seeking the revocation of respondent's architect license no. C-15748 based upon allegations that respondent committed fraud or deceit in violation of Business and Professions Code¹ section 5583; committed negligence or willful misconduct in violation of section 5584; and failed to use a written contract executed prior to the commencement of actual work in violation of section 5536.22, subdivision (a). All of the allegations in the accusation are based upon an agreement between respondent and Minh Dang for respondent to perform

¹ All section references are to the Business and Professions Code unless otherwise indicated.

work to prepare site and utility plans to install a commercial trailer on vacant property in Whittier, California.

2. On June 14, 2016, the Board issued a Default Decision and Order, effective July 14, 2016, revoking respondent's architect license based upon respondent's failure to timely appeal the accusation.

3. On June 27, 2016, the Board issued an Order Vacating Default Decision based upon respondent's motion dated June 21, 2016, requesting that the Board vacate the default decision. The Board found good cause to vacate the default decision and this hearing followed.

License History

4. The California Architects Board granted License Number C-15748 to respondent on May 14, 1985. Respondent's license is scheduled to expire on November 30, 2017, unless renewed or revoked.

5. Respondent's license has been the subject of one prior disciplinary action. Pursuant to a stipulated settlement, respondent's license was revoked on April 27, 2007. The revocation was stayed, and respondent was placed on probation for a period of six years with certain terms and conditions, including a suspension of his license from April 27, 2007, to September 22, 2007. Respondent successfully satisfied the terms and conditions of his probation, and his license was fully restored on April 27, 2013.

Minh Cong Dang's Testimony

6. Ming Cong Dang owns and operates two barber shops, one in Loma Linda, California and the other in Palms, California. Mr. Dang is currently building his third barbershop on a vacant lot in Whittier, California. Mr. Dang has been in the barbershop business for about seven years.

7. In 2013 Mr. Dang hired respondent to help him with putting a pre-fabricated building on a vacant lot in Whittier, California in preparation for opening his third barbershop. Mr. Dang contacted respondent by telephone and set up an appointment to meet him at a Starbucks on August 1 or 2, 2013. At that first meeting, Mr. Dang informed respondent that this was his first building project and he needed respondent's assistance to guide him through the process. Respondent informed Mr. Dang at that meeting that he was going to draw up plans for the project and submit them to the County of Los Angeles for approval and to obtain the required permits prior to construction. During this first meeting, respondent did not tell Mr. Dang the cost of the entire project, but instead he provided Mr. Dang with his hourly rate of \$160 per hour. Mr. Dang testified that he had an understanding that respondent would be billing him on an hourly basis. Mr. Dang further testified that he hired respondent for the job at this first meeting, however, respondent never provided him with a written contract for the project. Also at the first meeting, respondent provided Mr.

Dang with a handwritten invoice for his initial fees for going to the site and completing a feasibility study, and for visits to the county in the amount of \$320. Mr. Dang testified that he gave respondent with a check in that amount, which respondent cashed.

8. Mr. Dang's second meeting with respondent took place on August 15, 2013. Mr. Dang testified that the purpose of this second meeting was to follow up on the first meeting, and to review preliminary drawings respondent created prior to respondent submitting them to the County of Los Angeles for review. Mr. Dang testified that at the second meeting, respondent told him that respondent would submit these drawings to the County of Los Angeles. At this second meeting, respondent provided Mr. Dang with another handwritten invoice for the costs associated with creating the drawings totaling \$960. Mr. Dang provided respondent a check for payment of that \$960 on August 22, 2013, which respondent cashed. Mr. Dang testified that in addition to providing respondent with a check in the amount of \$960, he also provided respondent with a check made out to the County of Los Angeles in an amount over \$700 to be submitted to the county, along with the drawings, as the county fee for its review. Mr. Dang testified that respondent told him that he would take the check and the drawings to the County of Los Angeles to submit them for review, a process that would take about six to eight weeks.

9. Mr. Dang stated that two or three months passed after the second meeting with respondent, during which time Mr. Dang heard nothing from respondent or the County of Los Angeles. Mr. Dang decided to contact respondent by telephone for a status check. Mr. Dang asked respondent what was happening and informed respondent that his check made out to the County of Los Angeles had not yet been cashed. Mr. Dang testified that respondent told him that he had submitted the drawings and the check to the County of Los Angeles and was simply waiting. At the end of the telephone conversation, Mr. Dang requested an appointment with respondent to meet and go to the County of Los Angeles together to inquire about the status of the drawing review. Respondent agreed. Thereafter, Mr. Dang went to respondent's office in Huntington Beach and asked respondent if he had submitted the drawings and the check. Mr. Dang testified that again respondent told him that he had submitted both the drawings and the check to the county and was just waiting for its response. At this meeting Mr. Dang and respondent agreed to go to the County of Los Angeles together the next week to check on the status.

10. About one week after the meeting at respondent's office in Huntington Beach, Mr. Dang met respondent at the County of Los Angeles planning department office. Mr. Dang stated that he and respondent walked into the building together and up to the counter of the office. At that point Mr. Dang observed respondent open a manila file folder and inside he saw the drawings and the check made out to the County of Los Angeles. Mr. Dang became angry because it was immediately apparent that respondent had never submitted the drawings or the check as he had previously stated. Mr. Dang stated that three months had passed since the meeting with respondent where respondent stated he would submit the drawings and the check, but he never did. Mr. Dang further stated that the County of Los Angeles informed them on that day that they would not accept the drawings because the drawings were not "made to scale" and Mr. Dang's name was misspelled on the drawings. Mr. Dang

confronted respondent that day and asked why he had not previously submitted the drawings and the check, despite respondent's representations that he had. Mr. Dang stated that on that day he and respondent decided to part ways and end their agreement, and respondent agreed to refund all payments to Mr. Dang. Mr. Dang testified that he gave respondent three to four months to pay him back all of the money, and eventually respondent did pay all of the money back to Mr. Dang.

11. Mr. Dang stated that he was forced to hire another architect to complete the project, and that new architect could not use the drawings made by respondent because those drawings did not comply with code requirements and contained numerous errors. Mr. Dang stated that he also did not want to use respondent's drawings because respondent was going to refund all of the money paid. Mr. Dang simply started the project again from scratch with another architect. Mr. Dang testified that because of respondent's three month delay in submitting the drawings, the entire project was delayed for about six months total.

Robert Lester Carter's Testimony

12. Robert Lester Carter has been a licensed architect in California since 1974. He obtained his Bachelors of Architecture degree from California Polytechnic State University in San Luis Obispo in 1970. During his career as an architect, Mr. Carter's practice focused on buildings in the public sector, such as schools, jails, post offices, and federal courthouses. Mr. Carter has had a long career as an architect and has worked for various large and small architecture and engineering firms, as well as a sole practitioner with his own business. Mr. Carter has worked for the Board as an independent contractor since 1998. His work for the Board consists of providing technical expertise to the Board members and consultation with regard to various violations of the Architects Practice Act. Mr. Carter has provided consultation services to the Board on about 780 different cases. Mr. Carter stated that the Board retained him in this matter to review documents and information to determine if respondent violated the Architects Practice Act in this matter.

13. Mr. Carter testified that a conceptual site plan is the initial concept plan developed after the first site visit describing in generic terms what you wish to build on the site. Mr. Carter stated that the conceptual site plan is usually submitted to the county planning department for review. He stated that this is the first step in getting a project approved by the county and involves a determination of whether the zoning and other ordinances are met. Mr. Carter stated that the next step is to develop design drawings and some county jurisdictions require review of those documents as well. The next step is development of the construction drawings, which are much more detailed. The construction drawings must be submitted to the county for a thorough review to make sure that all codes and regulations are met prior to the issuance of a construction permit.

14. Mr. Carter testified that he reviewed the drawings completed by respondent for Mr. Dang and noted that the drawings were preliminary drawings and were not construction drawings because they lacked the necessary detail. Mr. Carter concluded that the preliminary drawings completed by respondent were insufficient for any review to be done

by the County of Los Angeles. Mr. Carter stated that the drawings included deficiencies regarding accessibility and would not have been approved by any jurisdiction in California. Mr. Carter stated that the standard of care for such work would require that either respondent create more acceptable drawings for review by the County of Los Angeles, or respondent submit these drawings to the County of Los Angeles to determine their deficiencies prior to correcting them. However, in this case respondent did not submit the drawings to the County of Los Angeles at all. As a result, Mr. Carter concluded that respondent failed to meet the standard of care of an architect because he failed to submit the drawings to the County of Los Angeles as he had represented to his client. Mr. Carter opined that such a departure from the standard of care constitutes negligence. Mr. Carter further stated that it is important for architects to timely submit drawings for approval to counties because counties can take a long time for approval thereby impacting the time frame for project completion.

15. Mr. Carter further stated that he is very familiar with section 5536.22, which requires that architects have an executed written contract with a client before drawings are done in all cases, except those where the client knowingly states in writing that no such written contract is required, or except if the work is being done on a pro bono basis, or except in other listed cases. Mr. Carter noted that none of the exceptions to the general rule of section 5536.22 applied in this case and respondent was required to have an executed written contract with Mr. Dang prior to creating drawings, and he failed to do so. As a result, Mr. Carter opined that respondent deviated from the standard of care of an architect in California and his deviation constituted negligence. Mr. Carter further stated that he was aware that respondent refunded all the money Mr. Dang had paid. However, Mr. Carter clarified that respondent's negligent acts were not corrected by the refund.

Respondent's Testimony

16. Respondent is 67 years old and has been licensed in California as an architect since 1980. He graduated from Southern California Institute of Architecture with a Bachelor of Architecture degree in 1977. He has been a building designer since 1974 and has worked as a residential architect since 1980. He initially practiced at an architecture firm in Newport Beach, California. In 1996 he started working as an architect on his own, working primarily on residential homes from his garage. Also, in 1996 he began working as an adjunct instructor at a local junior college in the architecture department. Respondent continued to work as an adjunct instructor in architecture at that local junior college for 16 years until they abandoned the architecture program. After leaving the local junior college, respondent continued to work on his own as an architect, primarily with residential room additions and some minor commercial work. He currently has no employees and is working on 24 projects, all of which are small residential projects.

17. Respondent admitted to all of the allegations in the accusation. He stated that he is simply at the hearing "to accept [his] punishment." Respondent specifically admitted that he did not provide a written contract to Mr. Dang for his project. Respondent stated that it is his general practice to provide clients with a form document with spaces where he can insert information like the client's name and contact information, as well as his hourly billing

rate. However, he did not do so for his work for Mr. Dang. He stated that he ordinarily does not provide the form document until he knows the scope of the project with a client and after he determines that, he will provide the form document. However, respondent also admitted that his general practice in doing so does not meet the requirements of the Architects Practice Act.

18. Respondent further admitted that, with regard to the submission of his drawings to the County of Los Angeles on behalf of Mr. Dang, he lied to Mr. Dang and told him that he had submitted the drawings and the check, when in fact he had not done so. Respondent also wrote a letter to the Board explaining the circumstances of this case and with regard to his failure to timely submit the drawings he wrote:

[Mr. Dang] paid my invoice for \$960.00 See provided copy check #655 copy of submittal plans to follow. Mr. Dang also provided me with a \$773.00 check made out to county of Los Angeles.

HERE BEGINS THE PROBLEM!

Mr. Dang intrusted [sic] me that I would submit copy's [sic] of the plans, forms & his check to the county of Los Angeles Planning Dept.

I DID NOT, & I TOLD HIM I DID – NO EXCUSES, I just did not act professionally.

Respondent testified that the first time he lied to Mr. Dang was on the telephone when Mr. Dang called about two months after their last meeting asking about the status of the drawings. Respondent testified that he told Mr. Dang on the call that he had already submitted the drawings and the check, but in reality he had not. Respondent stated that he also lied to Mr. Dang about his submission of the drawings and check when Mr. Dang came to his office. Respondent admitted that the first time Mr. Dang learned of respondent's failure to submit the drawings and check was when they went to the planning department together. Respondent further admitted that his drawings were not acceptable to the County of Los Angeles because they did not meet the code for parking requirements, had reference to the wrong city and applied the requirements for fire systems from the City of Huntington Beach when the project was in Whittier.

19. Respondent stated that he paid Mr. Dang back all the money paid to him and did so within six weeks after Mr. Dang terminated his services. Respondent made the payments to Mr. Dang in three separate payments. Respondent stated that he did not pay Mr. Dang in a lump sum payment because his finances would not allow him to do so.

20. Respondent also testified that he has had prior discipline to his California architect license. Specifically, the Board filed an accusation against respondent, and

respondent entered into a stipulated settlement regarding that matter. The stipulated settlement was adopted by the Board, and respondent's license was suspended for 150 days, and thereafter placed on probation for six years beginning in 2007. Respondent testified that he admitted the allegations in that accusation in his stipulation. Respondent also testified at this hearing that he was disciplined in that matter because he submitted a false and incorrect soils report to the City of Huntington Beach by changing the address on a previous soils report. Respondent was caught in this act because the City of Huntington Beach plan checker noticed that the soils report had been altered. Respondent stated that he believed that his behavior in that matter was unethical but did not constitute fraud. Respondent further admitted that with regard to that project, he also failed to have a written contract prior to starting work. Respondent completed his probationary period successfully in April 2013, a mere four months prior to agreeing to work with Mr. Dang for his project and doing so without a written contract.

Respondent's Documentary Evidence

21. Respondent provided his resume, blank fee proposal forms he generally uses in his practice but did not use with Mr. Dang, and four letters of reference. Each of the four letters of reference was written by respondent's friends and is summarized below.

The first letter was written by Jeff Benbow on May 25, 2017. Respondent testified that he has known Mr. Benbow since 1976, and he asked Mr. Benbow to write this letter because his "license was being reviewed for unprofessional practice." Mr. Benbow wrote that he has known respondent for 30 years and has worked with him over the years because Mr. Benbow was a construction worker on respondent's architectural projects. He wrote that he trusts respondent's work and his word. Mr. Benbow is now a building inspector and characterized respondent as polite, professional, knowledgeable, courteous and dependable.

The second letter was written by William Whetstone, a friend and client of respondent's. Respondent testified that he has known Mr. Whetstone for nine years. Respondent testified that he asked Mr. Whetstone for this letter because respondent "was being reviewed for unprofessional acts." Respondent stated that he never told Mr. Whetstone that he needed the letter so that he could renew his license, despite what Mr. Whetstone wrote in his letter. Specifically, Mr. Whetstone wrote that he had "been asked to provide a letter attesting to the character of Mr. Art Kent, an architect upon occasion of renewal of his license." Respondent stated that Mr. Whetstone must have misunderstood his request. Mr. Whetstone wrote that respondent was a faithful member of his church who "follows the teachings and the gospel of Jesus Christ in his personal life and his business."

The third letter was written by Theo Lassig, a friend and client of respondent. Respondent testified that he has known Mr. Lassig for 40 years and has completed two architect projects for him. Respondent stated that he asked Mr. Lassig for this letter and told him that he was being reviewed for not acting professionally on a project in Whittier. Respondent stated that he did not tell Mr. Lassig about his prior license discipline. Mr. Lassig wrote that he has known respondent for 40 years, and respondent serves in his church.

Mr. Lassig further wrote that respondent is principled, trustworthy, helps others, understanding, and would never compromise his principles for any reason.

The fourth and final letter was written by Michael Ivison, a friend of respondent. Respondent testified that he has known Mr. Ivison for four or five years from church. Respondent further stated that he has been involved in a kitchen addition project for Mr. Ivison in Huntington Beach. Respondent stated that he asked Mr. Ivison to write this letter because his license was being reviewed for unprofessional conduct. Mr. Ivison wrote that he attests to respondent's skills as an architect, citizen, volunteer, and youth leader. Mr. Ivison wrote that respondent is a selfless individual and is his son's scout leader and youth volunteer at his church. He further wrote that respondent exceeds his expectations as an individual of character and a professional.

Costs of Investigation and Enforcement

22. The Board's Executive Officer signed a certification of investigative costs. That certification stated that 16.5 hours of investigative services from Barry Williams were billed at a rate of \$72 per hour, and 5.5 hours of investigative services from Robert Carter were billed at a rate of \$80 per hour. A total of \$1,628 was claimed for the costs of investigation. The certification failed to provide any description of the services provided by either of these investigators. The certification did not contain facts sufficient to support any finding regarding the Board's actual costs incurred or the reasonableness of investigative services. The certification did not describe the general tasks performed or the time spent on each task. An award for investigative costs cannot be issued because inadequate evidence was provided to support an award.

23. A certification of prosecution costs was signed by the Deputy Attorney General who prosecuted this action. The declaration stated that the deputy requested a billing summary for the case that was maintained by the Department of Justice. That billing summary was produced, and it was attached to the deputy's declaration. In contrast to the Board's certification, the billing summary contained each date on which legal services were provided, the nature of the task performed that day, the time spent that day performing a particular task, and the billing rate of the persons providing legal services. The billing rate for attorney services was \$170 per hour. The billing rate for paralegal services was \$120 per hour. These are reasonable rates. The time spent in the prosecution of the matter was reasonable given the complexity of the case and the volume of documents that had to be reviewed. The billing summary documented enforcement costs of \$7,485. The declaration and attachment supported an award of enforcement costs of \$7,485.

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LEGAL CONCLUSIONS

Purpose of License Discipline

1. Administrative proceedings to revoke, suspend or impose discipline on a professional license are noncriminal and nonpenal; they are not intended to punish the licensee but rather to protect the public. (*Griffiths v. Superior Court* (2001) 96 Cal.App.4th 757, 768.) The main purpose of license discipline is protection of the public through the prevention of future harm and the rehabilitation of the licensee. (*Ibid.*, at p. 772.)

Burden and Standard of Proof

2. In disciplinary administrative proceedings, the burden of proving the charges rests on the party making the charges. The obligation of a party to sustain the burden of proof requires the production of evidence for that purpose. (*Brown v. City of Los Angeles* (2002) 102 Cal.App.4th 155, 175.)

3. The standard of proof in an administrative action seeking to suspend or revoke a professional license is "clear and convincing evidence." (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) "Clear and convincing evidence" requires a finding of high probability, or evidence so clear as to leave no substantial doubt; sufficiently strong evidence to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.)

Applicable Statutes and Regulations

4. Business and Professions Code section 5536.22, subdivision (a), provides:

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 services to be provided by the architect to the client.
- (2) A description of any basis of compensation applicable to the contract and method of payment agreed upon by both parties.

(3) The name, address, and license number of the architect and the name and address of the client.

(4) A description of the procedure that the architect and the client will use to accommodate additional services.

(5) A description of the procedure to be used by either party to terminate the contract.

5. Business and Professions Code section 5583 provides:

The fact that, in the practice of architecture, the holder of a license has been guilty of fraud or deceit constitutes a ground for disciplinary action.

6. Business and Professions Code section 5584 provides:

The fact that, in the practice of architecture, the holder of a license has been guilty of negligence or willful misconduct constitutes a ground for disciplinary action.

Cause Exists to Discipline Respondent's License

7. Clear and convincing evidence established cause to discipline respondent's license for violation of section 5536.22, subdivision (a), in that respondent failed to use a written contract when contracting with Mr. Dang for his Whittier project.

8. Clear and convincing evidence established cause to discipline respondent's license for violation of section 5583, in that respondent repeatedly and purposely lied to Mr. Dang regarding the status of submission of the drawings and check for the Whittier project, thereby constituting fraud and deceit in violation of this section.

9. Clear and convincing evidence established cause to discipline respondent's license for violation of section 5584, in that respondent purposely failed to submit the drawings and check from Mr. Dang to the County of Los Angeles in a timely manner as required, and thereafter lied to Mr. Dang about his misconduct. Respondent's acts in this regard constitute negligence or willful misconduct in violation of this section.

Disciplinary Guidelines

10. California Code of Regulations, title 16, section 154, provides that in reaching a decision in a disciplinary action under the Administrative Procedure Act, the Board must consider its disciplinary guidelines.

11. Those Disciplinary Guidelines contain factors to be considered when determining the appropriate disciplinary penalty, including:

- a. Nature and severity of the act(s), offenses, or crime(s) under consideration.
- b. Actual or potential harm to any consumer, client or the general public.
- c. Prior disciplinary record.
- d. Number and/or variety of current violations.
- e. Mitigation evidence.
- f. Rehabilitation evidence.
- g. In the case of a criminal conviction, compliance with conditions of sentence and/or court-ordered probation.
- h. Overall criminal record.
- i. Time passed since the act(s) or offense(s) occurred.
- j. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
- k. Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.

12. Under the guidelines, the recommended discipline for violation of Business and Professions Code section 5583 (fraud or deceit) is a maximum discipline of revocation and a minimum discipline of revocation stayed with 90 days actual suspension and five years' probation with terms and conditions. The recommended discipline for violation of Business and Professions Code section 5584 (negligence or willful misconduct) is a maximum discipline of revocation and a minimum discipline of revocation stayed with 90 days actual suspension and five years' probation with terms and conditions. The guidelines provide no specific recommendations for discipline for violation of section 5536.22, subdivision (a).

Evaluation

13. Respondent admitted to all of the allegations in the accusation. He provided no excuses for his actions and fully accepted responsibility for those actions. Notably, respondent had completed his six year probation on his architect license only four months prior to committing the acts alleged in this accusation. Specifically, respondent did not use a written contract for his work for Mr. Dang despite the fact that he had admitted to that violation of the Architects Practice Act in 2007 for failure to use a written contract. Furthermore, despite prior discipline on his license for deceitful acts regarding alteration of a soil report, respondent again committed acts of fraud and deceit by lying to Mr. Dang regarding the status of the submission of the drawings and delivery of the check to the County of Los Angeles. Respondent's repeated acts of deceit are extremely serious. While he did repay Mr. Dang the fees provided to him over a period of a couple of months, his willful or negligent act of failing to submit the drawings and check to the County of Los

Angeles cost Mr. Dang precious time in the completion of his project. While respondent did provide letters of recommendation from four individuals, it was unclear whether those individuals truly understood the reason for their letters, and respondent admitted that at least one of the individuals had no knowledge of his prior license discipline. Furthermore, respondent failed to provide any real assurance that he will not commit such deceitful and fraudulent acts in the future.

Given the very serious nature of his misconduct, his prior license discipline, and his failure to provide any assurance that he will not engage in such acts in the future, the only appropriate discipline in this case that provides public protection is revocation.

Costs of Investigation and Enforcement

14. The Board seeks its costs of investigation and enforcement under Business and Professions Code section 125.3.

15. *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, held that a regulation imposing costs for investigation and enforcement under California Code of Regulations, title 16, section 317.5, which is similar to the Board's cost recovery statute, did not violate due process. However, it was incumbent on the agency to exercise discretion to reduce or eliminate cost awards so that the costs imposed do not deter respondents with potentially meritorious claims or defenses from exercising their right to a hearing.

The California Supreme Court set forth four factors that should be considered in deciding whether to reduce or eliminate costs: (1) whether the licensee used the hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed; (2) whether the licensee had a "subjective" good faith belief in the merits of his position; (3) whether the licensee raised a "colorable challenge" to the proposed discipline; and (4) whether the licensee had the financial ability to make payments. The reasoning of *Zuckerman* must be applied to Business and Professions Code section 125.3.

16. Respondent provided no evidence regarding his current financial state and ability to pay the costs associated with this matter.

17. After applying the *Zuckerman* criteria in the instant matter, it is concluded that it is reasonable to require respondent to pay the prosecution costs. That amount is reasonable pursuant to Business and Professions Code section 125.3. If respondent's license is reinstated, the Board shall be entitled to recover \$7,485 from the respondent for its costs of enforcement.

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ORDER

1. Architect License No. C-15748 issued to respondent Arthur Frank Kent is revoked.

2. If respondent's license is reinstated, respondent shall pay to the Board the costs associated with its enforcement pursuant to Business and Professions Code Section 125.3, in the amount of \$7,485. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

Date: July 6, 2017

DocuSigned by:

Debra Nye-Perkins

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DEBRA D. NYE-PERKINS

Administrative Law Judge

Office of Administrative Hearings



CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA GOVERNMENT CODE

11521.(a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to respondent, or on the date set by the agency itself as the effective date of the decision if that date occurs prior to the expiration of the 30-day period or at the termination of a stay of not to exceed 30 days which the agency may grant for the purpose of filing an application for reconsideration. If additional time is needed to evaluate a petition for reconsideration filed prior to the expiration of any of the applicable periods, an agency may grant a stay of that expiration for no more than 10 days, solely for the purpose of considering the petition. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied. (b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted, or may be assigned to an administrative law judge. A reconsideration assigned to an administrative law judge shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself, no agency member may vote unless he or she heard the evidence.

11522. A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

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CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA CODE OF REGULATIONS

§ 110.1 Criteria for Rehabilitation

- (a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:
- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
 - (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
 - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) Evidence, if any, of rehabilitation submitted by the applicant.
- (b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:
- (1) Nature and severity of the act(s) or offense(s).
 - (2) Total criminal record.
 - (3) The time that has elapsed since commission of the act(s) or offense(s).
 - (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
 - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
 - (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

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ARTHUR F. KENT
714/272-1624
Serving Orange County Since 1973

Received

JAN 30 2019

California Architects Board

25 JAN. 2019

REINSTATEMENT
REQUEST OF
ARCHITECTURAL
LICENCE - C 15748
FOR ART KENT

I AM REQUESTING THAT MY CALIFORNIA ARCH.
LICENCE BE REINSTATED.

MY LICENCE WAS REVOKED EFFECTIVE, OCT. 13 2017

FROM THAT TIME TO THE PRESENT I HAVE BEEN
WORKING AS A DESIGN CONSULTANT FOR LOCAL
CONTRACTORS IN ORANGE COUNTY, IN SO. CAL.

I HAVE PROVIDED REFERENCE LETTERS FROM A
FEW OF THEM FOR YOUR REVIEW

I AM INVOLVED WITH THE LOCAL COMMUNITY. I HAVE
BEEN A LITTLE LEAGUE BASEBALL COACH FOR THE
PAST 7 YEARS HELPING ADULT FRIENDS WITH
THEIR BOYS TEAMS

I AM A CUBSCOUT LEADER WITH A HUNTINGTON
BEACH CUB SCOUT PACK. WORKING WITH THE
10 YEAR OLD BOYS.

IN 2017 TO PRESENT I AM ASSOCIATED WITH AN
ADDICTION RECOVERY 12 STEP PROGRAM. I AM
A COUNSELOR WITH THIS GROUP HELPING PEOPLE
OF ALL AGES WITH THEIR SITUATIONS IN LIFE.



I AM CURRENTLY BEING COUNCELED WITH THIS
12 STEP PROGRAM. I AM WORKING ON MY
COMMUNICATION SKILLS AND LEARNING HOW
TO BECOME HONEST AND THAT RESPONSIBILITY.
AND DEVELOPING A MORE PROFESSIONAL CHARACTER

I AM TO BEGIN A PRO. PRACTICE ETHICS COURSE
WITH AIAA: ETHICS IN ARCHITECTURE AT THE FEB. MONTH

I AM IN HOPES THAT MY PETITION TO REINSTATE
MY ARCHITECTURAL LICENCE WILL BE ACCEPTABLE
TO THE CALIFORNIA ARCHITECTURAL BOARD.

THANK YOU

A handwritten signature in black ink, appearing to read "Arthur F. Kent".

ARTHUR. F. KENT

Received

JAN 30, 2019

California Architects Board

My name is Jeff Fredricks. I am a building contractor with over thirty years experience. During 2017 I used Art Kent as a design consultant with various projects of mine. I have always found Art to be very professional. Art has always done what he said he would do. He communicates very well and is always keeping me up to date on the development of the project plans and the issues with the cities that we work in. I hope this letter will help with reinstating Art's architectural license.

Thank you,

Jeff Fredricks
714-717-8986

A handwritten signature in black ink, appearing to read "Jeff Fredricks". The signature is fluid and cursive, with a long horizontal stroke at the end.

Received

JAN 30 2019

California Architects Board

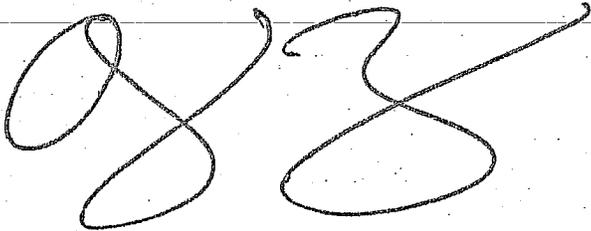
Andy Ziething
General Contractor
16082 Craig Lane
Huntington Beach CA 92647
Lic # 603579

To Whom It May Concern

I, Andy Ziething has had the privilege of working with Mr. Art Kent for the last several years. We have achieved many projects together for Residential design plans for several of my clients.

Mr. Kent has always been available and professional on all aspects. I would recommend Mr. Kent to any client.

Sincerely,



1-29-19

Andy Ziething

Received

JAN 30 2019

California Architects Board

Received

JAN 30 2019

May 25, 2017

California Architects Board

To Whom It May Concern,

I am writing on behalf of Art Kent. I have known Art for nearly thirty years and have had many opportunities to work with him over the years. We met on mutual construction sites where he was the architect on the job and I was working in the construction aspect of the job. In all of the meetings with Art, he has always been polite, courteous, professional and dependable. He was always available to concerns or a problem that may have arose on a site and was quick to resolve the areas that were in his area of expertise.

In the past fifteen years, I have dealt with him from a slightly different aspect. He has often been the architect on a job, but now I was there as a building inspector. To this day, Art remains as professional, knowledgeable, courteous and dependable as ever. If another inspector or I have questions or need clarification, he is always willing to help.

I have referred Art to many people looking for an architect most specifically because I trust his work and his word. I do not usually hold people with such high regard but Art has proven to me on many occasions that he deserves this level of respect.

Sincerely,



Jeff Benbow
Building Inspector

Received

JAN 30 2019

To whom it may concern.

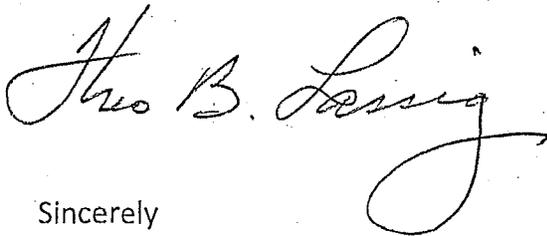
California Architects Board

I have been asked to write a letter of recommendation for Mr. Art Kent. I am very pleased to do this for him.

I first meet Art some 40 years ago. Ours was a casual friendship at first, but over the years has turned into something much more. I have known him and his wife Pati to be a couple of great capacity as they have served within our Church.

My observation of Art for these many years has provided me with a vision of, and a great understanding of him. He is a principled man with the capacity of understanding and willingness to work with and help others where he can. He has always been one who steps out to help others. He is not judgmental but rather understanding and helpful to all he knows. He is kind and understanding in working with all kinds of people. Art is a man who would never compromise his principals for any reason. It may not be in his best interest to do this, but with that said, he has and will always do the right thing because that is who he is, and will be forever. Because of these things you always know you can put your trust in him. You know in time of need he will be there for whatever you may need.

I find myself in his company often as one of his clients. I have been privileged to call him my friend. Our friendship has lasted for many years and I can only hope that it will last for the rest of my life.



Sincerely
Theo B. Lassig

Received

JAN 30 2019

Michael W Ivison
822 San Nicolas Circle
Huntington Beach, CA 92648
801-599-3645
iviski@yahoo.com

California Architects Board

03 June 2017

To whom it may concern,

I give my highest recommendation on behalf of Art Kent of Kent Architects. I have known Mr. Kent for five years and can attest to his skills as an architect, citizen volunteer and youth leader.

I recently chose Kent Architects for a kitchen addition to our home in Huntington Beach, California. Art was extremely professional and courteous throughout the project. During the idea/planning phase, he offered ideas saving us money and increasing functionality of our new space. He included us in every phase of the project and went over every detail. Our general contractor, Cary Taylor, was extremely pleased with the plans and has commented to me how thorough they were and how easy it has been to work with him. Art personally oversaw the progress with the city of Huntington Beach and made sure it was smooth and timely. I recommend Art Kent as a highly satisfied customer.

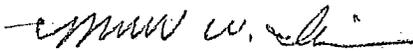
Mr. Kent is a selfless individual and gives back immensely to the community. He has been my two son's Scout leader as well as youth volunteer with our church. He spends countless hours preparing and executing fun, enriching activities. He is also currently helping my oldest son gain his architecture merit badge.

Mr. Kent is also a Presidentially nominated volunteer for the Selective Service System. This volunteer position is highly selective and required him to go through an extremely stringent interview and background check from a Presidential authority and the office of the Governor of California.

I am a 24-year Lieutenant Colonel in the United States Air Force and am also a 15-year Captain for a major airline. I hold others to high standards and expect them to do their jobs safely and professionally. I have personally general contracted two residences as an owner-builder. I understand the importance of a good architect and have found Art Kent of Kent Architects to exceed my expectations as an individual of character and a professional.

I am available to give you more examples or provide any details to support my recommendation. Please feel free to contact me at 801-599-3645 or iviski@yahoo.com

Sincerely,



MICHAEL W. IVISON, LtCol, USAF



ARTHUR F. KENT

714 / 272-1624

Serving Orange County Since 1973

Arthur Frank Kent Kent Design

Received

~~JAN 30 2019~~

619 16th Street
Huntington Beach, CA 92648

Phone:
E-mail: AKentarchitects@aol.com

California Architects Board

Objective

Qualified instructor for college level architecture program of study

Education

Bachelor of Architecture, Southern California Institute of Architecture, Santa Monica, CA—1977
Golden West College, Huntington Beach, CA
Marina High School, Huntington Beach, CA

Awards, Fellowships, Grants

Women's Architectural League, Los Angeles Chapter, AIA Student Scholarship
Merit Award for City of Santa Ana Design Charette—Revitalization Downtown Santa Ana, CA
Builders Choice Award for Best Commercial Renovation—Balboa Peninsula, CA
Featured homes on City of Huntington Beach Home Tours
Member of Design Jury for AIA Orange County Chapter yearly Design Awards
Representative Orange County Chapter AIA—Lecture of Orange County Schools
Orange County Fairs—Coordinator for Drafting and Design Competition

Positions Held

Kent Design and Architecture 1995 to present
Principal

Golden West College—Architectural 2nd Year Design —1995 to present
Adjunct professor

Harris, Pettett, and Kent—1990 to 1995
Partner

Harris Architects—1980 to 1990
Associate

James R. Harris—1978 to 1980
Associate

Brent, Goldman, Robbins, and Bound—1972 to 1977
Junior draftsman/architect

Richardson, Nauge and Martin—1968 to 1971
Junior draftsman/architect

Publications

Builders Magazine—El Rancho Market Conversion Balboa Peninsula, Newport Beach, CA
Orange County Register Bird House Competition
Orange County Register review and comments on San Juan Capistrano Library by Michael Graves
Huntington Beach CA Home Tour Publication

Conference Presentations

California Art Education Association Annual Conference—Home Tour of South Orange County
Beach, organizer and presenter

DATE:

SERVICE AGREEMENT FOR:

The fee for services described in the scope of work will be:

Scope of Work:

- * Site Plans
- * Existing Floor Plan
- * Demolition Plan
- * New Floor Plan
- * Color Renderings
- * Elevations
- * Electrical Layout Plan
- * Roof Plan

Printing of Blue Prints provided:

- * Printing of SVD plans required for Building Dept. plan check approval
- * No charge to email plans to owner, contractor or print shop
- * Additional Blue Prints are \$5 per sheet

Payment Schedule:

- * \$ due with signed contract to start project
- * \$ due upon presentation of preliminary drawings
- * \$ due upon approval of the City to issue permits

Additional fees to be paid by the client if required for approval of plans

- * Structural Engineering and Drafting, Title 24, MEP plans, City fees, State Fees, County or Association fees, Taxes, Title Survey, Boundary Survey, Topographical Survey, Grading and Draining plans, Methane Plan, Landscape plans, Soils Report, Pool and Spa Engineering, Asbestos Reports, SCAQMD notification reports, Interior Decorating and any other items not covered by Scope of Work.
- * Any modifications to the plans after the Preliminary plans are approved will incur additional design charges billed at One hundred sixty (160.00) dollars per hour.
- * If any administrative hearings are needed there will be additional fees as described

Disclaimers:

- * Kent, Arthur F Kent, Art Kent or Kent Design are not responsible for:
- * Any unforeseen defaults or problems with existing construction or site conditions
- * Code changes if permits are not applied for or permits expire
- * Energy efficiency upgrades required by CEC Title 24
- * Price of construction or construction problems or time restraints incurred by construction
- * We cannot guarantee that the plans will be engineered or built exactly as designed
- * We cannot guarantee any city or agencies approval of any plan

Termination of Contract:

- * This Contract between Architect and Client may terminate for such reasons as non payment per schedule, non-compliance with Client's responsibilities, or any actions which may impair the work in progress, including but not limited to the Architect's unforeseen problems
- * If for any reason this project is terminated due to any reason beyond the control of the Architect, as aforementioned, the balance of the contract is due in full
- * The Client may terminate this Contract for failure to meet obligations outlined above

Submitted by: _____ Client grants use of photographs and signage _____

Accepted by: _____ Date: _____



Received

ARTHUR F. KENT

JAN 30 2010

714/272-1624

Orange County Since 1973

California Architects Board

Received

JAN 30 2019

California Architects Board



ARTHUR F. KENT

714/272-1624

Serving Orange County Since 1973

Project : Additions & Alterations to an existing Facility located at the address above.

We Shall provide services for the above project at the lump sum fee of (\$). Breakdown is as follows:

PHASE ONE AS BUILT RECORD DRAWINGS:

Field measure existing house -----	Hrs.
Site plan -----	Hrs.
Floor plan -----	Hrs.
Total -----	Hrs. @ \$160.00/Hr. = \$

PHASE TWO DESIGN SEMANTICS:

Site plan -----	Hrs.
Floor plan -----	Hrs.
Exterior Elevations -----	Hrs.
Total -----	Hrs. @ \$160.00/Hr. = \$

PHASE THREE CONSTRUCTION DRAWINGS

Site, roof, plan, data, and maps -----	Hrs.
Final Floor plan -----	Hrs.
Exterior Elevations -----	Hrs.
Sections -----	Hrs.
Foundation and framing plans -----	Hrs.
Details -----	Hrs.
Total -----	Hrs. @ \$120.00/Hr. = \$

PROJECT TOTAL ----- \$

Any city required structural calculations will be an additional \$.00 dollars. Any city required energy calculations will be an additional \$300.00 dollars.

Phase four construction: Hourly @ \$70.00/ Hr. Monitoring field changes with city plan check and project engineer as required.

Printing: \$200 to \$300.00 - receipts will be provided.

Plumbing, Mechanical and Electrical Engineering under separate contract. Not a part.

Agenda Item J

CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTIONS 11126(c)(3), 11126(f)(4), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO:

1. Deliberate and Vote on Disciplinary Matters
2. Review and Possible Action on December 13, 2018 Closed Session Minutes
3. Adjourn Closed Session

RECONVENE OPEN SESSION

The Board will reconvene open session following Closed Session.

Agenda Item L

UPDATE ON 2019 SUNSET REVIEW OF BOARD AND LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) AND POSSIBLE ACTION ON RESPONSES TO BACKGROUND PAPERS

The Board approved the Sunset Review Report at the September 12, 2018 meeting. The Report was submitted to the Legislature on November 28, 2018. The Board's Sunset Review hearing date is scheduled for March 5, 2019.

At this meeting, the Executive Officer will provide an update on the Sunset Review.

REVIEW AND POSSIBLE ACTION ON DRAFT 2019–2021 STRATEGIC PLAN

On December 14, 2018, the Board participated in a session to update its Strategic Plan. The session was facilitated by the Department of Consumer Affairs', SOLID team. The Board developed objectives for five goal areas (Professional Qualifications, Regulation and Enforcement, Communications, Organizational Relationships, and Organizational Effectiveness and Customer Service). SOLID updated the Strategic Plan based on the Board's session. Attached is a copy of the updated plan.

At this meeting, the Board is asked to review and approve the draft 2019-2021 Strategic Plan. This plan is proposed for three years, rather than two years like the prior plan. This is primarily due to the workload associated with Business Modernization.

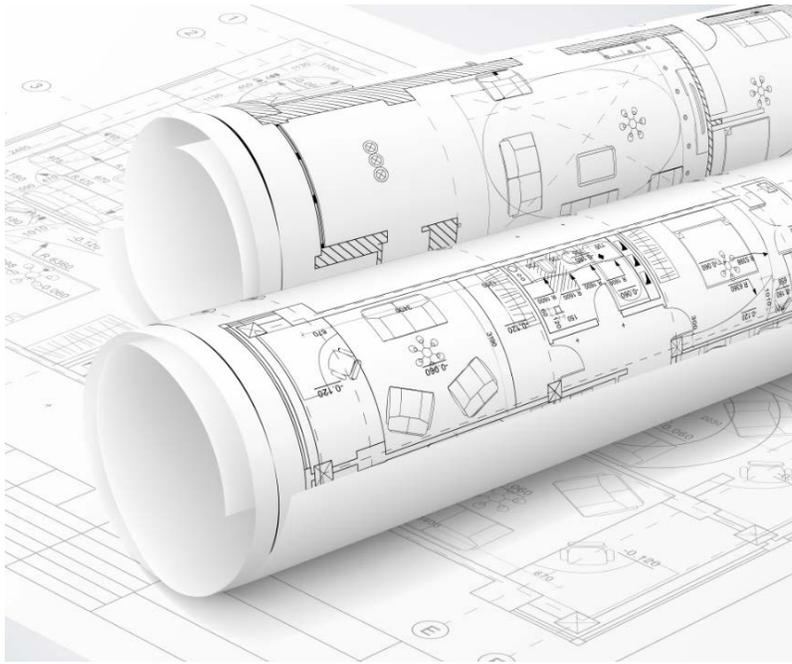
Attachment:
2019-2021 Strategic Plan (Draft)

Department of Consumer Affairs

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

2019–2021



Strategic Plan

Approved:

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Board Members

Sylvia Kwan, President | Architect Member

Tian Feng, Vice President | Architect Member

Nilza Serrano, Secretary | Public Member

Denise Campos | Public Member

Pasqual V. Gutierrez | Architect Member

Ebony Lewis | Public Member

Robert C. Pearman, Jr. | Public Member

Barry L. Williams | Architect Member

Laura Zuniga, Executive Officer

Message from the Board President

On behalf of the California Architects Board, I am pleased to present our 2019–2021 Strategic Plan. It has been my pleasure to serve as Board President in 2018 and am fortunate to continue in that role for 2019. Our new Strategic Plan is the result of a collaborative effort between Board members, Board staff, and stakeholders.

In this Strategic Plan, the Board continues to emphasize its commitment to our mission of consumer protection, as well as continuing to respect and encourage diversity in the profession. The Board believes that diversity strengthens our profession and benefits consumers, and the Board supports efforts to make the profession more inclusive.

One important aspect of the Plan is a renewed focus on communication and outreach to our licensees and stakeholders. This Plan also continues the Board's commitment to improved customer service. We are also pleased that we have begun working on business modernization, a process we anticipate will result in the Board being able to provide services online to licensees and consumers.

I look forward to working with my fellow Board members and Board staff to implement this Plan, and I invite all interested stakeholders to join in working with us over the next three years to achieve the goals outlined in this Strategic Plan.



Sylvia Kwan

About the California Architects Board

Each day, nearly 40 million Californians work and live in environments designed by licensed architects. The decisions of architects about scale, massing, spatial organization, image, materials, and methods of construction impact not only the health, safety, and welfare of the present users, but of future generations as well. To safeguard the public, reduce the possibility of building failure, encourage sustainable and quality design, and provide access for persons with disabilities, those who are authorized to design complex structures must meet minimum standards of competency. It is equally necessary that those who cannot meet minimum standards by way of education, experience and examination be prevented from misrepresenting themselves to the public.

The California Architects Board was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. The activities of the Board benefit consumers in two important ways.

First, regulation protects the public at large. The primary responsibility of an architect is to design buildings that meet the owner's requirements for function, safety and durability, satisfy reasonable environmental standards, and contribute esthetically to the surrounding communities. To accomplish this, the architect's design must satisfy the applicable requirements of law and also must be a correct application of the skills and knowledge of the profession. It should be emphasized that the results of faulty design may be injurious not only to the person who engages the architect but also to third parties who inhabit or use the building.

Second, regulation protects the consumer of services rendered by architects. The necessity of ensuring that those who hire architects are protected from incompetent or dishonest architects is self-evident.

The Board is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), which is part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. DCA is responsible for consumer protection through the regulation of licensees. While DCA provides administrative oversight and support services, the Board sets its own policies, procedures, and regulations.

The Board is composed of ten members: five public and five architects. The five architect members are all appointed by the Governor. Three of the public members are also gubernatorial appointees, while one public member is appointed by the Assembly Speaker and the other is appointed by the Senate Rules Committee. Board members may serve up to two four-year terms.

The Board oversees the Landscape Architects Technical Committee (LATC), which regulates the practice of landscape architecture. The LATC, which consists of five licensed landscape architects, performs such duties and functions that have been delegated to it by the Board.

How the Board Achieves its Mission

Regulation

The Board establishes regulations for examination and licensing of the profession of architecture in California, which today numbers approximately 22,000 licensed architects and approximately 10,000 candidates who are in the process of meeting examination and licensure requirements.

Licensing

A candidate must have five years of education equivalents* to be eligible for the Architect Registration Examination (ARE). Candidates must complete the Intern Development Program (IDP), as administered by the National Council of Architectural Registration Boards (NCARB), and the ARE prior to receiving eligibility for the California Supplemental Examination (CSE). Successful completion of the CSE is required to fulfill the Board's requirements for licensure.

* Credit for education and training is outlined in the Table of Equivalents contained in California Code of Regulations, title 16, Division 2, section 117.

Enforcement

The Board has an active enforcement program designed to ensure the laws governing the practice of architecture are enforced in a fair and judicious manner. The program consists of a local building official contact program, consumer education, and professional information outreach designed to prevent and assist in the early detection of violations. The Board enforces legal compliance for licensees by taking disciplinary actions against those in violation of laws and regulations.

The Board's enforcement program works to address three main goal areas:

1. Establishing regulatory standards of practice for those licensed as architects
2. Increasing public awareness of the Board's mission, activities, and services
3. Protecting consumers by preventing violations, and effectively enforcing laws, codes, and standards when violations occur

The Board is responsible for investigating complaints against licensees and unlicensed individuals. The Board retains the authority to make final decisions on all enforcement actions.

2017–2018 Board Accomplishments

- Reduced the wait time for a candidate to retake the CSE, from 180 days to 90 days
- Completed and submitted our Sunset Review Report to the Legislature
- Created a *New Licensee Information Guide*
- Revised and updated the *Candidate Handbook*

Mission, Vision, and Values

Mission

The California Architects Board protects the public health, safety, and welfare by establishing standards for professional qualifications, ensuring competence through examinations, setting practice standards, and enforcing the Architects Practice Act.

Vision

The California Architects Board will be the model for excellence for regulation and consumer protection.

Values

Collaborative

Professional

Innovative

Proactive

Diversity

Strategic Goals

1 *PROFESSIONAL QUALIFICATIONS*

Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations.

2 *REGULATION AND ENFORCEMENT*

Establish regulatory standards of practice for California architects and protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

3 *COMMUNICATIONS*

Increase public and professional awareness of the Board's mission, activities, and services.

4 *ORGANIZATIONAL RELATIONSHIPS*

Improve effectiveness of relationships with related organizations in order to further the Board's mission and goals.

5 *ORGANIZATIONAL EFFECTIVENESS AND CUSTOMER SERVICE*

Enhance organizational effectiveness and improve the quality of customer service in all programs.

GOAL 1: Professional Qualifications

Ensure the professional qualifications of those practicing architecture by setting requirements for education, experience, and examinations.

- 1.1 Amend existing law regarding continuing education requirements for license renewal to reflect the evolving practice.
- 1.2 Provide licensees the opportunity to submit continuing education documentation online to increase efficiency in license renewal.
- 1.3 Conduct an occupational analysis of the profession to reflect current practice.
- 1.4 Review and amend California Code of Regulations (CCR) section 117 and related regulations to reflect current licensing requirements.

GOAL 2: Regulation and Enforcement

Establish regulatory standards of practice for California architects and protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

- 2.1 Educate architects regarding their responsibilities under Business and Professions Code section 5535 "responsible control" and CCR section 151 "aiding and abetting," to protect consumers from unlicensed practice.
- 2.2 Research and evaluate categories of criminal convictions as they relate to the practice of architecture and amend disciplinary guidelines and rehabilitation criteria to comply with the requirements of AB 2138 (Chiu, Chapter 995, Statutes of 2018).
- 2.3 Collaborate with websites to restrict advertisements from unlicensed entities.

GOAL 3: Communications

Increase public and professional awareness of the Board’s mission, activities, and services.

- 3.1 Educate licensees and the public on CCR section 152, to provide a clear administrative **fine** structure, to clarify for licensees and public of the law.
- 3.2 Increase the use of social media outlets to better communicate with new licensees and consumers.
- 3.3 Collaborate with the Department of Consumer Affairs (Department) Communications Office to improve communications with all stakeholders.
- 3.4 Develop an information exchange with related professionals of the Department to better educate the professionals of the duties, needs, and pitfalls of each discipline.
- 3.5 Expand outreach to community colleges and schools of architecture, including Board meetings on campuses to increase public and professional awareness.
- 3.6 Issue an **annual practice brief update** to increase public and professional awareness.

Commented [A2]: Need definition of “brief” and what is expected by this objective.

GOAL 4: Organizational Relationships

Improve effectiveness of relationships with related organizations in order to further the Board's mission and goals.

- 4.1 Collaborate with NCARB and the American Institute of Architects (AIA) to help students fulfill Integrated Path to Architectural Licensure (IPAL) program experience requirements.
- 4.2 Collaborate with high schools to promote the architect profession and proactively address the pipeline to the profession.
- 4.3 Attend collateral organization meetings (such as Monterey Design Conference and AIACC) with an information booth to increase public and professional awareness.
- 4.4 Partner with related professional organizations to promote the Board's website and increase the presence and awareness to consumers and the public.
- 4.5 Meet with California Council for Interior Design Certification (CCIDC) and California Building Officials (CALBO) (regarding design limitations for professionals) to clarify the areas of practice.

GOAL 5: Organizational Effectiveness and Customer Service

Enhance organizational effectiveness and improve the quality of customer service in all programs.

- 5.1 Promote Board staff development and team building to increase efficiency.
- 5.2 Collaborate with the Department to conduct an employee engagement survey to improve employee morale, address employee concerns, and promote a positive work environment.
- 5.3 Undertake business modernization activities to achieve a smooth transition to an integrated online IT platform
- 5.4 Identify alternative initiatives for a downturn in the economy to establish Board priorities.
- 5.5 Prepare for Sunset Review hearing and responses to background paper.

Strategic Planning Process

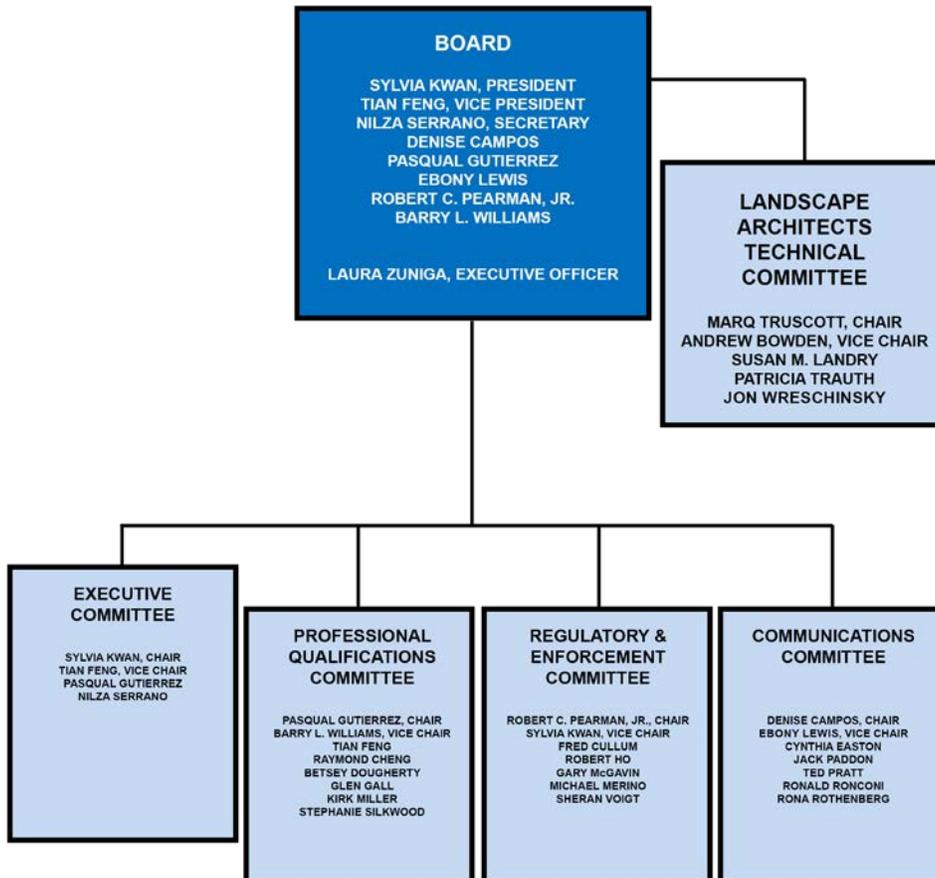
To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan by collecting information through the following methods:

- SOLID interviewed the nine members of the Board, as well as the Executive Officer and Assistant Executive Officer, to assess challenges and opportunities the Board is currently facing or will face in the future.
- SOLID surveyed the Board's management and staff members to gain insight into challenges and opportunities within the organization.
- SOLID surveyed external stakeholders to ensure the profession's concerns were included in the scan.

The environmental scan was discussed by Board members and the executive management team during a strategic planning session facilitated by SOLID on December 14, 2018. This information guided the Board in the development of the strategic goals and objectives outlined in this 2019–2021 Strategic Plan.

Appendix A: Organizational Structure

The Board has developed the organizational structure below to implement its Strategic Plan. Included in the organizational chart are the Board and committee members for 2019. The Board establishes subcommittees and task forces as needed.



Department of Consumer Affairs

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

EXECUTIVE COMMITTEE REPORT

1. Update on January 31, 2019 Executive Committee Meeting
2. Discuss and Possible Action on New Board Logo
3. Review and Possible Action on Recommended Amendments to Board Member Administrative Procedure Manual

UPDATE ON JANUARY 31, 2019 EXECUTIVE COMMITTEE MEETING

The Executive Committee met on January 31, 2019, via teleconference. Attached is the meeting notice. Executive Committee Chair, Sylvia Kwan, will provide an update on the meeting.

Attachment:

January 31, 2019 Notice of Meeting



Gavin Newsom
Governor

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF TELECONFERENCE MEETING EXECUTIVE COMMITTEE

January 31, 2019

Executive Committee Members

Sylvia Kwan, Chair
Tian Feng, Vice-Chair
Nilza Serrano, Secretary
Pasqual Gutierrez

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

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

Teleconference Meeting Locations

DLR Group
456 Montgomery Street, Suite 200
San Francisco, CA 94014

Roule Construction
Construction Office
467 S. Lemon Avenue
City of Industry CA 91789

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

1575 Hill Drive
Los Angeles, CA 90041

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

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

Agenda

10:30 AM – 11:30 AM

(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 May 16, 2018 Executive Committee Meeting Minutes
- D. Discuss and Possible Approval of a New California Architects Board Logo

E. Review, Discuss and Possible Action on California Architects Board Member Administrative Manual

F. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the 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: Gabe Nessar

Telephone: (916) 575-7202

Email: gabrial.nessar@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 N.2

DISCUSS AND POSSIBLE APPROVAL OF A NEW CALIFORNIA ARCHITECTS BOARD LOGO

The Department of Consumer Affairs' Office of Publications, Design and Editing (PDE) created draft new logos for the Board to consider. Board staff reviewed the samples and selected two options. The Executive Committee reviewed and preferred one design and requested staff to work with PDE to make some modifications to that design to present an alternative.

At this meeting, the Board is asked to select one of the two options (attached).

Attachments:

Two sample logos



(sample letterhead using DCA template)



 BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA ARCHITECTS BOARD
2420 Del Paso Road, Suite 105, Sacramento, CA 95834
P (916) 574-7220 | www.cab.ca.gov 



(sample letterhead using DCA template)

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA ARCHITECTS BOARD
2420 Del Paso Road, Suite 105, Sacramento, CA 95834
P (916) 574-7220 | www.cab.ca.gov

REVIEW AND POSSIBLE ACTION ON RECOMMENDED AMENDMENTS TO BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL

At the September 12, 2018 Board Meeting, the Board approved revisions to the *Board Member Administrative Procedure Manual*. The Executive Committee did not have the opportunity to review the changes, as the updated Manual needed to be included with the Board's Sunset Review Report, which was due to the Legislature December 1st, 2018. The Committee was given an opportunity to review the Manual at its January 31, 2019 meeting. The attached Manual represents the Committee's recommended amendments (shown in tracking) to be considered by the Board.

At this meeting, the Board is asked to consider the Executive Committee's recommended amendments and take possible action.

Attachment:

Board Member Administrative Procedure Manual (1/31/19 Executive Committee Recommended Amendments)

California Architects Board Member Administrative Manual

Approved by Board 9/12/18

[Recommended Revisions by Executive Committee 1/31/19](#)

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Chapter 1

Introduction

Overview

The California Board of Architectural Examiners was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It was renamed the California Architects Board (Board) in 2000. It is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and regulations.

The Board is presently composed of 10 members that, by law, 5 are public members, and 5 are architects. The five architect members are all appointed by the Governor. Three of the public members are also gubernatorial appointees; while one public member is appointed by the Assembly Speaker and the other is appointed by the Senate Rules Committee. Board members may serve up to two four-year terms. Board members fill non-salaried positions but are paid \$100 per day for each meeting day or day spent in the discharge of official duties (see section entitled "Salary Per Diem") and are reimbursed travel expenses. [The Board members serve at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other state laws applicable to similar boards within the State of California.](#)

This Board Member Administrative Manual is provided to Board members as a reference of important laws, regulations, DCA policies, and Board policies to guide the actions of the Board members and ensure Board effectiveness and

efficiency.

Mission

The California Architects Board protects ~~consumers~~ the public health, safety, and welfare by establishing ~~standards for professional~~ qualifications, ensuring competence through examinations, setting practice standards, and enforcing the Architects Practice Act.

Vision

The California Architects Board will be the ~~national leader in the~~ model for excellence for regulation of architectural practice and consumer protection.

Values

Collaborative
Professional
Innovative
Proactive
Diversity

General Rules of Conduct

All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. ~~The Board members serve at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.~~

- Board members shall not act or speak on the Board's behalf without proper authorization from the Board president.
- Board members shall maintain the confidentiality of confidential documents and information.
- Board members shall commit the time to prepare for Board responsibilities.
- Board members shall recognize the equal role and responsibilities of all Board members.
- Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public.
- Board members shall treat all applicants and

licensees in a fair and impartial manner.

- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- Board members shall not use their positions on the Board for personal, ~~familial~~, or financial gain.

Abbreviations

ARE	Architectural Registration Examination
B&P	Business and Professions Code
DCA	Department of Consumer Affairs
EO	Executive Officer
Gov.	Government Code
NCARB	National Council of Architectural Registration Boards
SAM	State Administrative Manual
WCARB	Western Council of Architectural Registration Boards

Chapter 2

Board Meeting Procedures

Bagley-Keene Open Meeting Act

(Gov. Code Section 11120 et seq.)

All meetings are open for public attendance and subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

Public Comment

(Gov. Code Section 11125.7)

Public comment must be allowed on open session agenda items before or during discussion of each item and before a vote.

The Board may accept public comment on an item not on the agenda, provided that the Board takes no action or does not discuss the item at the same meeting. The Board may refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting. The Board cannot prohibit public criticism of the Board's policies or services. The Board president may set reasonable time limitations for

[public comment](#).

Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any substantive information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

Closed Session

*(Gov. Code Sections
11125.2, 11126, 11126.1)*

Any general discussion of exams or disciplinary procedures shall be held in public. The Board may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination and to deliberate on disciplinary cases. Examples of types of closed session meetings include:

- Discuss and vote on disciplinary or enforcement matters under the Administrative Procedure Act (APA);
- Prepare, approve, or grade examinations;
- Discuss pending litigation; or;
- Discuss the appointment, employment, or dismissal of the EO unless the EO requests that such action be taken in public.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

No members of the public are allowed to remain in the meeting room for closed sessions. At least one staff member must be present at all closed sessions to record topics discussed and decisions made.

Closed session must be specifically noticed on the agenda (including the topic and legal authority). Before going into closed session, the Board president should announce in open session the general nature of the item(s) to be discussed. If the item involves the EO's employment, appointment, or dismissal, and action is taken in closed session, the Board must report that action

and any roll call vote that was taken at the next public meeting.

Frequency of Meetings

(B&P Code Section 5522)

The Board shall meet at least once a quarter for the purpose of transacting such business as may lawfully come before it and may meet more often as it determines necessary.

Meeting Location

(Gov. Code Sections 11123.1 & 11131; B&P Code Section 101.7)

The Board is required to hold its meetings at locations that are easily accessible to the public and individuals with disabilities in compliance the Americans with Disabilities Act (ADA). The Board will hold meetings in different locations throughout the state and is required to hold at least one meeting in Northern California and one meeting in Southern California.

Board Member Attendance at Board Meetings

(Board Policy)

Board members shall attend each meeting of the Board. If a member is unable to attend he/she must contact the Board president or the EO and ask to be excused from the meeting for a specific reason. Should a member miss two consecutive meetings, the Board president may notify the Director of the DCA.

Board Member Participation

(Board Policy)

The Board president may ascertain from members whose level of participation is below standard whether or not the member is no longer able to continue serving as an active member of the Board. In such a case, the Board president may suggest that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board his/her arguments against the resolution prior to such a resolution being adopted by the Board.

Teleconference Meetings

(Gov. Code Section 11123)

Special rules for notice of teleconference meetings are as follows:

- Same 10-day notice requirement as in-person meetings.
- Notice and agenda must include teleconference

locations.

- Every teleconference location must be open to the public and at least one Board member must be physically present at every noticed location. Board members must attend the meeting at a publicly noticed location.
- Additional locations may be listed on the notice that allow the public to observe or address the Board by electronic means without a Board member present.

Special Meetings

(Gov. Code Section 11125.4)

A special meeting may be called at any time by the Board president, or in his or her absence the vice president or by a majority of the members of the Board and held with 48 hours' notice in specified situations (e.g., consideration of proposed legislation). At the commencement of any special meeting, the Board must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting would cause a "substantial hardship on the Board or that immediate action is required to protect the public interest." The finding shall be adopted by two-thirds vote of the Board if less than two-thirds members present, a unanimous vote of those members present.

Emergency Meetings

(Gov. Code Section 11125.5)

An emergency meeting may be held after finding by a majority of the Board at a prior meeting or at the emergency meeting that an emergency situation exists due to work stoppage or crippling disaster. [A quorum is required for the Board to meet in the event of emergency, such as a work stoppage or crippling disaster.] Emergency meetings require a one-hour notice.

Quorum

(B&P Code Section 5524)

Six of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of five members of the Board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board, except that when all 10 members of the Board are present at a meeting duly held, the concurrence of six members shall be

necessary to constitute an act or decision of the Board.

Agenda Items
(Board Policy)

The Board president, with the assistance of the EO, shall prepare the agenda and tentative meeting timeframe. Any Board member may submit items for a Board meeting agenda to the EO 15 days prior to the meeting.

Notice of Meetings to be Sent to Individuals
(Gov. Code Section 11120 et seq.; B&P Code Section 101.7)

According to the Bagley-Keene Open Meeting Act, meeting notices (including agendas for Board meetings) shall be sent to persons on the Board's mailing or email list at least 10 calendar days in advance. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet
(Gov. Code Section 11125)

Unless the meeting meets the requirements for a special or emergency meeting under the Bagley-Keene Open Meeting Act, notice shall be given and made available on the Internet at least 10 calendar days in advance of the meeting, and shall include the name, address, and telephone number of a staff person who can provide further information prior to the meeting but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the Internet address where notices required by the Bagley-Keene Open Meeting Act are made available.

Mail Ballots
(Gov. Code Section 11500 et seq.)

The Board must approve any proposed decision or stipulated settlement before the formal discipline becomes final and the penalty can take effect. Due to time limitations, mail ballots may be executed. If needed, stipulated settlements and proposed decisions will be mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A five-calendar day deadline generally is given to complete the ballot and return it to the Board's office.

Record of Meetings

(Board Policy; B&P Section 5521; Gov. Code Sections 11123(c), 11126.1)

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board members before the next Board meeting. The minutes must contain a record of how each member present voted for each item on which a vote was taken. Board minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

Voting on Motions

(B&P Code Section 5524; Gov. Code Sections 11120, 11122, 11123, 87100 et seq.; 68 Ops. Cal. Atty. Gen. 65, 69-70)

As a general rule, all votes must be taken publicly. However, votes taken on closed session matters are not required to be taken publicly. In addition, the APA (disciplinary matters) authorizes mail voting on all questions arising under that act. Secret ballots and proxy votes are prohibited. A majority of the board or committee vote is determined by the votes actually cast. Abstentions are recorded, but not counted, unless a law provides otherwise.

Options for Board members:

- 1) Support / in Favor / Yes / Aye
- 2) Oppose / No / Nay
- 3) Abstain (not counted as a vote)
- 4) Recused (not counted as a vote)

Audio/Visual Recording

(Board Policy)

The meeting may be audio/video recorded and/or broadcast live via the Internet. Recordings shall be disposed of upon Board approval of the minutes. If a webcast of the meeting is intended, it shall be indicated on the agenda notice.

Chapter 3

Travel & Salary Policies/Procedures

Travel Approval

(DCA Memorandum 96-01)

Board members shall have Board president approval for all travel except for regularly scheduled Board and committee meetings to which the Board member is assigned.

Travel Arrangements

(Board Policy)

Board members are encouraged to coordinate with the EO secretary for any Board-related travel arrangements, including air or train transportation,

car rental, and lodging accommodations through Cal Travel Store's online booking tool, Concur.

Board members must also utilize the most economic source of transportation available. For example, if the hotel provides a shuttle from the airport to the hotel it is not fiscally responsible to rent a car or take a taxi. Reimbursement may be reduced or denied if the most economical sources are not used.

All Board-related travel must be booked using Cal Travel Store's self-service reservation system, Concur, if a Board member seeks reimbursement.

In advance of Board and committee meetings, the EO secretary will provide members information detailing the name and address of the chosen hotel where state rates are available if an overnight stay is required.

Out-of-State Travel

(SAM Section 700 et seq. & Gov. Code Section 11139.8, subs. (b)(1), (2))

For out-of-state travel, Board members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office. The Board is prohibited from requiring any of its employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that 1) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; 2) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or 3) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. The Attorney General maintains on its website (oag.ca.gov/ab1887) a current list of states subject to California's ban on state-funded and state-sponsored travel.

Travel Reimbursement

Rules governing reimbursement of travel expenses

(SAM Section 700 et seq. & DCA Memorandum 96-01)

for Board members are the same as for management level state staff. Board members must submit the originals of all receipts, with the exception of meals, and, when applicable, a copy of the airline itinerary and hotel receipt showing the balance paid, to the EO secretary. All expenses shall be claimed on the appropriate travel expense claim forms. The EO secretary maintains these forms and completes them as needed. The EO secretary completes travel expense reimbursements in CalATERS Global and maintains copies of these reports and submitted receipts. It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the Director and are provided to Board members on at least an annual basis by the EO secretary.

Salary Per Diem

(B&P Code Section 103)

Each member of a board, commission or committee created in various chapters of Division 3 (commencing with section 5000) is eligible to receive a per diem of \$100 for each day actually spent in the discharge of official duties, unless on any day served, the member also received compensation for their regular public employment. Reimbursement of travel and other related expenses for Board members is also regulated by section 103.

In relevant part, this section provides for the payment of salary per diem for Board members **“for each day actually spent in the discharge of official duties,”** and provides that the Board member **“shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”**

(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

No salary per diem or reimbursement for travel-related expenses shall be paid to Board members

except for attendance in official Board or committee meetings, unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board or committee meetings in which a substantial official service is performed shall be approved in advance by the Board president. The EO shall be notified of the event and approval shall be obtained from the Board president prior to Board member's attendance.

The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave early from a meeting, the Board president shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board specified work, Board members will be compensated for actual time spent performing work authorized by the Board president. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; NCARB committee work; and travel time on non-meeting days (out-of-state). That work does not include preparation time for Board or committee meetings. Board members cannot claim salary per diem for time spent traveling to and from a Board or committee meeting.

Chapter 4

Board Member Disciplinary Actions

*(Board Policy; Gov. Code
Section 11125.4)*

Other Policies/Procedures

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The Board president shall preside over the hearing unless the censure involves the president's own actions, in which case the Board vice president shall

preside. In accordance with the Bagley-Keene Open Meeting Act, the censure hearing shall be conducted in open session.

Removal of Board Members

(B&P Code Sections 106 & 106.5)

The Governor has the power to remove from office at any time any member of any board appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a board member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Resignation of Board Members

(Gov. Code Section 1750)

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of DCA, the Board president, and the EO.

Officers of the Board

(B&P Code Section 5518)

The Board shall elect from its members a president, a vice president, and a secretary to hold office for one year or until their successors are duly elected and qualified.

Election of Officers

(Board Policy)

The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

Officer Vacancies

(Board Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the president becomes vacant, the vice president shall assume the office of the president. Elected officers shall then serve the remainder of the term.

Nomination of Officers

(Board Policy)

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar

year and shall give consideration to appointing a public and a professional member of the Board to the Committee. The Committee's charge will be to recommend a slate of officers for the following year. The Committee's recommendation will be based on the qualifications, recommendations, and interest expressed by the Board members. A survey of Board members will be conducted to obtain interest in each officer position. A Nominations Committee member is not precluded from running for an officer position. If more than one Board member is interested in an officer position, the Nominations Committee will make a recommendation to the Board and others will be included on the ballot for a runoff if they desire. The results of the Nominations Committee's findings and recommendations will be provided to the Board members in the meeting packet prior to the election of officers. Notwithstanding the Nominations Committee's recommendations, Board members may be nominated from the floor at the meeting.

Committee Appointments

(Board Policy)

The Board president shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board president in consultation with the vice president, and the EO. When committees include the appointment of non-Board members, all impacted parties should be considered. *(See Committee Policy in Appendix B.)*

Attendance at Committee Meetings

(Board Policy; Gov. Code Section 11122.5(c)(6))

If a Board member wishes to attend a meeting of a committee in an official capacity of which he/she is not a member, that Board member shall obtain permission from the Board president to attend and shall notify the committee chair and staff. Board members who are not members of the committee that is meeting cannot vote during the committee meeting and may attend only as observers. If there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

Committees operate at the direction of the Board

to fulfill specific goals in the Strategic Plan. Committee chairs shall lead committees' actions toward such goals without undue influence on the part of Board officers or members.

The Board and LATC maintain an ongoing practice of providing regular updates regarding key issues at each other's respective meetings to sustain understanding of each entity's priorities. The Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board.

Board Staff

(DCA Reference Manual)

Employees of the Board, with the exception of the EO, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by civil service laws, regulations, and collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the EO. Board members shall not intervene or become involved in specific day-to-day personnel transactions or matters.

**Executive Officer
Evaluation**

*(Board Policy; Gov. Code
Section 11126(a)(1))*

Board members shall evaluate the performance of the EO on an annual basis in accordance with DCA's memorandum Process for Annual Performance Evaluations of EO (Appendix D). The evaluation shall be conducted in Closed Session during a meeting of the Board pursuant to Gov. Code section 11126(a)(1).

Board Administration

(DCA Reference Manual)

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the EO.

Consistent with the budget and Strategic Plan, requests by individual Board members that are not directly associated with a committee's goals or have an impact on staff workload, as determined by the president and EO, may be declined. In the

event the request is by the president, the vice president shall review the request.

Board Budget
(Board Policy)

The Board vice president shall serve as the Board's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Board. Staff will conduct an annual budget briefing with the Board with the assistance of the Board vice president. The EO or his/her designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Conflict of Interest
(Gov. Code Section 87100)

No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the EO or the Board's legal counsel. The question of whether or not a member has a financial interest that would present a legal conflict of interest is complex and must be decided on a case-by-case review of the particular facts involved. For more information on disqualifying yourself because of a possible conflict of interest, please refer to the Fair Political Practice Committee's manual on their website: fppc.ca.gov.

Financial Disclosure
(Gov. Code Section 87302(b))

The Conflict of Interest Code also requires Board members to file annual financial disclosure statements by submitting a Form 700 – Statement of Economic Interest. New Board members are required to file a disclosure statement within 30 days after assuming office. Annual financial statements must be filed no later than April 1 of each calendar year.

A "leaving of office statement" must be filed within 30 days after an affected Board member leaves

office.

Board members are not required to disclose all of their financial interests. Gov. Code section 87302 (b) explains when an item is reportable:

An investment, interest in real property, or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

Refer to the Fair Political Practices Commission's website fppc.ca.gov to determine what investments, interests in property, or income must be reported by a member. Questions concerning particular financial situations and related requirements should be directed to DCA's Legal Affairs Division.

Incompatible Activities

(Gov. Code Section 19990)

Following is a summary of the employment, activities, or enterprises that might result in or create the appearance of being inconsistent, incompatible, or in conflict with the duties of state officers:

- Using the prestige or influence of a state office or employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using state time, facilities, equipment, or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using confidential information acquired by the virtue of state employment for the officer's or employee's private gain or advantage or advantage of another.
- Receiving or accepting money, or any other consideration, from anyone other than the state for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his or her

state employment or as a part of his or her duties as a state officer or employee.

- Performance of an act other than in his or her capacity as a state officer or employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee of the agency by which he or she is employed. (This would not preclude an “industry” member of the Board from performing normal functions of his or her occupation.)
- Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part.

The aforementioned limitations do not attempt to specify every possible limitation on member or employee activity that might be determined and prescribed under the authority of Gov. Code section 19990. DCA’s Incompatible Work Activities OHR 10-01 is included in Appendix C.

Ex Parte Communications

(Gov. Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An “ex parte” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the

agency, without notice and an opportunity for all parties to participate in the communication.”

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the EO.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that discussion about the matter is not permitted, he or she will be required to recuse him or herself from any participation in the matter, and continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful ex parte communication, he or she should contact the Board’s assigned Legal Affairs Division counsel.

**Communications with
Other Organizations/
Individuals**

(Board Policy)

All communications relating to any Board action or policy to any individual or organization including NCARB, WCARB, or a representative of the media shall be made only by the Board president, his/her designee, or the EO. Any Board member who is contacted by any of the above should immediately inform the Board president or EO of the contact. All correspondence shall be issued on the Board’s standard letterhead and will be created and disseminated by the Board office.

Board members shall not act on behalf of the Board without Board approval and consensus, including but not limited to meeting or interacting with other professional organizations, governmental

entities, educational institutions, architectural associations, intern associations, etc. All actions on behalf of the Board shall be documented and communicated to the EO. The EO will then convey such information to the Board via the monthly report or by other means, as determined necessary.

Legislation
(Board Policy)

In the event time constraints preclude Board action, the Board delegates to the EO the authority to take action on legislation that would change the Architects Practice Act, impact a previously established Board policy, or affect the public's health, safety, or welfare. Prior to taking a position on legislation, the EO shall consult with the Board president. The Board shall be notified of such action as soon as possible.

Contact with Candidates
(Board Policy)

Board members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the EO or Board staff.

Gifts from Candidates
(Board Policy)

Gifts of any kind to Board members or the staff from candidates for licensure with the Board shall not be permitted.

Request for Records Access
(Board Policy)

No Board member may access a licensee or candidate file without the EO's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.

Business Cards
(Board Policy)

Business cards will be provided to each Board member upon request with the Board's name, address, telephone, fax number, and website address. A Board member's business address, telephone, and fax number, and e-mail address may be listed on the card at the member's request.

Letterhead
(Board Policy)

Only correspondence that is transmitted directly by the Board office may be printed or written on Board letterhead stationery. Any correspondence from a Board member requiring the use of Board

stationary or the Board's logo should be transmitted to the Board office for finalization and distribution.

Chapter 5

Training

Once a Board member is appointed, the EO secretary will send an email containing a list of all the required trainings, their due dates, and instructions about their completion. Board members should send the certificate of completion or signature page to the EO secretary who maintains Board members' records. For additional information, Board members may refer to DCA's online Board Member Resource Center which may be found at: dca.boardmembers.ca.gov

Board Member Orientation

(B&P Code Section 453)

Newly appointed and reappointed Board members must attend a Board Member orientation training course offered by DCA within one year of assuming office. The orientation covers information regarding required training, in addition to other topics that will ensure a member's success, including an overview of DCA.

Ethics

(Gov. Code Section 11146 et seq.)

State appointees and employees in exempt positions are required to take an ethics orientation within the first six months of their appointment and every two years thereafter. To comply with that directive, Board members may take the interactive course provided by the Office of the Attorney General, which can be found at oag.ca.gov/ethics.

Sexual Harassment Prevention

(Gov. Code Section 12950.1)

Board members are required to undergo sexual harassment prevention training and education once every two years, in odd years. Staff will coordinate the training with DCA.

Defensive Driver

(SAM Section 0751)

All state employees, which includes Board and committee members, who drive a vehicle (state vehicle, vehicles rented by the state, or personal vehicles for state business) on official state business must complete the Department of General

Services (DGS) approved defensive driver training (DDT) within the first six months of their appointment and every four years thereafter.

APPENDIX A

Member Position Description

The California Architects Board exists to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare. The Board is comprised of ten members, five architects and five public members. To ensure the most effective representation of the interests of both the public and the profession, the Board seeks to have among its members a broad cross-section of architects and consumers of architectural services (e.g., representatives from large and small firms, developers, building officials, educators). Whether a public or a professional member, each member of the Board is responsible first and foremost for public protection.

The Board manages its responsibilities by delegating to a number of committees and task forces and its staff, thereby enabling the Board to more effectively fulfill its mission. The Board appoints an EO to exercise the powers and perform the duties delegated by the Board. The EO manages the Board's staff (currently 29.8 positions including Landscape Architects Technical Committee [LATC] staff positions). With direction from the Board and the Strategic Plan, the Board staff implements the Board's examination, licensing, enforcement, and administration programs.

As a whole, the Board's responsibilities include the following:

- Delineation of the basic professional qualifications and performance standards for admission to and practice of the profession of architecture. The Board accomplishes this objective by setting minimum qualifications for licensure and administering the California Supplemental Examination.
- Establishment and administration of a fair and uniform enforcement policy to deter and prosecute violations of the Architects Practice Act and related regulations.
- Setting policy and procedures for the Board, its committees, task forces, and staff in carrying out the duties of the Board.
- Disseminating information to consumers, licensees, and professional and educational organizations about the Board's services and activities, and rules and regulations governing the profession.

Individual Board member responsibilities include:

- Attendance at Board meetings. (The Board regularly meets quarterly, but may meet more often if necessary. Meetings are generally one-day and are scheduled in locations throughout California. Overnight travel may be necessary. Every two years, the Board meeting includes a Strategic Planning session.)
- Participation on Board committees and task forces. (Time commitment for committees and task forces vary. Most committees meet 1-2 times per year. Meetings are generally one-day and are scheduled in locations throughout

California. Overnight travel may be necessary.)

- Board members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in Board business. Such readings include the Board Member Administrative Procedure Manual, Sunset Review Report, Board and committee packets, recent studies and reports, and related material.
- Acting as a representative of the Board to communicate information to the professional and educational communities. (Board members may be assigned an architectural school and a constituency group with which they act as a liaison.)
- Possible participation in meetings of the National Council of Architectural Registration Boards (NCARB) and Western Council of Architectural Registration Boards' (WCARB) meetings and committees. (Each organization holds at least one meeting per year. NCARB committees typically meet twice per year. Meetings are usually two days, and up to two days travel time may be required, depending on meeting location.)
- Possible participation as a WCARB or NCARB officer or director. (The Board has a goal of exercising more influence on WCARB/NCARB by encouraging its members to participate at officer levels of these two organizations.)

APPENDIX B

Committee Policy

Committees

The standing committees of the Board are the:

- Executive
- Professional Qualifications
- Regulatory and Enforcement
- Communications

Board committees are the deliberative bodies that assist the Board in developing policy. Committees make recommendations for consideration by the Board. All Board members should serve on at least one committee each year. Commencing with the committees for the 2014 Strategic Plan, no committee should have more than nine members.

The committees should meet regularly. At a minimum, once the Board's Strategic Plan is adopted in March, committees should conduct meetings to complete assigned objectives and present them to the Board for consideration, clarification, direction, etc. before the end of the biennial Strategic Plan. New issues that emerge during the course of the year, unless they are critical emergencies, should be referred to the next strategic planning session. Teleconference meetings can be utilized for meetings on urgent or single-subject issues.

In the event that additional new committee members are needed, the Board president shall ask Board and committee members for suggested interested persons; if an insufficient pool exists, the Board may request names from various organizations, including, but not limited to: The American Institute of Architects, California Council; Society of American Registered Architects; Construction Specifications Institute; California Building Officials, etc.

Chairmanships

With the exception of the Executive Committee, each committee chair and vice chair shall be appointed by the Board president (in consultation with the vice president and EO) and shall be a Board member, absent extenuating circumstances (numerous vacancies on the Board). The Executive Committee shall be comprised of the current Board president, vice president, secretary, and the immediate past Board president. Chairs should serve for two to three years, if possible, and in the best interest of the Board. The Board should endeavor to offer opportunities for all Board members to serve as a chair or vice chair during their tenure on the Board. The list of committee members will be reproduced as part of the Strategic Plan every other year so it is memorialized in a centralized location.

Review

Committee chairs should prepare a report for the Board president and president-elect by November 30th each year. The report would consist of a list of committee members, their committee meeting attendance record, and a synopsis of their contributions, as well as a recommendation as to whether they should be reappointed. Staff shall prepare a template for the report with the attendance data. Each chair shall consult with the EO in preparing the report.

Approved by the Board June 14, 2012

Revised and approved by the Board on September 12, 2018

APPENDIX C

DCA Incompatible Work Activities (OHR 14-01)

APPENDIX D

Process for Annual Performance Evaluations of Executive Officer Memorandum
(Dated March 9, 2015)

Agenda Item O

NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

1. Review of 2019 NCARB Regional Summit Agenda
2. Consider and Take Action on Candidates for 2019 NCARB and Region VI Officers and Directors

REVIEW OF 2019 NCARB REGIONAL SUMMIT AGENDA

The 2019 NCARB Regional Summit is a joint meeting with regions 1-6 on March 8-9, 2019. The Board is asked to review and discuss the relevant issues for the meeting.

Attachments:

1. 2019 NCARB Regional Summit Agenda
2. 2019 WCARB Regional Meeting Agenda (Draft)



NCARB

REGIONAL SUMMIT

2019 NCARB Regional Summit AGENDA

JW Marriott

Nashville, Tennessee

March 8-9, 2019

Thursday, March 7

4 – 6 p.m.

Registration Available

6:15 pm

Buses Depart for the Networking Reception

6:30 – 9:30 p.m.

Networking Reception

[Acme Feed & Seed](#) (101 Broadway, Nashville, TN 37201)

Friday, March 8

7 – 9 a.m.

Joint Breakfast for Attendees and Guests

9 – 10:30 a.m.

Plenary Session

Welcome

Regional Chairs

President Remarks

David Hoffman

Centennial remarks

Introduction of candidates

History of Regions Presentation

Regional Chairs

History of Resolutions

Bayliss Ward

10:30 a.m. – 10:45

Break

10:45 a.m. – 5:00 p.m.

Regional Meetings

Each region will caucus to discuss the resolutions for consideration, as well as regional affairs. Lunch will be served.

Region 1—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Region 2—Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia



NCARB

REGIONAL SUMMIT

Region 3—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, U.S. Virgin Islands

Region 4—Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin

Region 5—Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming

Region 6—Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Northern Marianas Islands, Oregon, Utah, Washington

6:30 p.m.

Region 1

Region 2

Region 3

Region 4

Region 5

Regional Dinners

[Fin & Pearl](#) 211 12th Avenue S.

[The Palm](#) 140 5th Ave S.

[Ole Red](#) 300 Broadway

[Merchant's](#) 401 Broadway

As decided by the Region 5 members, Region 5 will not have a group regional dinner. In lieu of a regional dinner, members are encouraged to self-select into small (or large) groups for dinner on Friday evening.

Region 6

[Martin's BBQ](#) 410 4th Ave S



NCARB

REGIONAL SUMMIT

Saturday, March 9

7 – 8:45 a.m.

Breakfast/Regional Meetings

Served in each regional meeting room

9 – 10:00

Plenary

Centennial video

Update on NCARB Services Programming

10 – 10:15 a.m.

Break

10:15 – Noon

Breakout Discussions

Each regional chair will facilitate a small group discussion covering 3 topics:

- 1. The Future of Practice*
- 2. Dos & Don'ts of Advocacy / Regulatory Environment*
- 3. Disciplinary Challenges*

Noon – 12:30 p.m.

Working lunch

Served in breakout rooms. Continue breakout discussions

12:30 – 1:00 p.m.

Break

1 – 2:00 p.m.

Summit Recap

Breakout reports from each regional chair

Summary remarks from First Vice-President Terry Allers

*Closing remarks from Dave Hoffman with invitation to Centennial
Invitation to Washington, DC*

2:15 pm

Buses begin loading for Architectural Tours

2:15 – 5:00 p.m.

Architectural History Tours

The optional architectural tours are available to all attendees and guest. Participants will select from two tour options.

DRAFT

The 2019 WCARB Regional Meeting

Friday, March 8th – Morning and Afternoon Meetings

(* - denotes voting items)

10:45 a.m.	Convene Meeting <i>Ed Marley, Chair</i>	JW Marriott Nashville Meeting Room 
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10:45 a.m.	1. Quorum Roll Call	
10:50 a.m.	2. Introductions	
	3. *Approval of Agenda	
	4. *Approval of Minutes: June 29, 2018 Regional Meeting – Detroit, MI & Executive Committee Planning Meeting: November 2, 2018	
11:00 a.m.	5. Regional Director’s Report <i>Jon Baker</i>	
11:10 a.m.	6. Chair’s/Executive Committee Report <i>Ed Marley</i>	
11:20 a.m.	7. Region 6 Strategic Planning Update <i>Jim Oschwald</i>	
11:50 a.m.	8. Financial Report <i>Jim Mickey</i>	
12:00 p.m.	9. Discussion and membership input requested regarding changing and billing the member dues from a calendar year to a fiscal year to coordinate with NCARB’s dues schedule	
12:10 p.m.	10. Discussion and membership input requested regarding amending the annual member dues amount	
12:15 p.m.	11. State Reports	
	12. Discussion regarding proposed NCARB Resolutions (currently no resolutions anticipated)	
12:30 – 1:10 p.m.	LUNCH BREAK	
1:15 -3:15 p.m.	13. Educational Seminar – Discussions on the current legal landscape and Board Member Code of Conduct - Dale Atkinson	

Agenda Item O.2

CONSIDER AND TAKE ACTION ON CANDIDATES FOR 2019 NCARB AND REGION VI OFFICERS AND DIRECTORS

The Board will discuss 2019 elections of officers and directors of National Council of Architectural Registration Boards and Region VI. Attached are the candidates' election materials.

REGION 6 WCARB EXECUTIVE COMMITTEE GOVERNANCE STRUCTURE & ELECTION PROCESS:

The Executive Committee of the Western Region shall be composed of five voting members – a Chairperson, a Vice Chairperson, a Secretary/Treasurer and two members. The five voting Executive Committee members shall be elected by majority vote of Members present at an Annual Meeting of WCARB. The Regional Director and the WCARB Executive Director shall serve as ex officio nonvoting members of the Executive Committee.

Executive Committee members shall be elected for a term of two years, three members to be elected in even numbered years and two members in odd-numbered years, to assure management continuity. A nominee for the Executive Committee must be a current active member of the nominee's respective Board. New Executive Committee Members shall assume office immediately following the adjournment of the next Annual Meeting of NCARB. A member of the Executive Committee who is no longer a member of their State Board may complete their elected term of service on the Executive Committee.

The Chair, Vice Chair, and Secretary/Treasurer shall be elected, by majority vote of Members present at the Annual Meeting of WCARB, from among the membership of the Executive Committee who will be in office immediately following the adjournment of the next Annual Meeting of NCARB. Their term of office will commence immediately following the next Annual Meeting of NCARB.

Any candidate running for the Executive Committee shall have the opportunity to address the membership. In the event of a tie in an election for a position on the Executive Committee, the candidate shall have the opportunity to readdress the membership, followed by another caucus of the membership. This process shall repeat until a winner is declared.

2018-2019 Current WCARB Region 6 Executive Committee:

Jon Baker (CA) – Regional Director, Region 6
Edward Marley (AZ) – Chair of Region 6 Executive Committee
Scott Harm (WA) – Vice Chair of Region 6 Executive Committee
James Mickey (NV) – Secretary/Treasurer of Region 6 Executive Committee
Corey Solum (UT) – Member of Region 6 Executive Committee
Sylvia Kwan (CA) – Member of Region 6 Executive Committee
Gina Spaulding (NV) – Executive Director, Ex Officio Member of Executive Committee



January 22, 2019

To: All NCARB Region 6 Member Board Members

From Edward T. Marley, NCARB, AIA, LEED

Greetings Fellow WCARB members:

I would like to take this opportunity to officially announce my candidacy for the Region 6 **Regional Director** position on the NCARB Board of Directors and would appreciate your support. When I attended my first regional conference 6 years ago, I realized that NCARB was an organization that I wanted to be involved in. I jumped into my involvement with the organization with both feet, and I have enjoyed every minute of the time I've served. As I have worked my way up through the leadership of the WCARB Excom, I believe I have been a key contributor in the transformation of our region to better serve our Member Boards.

Over the last three years, we have worked to develop a strategic plan with the goal of increasing the value of regional membership to the members. Over the past six years, I have been involved at the Arizona Board, WCARB, and NCARB in the following capacities:

- 2018-2019: WCARB Chair
- 2016-2018: WCARB Vice Chair. Working with Executive and Strategic Planning Committees to enhance the value of WCARB to its members
- 2015-2016: WCARB Secretary/Treasurer
- 2015: WCARB Executive Committee: produced video/slide show featuring Architecture of Region 6 (premiered at 2015 Regional Summit)
- 2015: NCARB Annual Meeting Credentials Committee Chair
- 2014-2017: NCARB Broadly Experienced Architect (BEA) Committee
- 2017- Present: NCARB Credential Alternative Review Team inaugural member
- 2018-Present: NCARB Tri-National Dossier Review Team; One of three NCARB representatives to Tri-National program (US, Mexico and Canada)
- 2013-2015: Chair (two terms), Arizona Board of Technical Registration
- 2016: Vice Chair, Arizona Board of Technical Registration
- 2013-Present: Chair, Arizona Board of Technical Registration Legislative and Rules Committee

Other Professional Service:

- 2003: AIA Southern Arizona Chapter President
- 2003: Chair, Mount Lemmon Restoration Committee. Led effort to facilitate rebuilding of mountaintop community devastated by 80,000-acre wildfire.

- 2000-2001: AIA Arizona President
- 1995-1998: AIA Arizona Government Affairs Chair
- 1985-1999: Arizona IDP State Coordinator
- 1985-1987: AIA Southern Arizona Secretary
- 1983-1985: AIA Southern Arizona Associate Director
- 2006-2014: Board Member, Metropolitan Pima Alliance
- 2012-2013: President, Metropolitan Pima Alliance
- 2014-Present: Member DM50, Civic Group supporting local Air Force Base

Recognition:

- 2004: Arizona Architects Medal

Professional:

- 1983-Present: Swaim Associates, Ltd.
- 1995-Present: Principal/CFO, Swaim Associates, Ltd., Tucson, AZ
- 1986: Registered Architect, Arizona
Also registered in OR, NM, KS, MN, VA, HI and SC
- NCARB Certificate Holder

Education:

- 1982: Bachelor of Architecture, University of Arizona
- 1981: Ecoles d'Arte Americaines, Fontainbleau, France

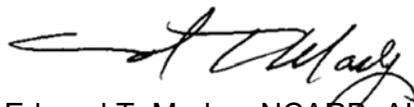
Personal:

- Married to Janice for 33 years.
- Two grown children, including a son who produces fantastic WCARB videos and daughter who plays the ukulele.

I believe I have the experience, dedication, and enthusiasm to represent our region, its member boards, registrants, those aspiring to be registrants, and the public as we all work with NCARB to further the profession of architecture.

On this basis, I seek your support of my candidacy for Region 6 Director so that I may promote the interests of WCARB, NCARB, and the regulation of the practice of Architecture.

Respectfully,



Edward T. Marley, NCARB, AIA, LEED
Principal, Swaim Associates, Ltd.

regional
director
candidate

Western Council of
Architectural
Registration Boards



7 February 2019

Region 6 members.

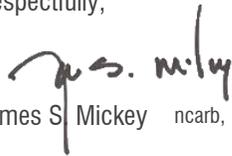
What an amazing opportunity it has been to represent our region on the WCARB Executive Committee for the past three years. It has been an honor and a privilege, and I have learned so much since participating in my first Regional Summit in 2013. This recent stretch on the WCARB Executive Committee, Chair of the Nevada State Board and serving as Chair on NCARB examination committees has also opened my eyes to how much more there is to know and where growth and improvements are needed.

The innovative and collaborative initiatives that have emerged from Region 6 are resulting in changes that will improve our core programs as well as move NCARB into a stronger leadership role in shaping the future of our profession. I believe that in addition to my continued participation and commitment to the success of WCARB, my contributions can also bring a practical perspective to these issues based on my 31 years of professional practice.

So today I ask that you allow me the honor and privilege to serve as the next WCARB Regional Director to continue helping lead our Region, to work on your behalf and other colleagues around the nation to make our profession better, to increase access to all that seek it and to maintain the professional integrity that is the hallmark of our profession.

I welcome and value your input, look forward to seeing y'all in Nashville and the opportunity to chat with you and/or address any questions you may have. Thank you for your consideration of my WCARB Regional Director candidacy and I would greatly appreciate your support in the upcoming election.

Respectfully,



James S. Mickey *ncarb, aia*

p.s. . . . and of course, what would a note from me be without the ham and egg breakfast analogy. The chicken was involved, the pig was committed. I aspire to say, I am committed.

Education

University of Nevada, Reno	
▪ Associates of Engineering design technology	1985
University of Idaho	
▪ Bachelor of Architecture	1998

Practice

Casazza, Peetz & Hancock - Reno, NV.	1988 – 1995
▪ Intern - Project Manager - Project Architect	
Casazza, Peetz & Mickey - Reno, NV.	1995 – 1997
▪ Partner, Senior Project Architect	
Worthgroup Architects - Reno, NV	1997 – 2017
▪ Director of Architecture - Principal, Executive Vice President	
ARCäDESMA <i>architecture</i> - Reno, NV	2017 - present
▪ Founder & Principal	

Boards and Commissions

Western Council of Architectural Registration Boards

▪ Member board member	2012 – present
▪ Regional Summit	2013 – present
▪ Executive committee	2016 - present
▪ Executive committee – Secretary / Treasurer	2016 – present
▪ Continuation education committee – chair	2016 - 2018

National Council of Architectural Registration Boards

▪ Intern development program	1989 - 1992
▪ Certification	1994
▪ FY14 - ARE 4.0 Item Development Subcommittee – Structural Systems Division	
▪ FY15 - ARE 5.0 Item Development Subcommittee – Planning and Analysis Division	
▪ FY16 - ARE 5.0 Item Development Subcommittee – Planning and Analysis Division	
▪ FY16 – Member Board Chair / MBE summit	
▪ FY17 – ARE 5.0 Forms assembly task force – Planning and Analysis Division	
▪ FY18 – ARE 5.0 Case Study Task Force - Chair	
▪ FY18 – Examination committee	
▪ FY18 – Committee chair summit	
▪ FY16 – Member Board Chair / MBE summit	
▪ FY19 – ARE 5.0 Case Study Task Force - Chair	
▪ FY19 – Examination committee	
▪ FY19 – Committee chair summit	

Nevada State Board of Architecture, Interior Design and Residential Design

▪ Secretary / Treasurer	2018 - Present
▪ Board Chair	2016 - 2018
▪ Secretary / Treasurer	2014 - 2016
▪ Board Member	2012 – Present
▪ Residential Design Exam Writing committee	2014 - Present
▪ Continuing Education Committee	2014 – Present

American Institute of Architects

▪ AIA Northern Nevada / AIA Nevada Member	1994 – present
▪ AIA Northern Nevada Board & Subcommittees	1995 – 2007
▪ AIA Northern Nevada – President	2000
▪ AIA Nevada – Board & Subcommittees	2000 – 2005
▪ AIA Nevada – President	2004

City of Reno

- Citizen Advisory Board - Member 2001-2007
- Citizen Advisory Board - Chair 2006

Certificates of Licensures | Registrations attained:

- Base State: Nevada – 1994
- WCARB States: Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Washington
- Alabama, Arkansas, Connecticut, Florida, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, West Virginia, Wyoming.

456 Montgomery Street, Suite 200

San Francisco, CA 94104

January 7, 2019

To: Region 6 Members

RE: Candidate Statement for WCARB Executive Committee



Greetings:

I am writing this letter of interest to be considered for continuing my term as an At-Large member of the WCARB Executive Committee. In the past year, I have learned a tremendous amount of the major issues confronting both WCARB and NCARB, and feel that my contributions have helped the decision-making process in a positive way. The collegiality that we have built in the ExCom has resulted in excellent discourse, diversity in thought, and ultimately movement forward for WCARB in its relationship with the overall NCARB organization.

I am a licensed architect in California and am working toward obtaining NCARB certification. I have been licensed for 37 years and also had a practice for that duration. My firm, Kwan Henmi Architecture and Planning, was acquired by DLR Group, a multi-national architectural/engineering company, in 2017. I am now principal in the San Francisco office and head the higher education practice.

Governor Jerry Brown of California appointed me to the California Architects Board in 2012, and since then I have served as Secretary, Vice President, and President of the board. In December of 2018 I was elected to serve as president for a second term. Responsibilities that I've held include Chair of the Communications Committee, member of the Professional Qualifications Committee, and currently head of the Executive Committee.

Prior to serving on the WCARB Executive Committee, I was a volunteer on the NCARB Architects Licensing Advisors Committee from 2015-2016 and now am part of the LAC Community.

I have served in a number of professional volunteer capacities, including local, state and national boards of the AIA. I have also served on AIA national committees including Young Architects Forum and Minority Resources Committee. Presently I am a member of the AIA Fellows with active participation in selection panels for a variety of positions and awards. It is important to continue the positive relationship with other professional organizations such as the AIA and to this end I will work diligently to maintain the momentum.

Community service has been another major aspect of my volunteer work. Positions include chair of the San Francisco Chamber of Commerce, board member of the Bay Area Council, and board member of Lambda Alpha International, a real estate honorary society.

Most importantly, my passion is to offer time, energy, and experience to fellow architects and future architects. It would be a great honor to continue to serve on the WCARB Executive Committee, and respectfully ask for your vote.

San Francisco and locations worldwide

Thank you for your consideration,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Sylvia Kwan, FAIA, LEED AP BD+C



Catherine Fritz



Architectural Registration: Alaska A-7977
Alaska DBE Certification 9900726

Education:

- Master of Science, Architectural Research, Washington State University, 2003.
- Bachelor of Architecture, cum laude, Washington State University, 1982.
- Bachelor Science Architectural Studies, cum laude, Washington State University, 1982.

Professional Service:

- American Institute of Architects (AIA), member since 1981.
- Association for Learning Environments (A4LE), member since 1989.
- University of Alaska Southeast Adjunct Faculty, Construction Technology, 2012 -2017.
- Alaska State Licensing Board for Architects, Engineers, & Land Surveyors, since 2016.

My professional expertise is rooted in public service with the City & Borough of Juneau, Alaska. My 35 year career in public sector architecture spans across building code enforcement, capital project planning, in-house design services, and project management of work by consultants and contractors. I've worked on airport, hospital, school, public safety, recreational, and infrastructure facilities, and even had the unique experience of managing the Alaska Capitol Design Competition that attracted world renowned architects. I led the development of important policies for effective project delivery, including Qualifications Based Selection for design professionals and Dispute Resolution Boards for construction contracts. I'm a skilled collaborative problem solver whose work is highly regarded by elected officials, boards and commissions, contractors, consultants, and project committees. I currently serve as the Juneau International Airport (JNU) Architect, overseeing the capital planning, design, and construction program for the airport's building projects of more than \$80 million over the past 10 years.

I was appointed to Alaska's Board of Registration for Architects, Engineers, Land Surveyors, and Landscape Architects in 2016. My expertise in legislative processes and understanding of public policy development allowed me to quickly become an effective member of this multi-disciplinary board. It has always been my nature to become actively involved in volunteer efforts I undertake. I feel that if I'm going to give my precious time to participate, then I'm going to really participate – not just watch from the sidelines!

At my first WCARB meeting, I volunteered to help develop a Strategic Plan for Region 6. This committee work has allowed me to get to know many of the activities and people of the region. It is inspiring to meet so many capable and dedicated professionals who want to keep architectural registration robust and relevant. By reading our bylaws, drafting a Strategic Plan, listening at meetings, and talking to other WCARB members, I have gained a solid understand of who we are, and I can see exciting possibilities for WCARB's future. We can support one another by sharing knowledge and best practices, and we can be an effective voice to NCARB.

If elected to Region 6's Executive Committee, I would like to see the Strategic Plan completed and used to guide budgeting and activities that are important to members. I'm pleased to see recent efforts to improve our annual conference by including a continuing education session on a Health-Safety-Welfare related topic. I'm interested in continuing this effort and in developing "first timer" materials to support and help orient new board members to the purpose and opportunities in WCARB. I have the interest, expertise, and available time to serve on the Executive Committee to represent you, and I would be honored to have your support.

Thank you for your thoughtful consideration,

Catherine Fritz

(907) 957-2068

fritzes@gci.net

Tara Rothwell

CANDIDATE FOR EXECUTIVE COMMITTEE

WCARB – REGION 6

I have been a Member Board Member since 2013 in New Mexico, and am currently serving as the Chair. It is with a passion and desire to continue to provide a solid foundation for future architects that I am excited to announce my candidacy for the executive committee for WCARB.

I have been involved with NCARB meetings and committees for several years and after some personal time away, I am ready to “jump in” to serve! I bring a passion and commitment to all that I do, and I hope to offer different perspectives and positive ideas to the face of WCARB.

I look forward to continued growth both professionally and personally and I look forward to building and continuing the relationships and bonds that I have formed with my time in the organization.

The face of architectural practice is changing. While maintaining the architectural licenses we worked so hard to obtain, those of us who work in ancillary or non-traditional fields are often shunned by the profession for being “less” than a traditional architect. I have been working to expand on this changing definition of architectural practice and look forward to dialog about the different forms of practice and why they should be “equal” rather than “less”. Whether this change was prompted by family life, the need to be more creative, or the desire to effect design influence across a broader spectrum, this non-traditional practice model is becoming more of a norm.

I am a licensed architect in New Mexico. I worked in traditional practice in two different firms beginning with my graduation with my BArch in 1995. I currently work in commercial furniture design and sales, and provide consulting services. I have served on a number of Boards in leadership positions and regularly speak to audiences of various sizes to promote the profession. Expanding the relevance of the architectural license is a passion, and I look forward to working toward a leadership role with our Region.

Thank you,

Tara Rothwell, AIA, NCARB, LEED AP



6490 Vista Valley Trail
Las Cruces, NM 88007

575.644.0775
Trothwellclark@gmail.com

Tara Rothwell

CANDIDATE FOR EXECUTIVE COMMITTEE WCARB – REGION 6

I have been a Member Board Member since 2013 in New Mexico, and am currently serving as the Chair. It is with a passion and desire to continue to provide a solid foundation for future architects that I am excited to announce my candidacy for the executive committee for WCARB.

I have been involved with NCARB meetings and committees for several years and after some personal time away, I am ready to “jump in” to serve! I bring a passion and commitment to all that I do, and I hope to offer different perspectives and positive ideas to the face of WCARB.

I look forward to continued growth both professionally and personally and I look forward to building and continuing the relationships and bonds that I have formed with my time in the organization.

Summary of Qualifications

12/2013- present Beck Total Office Interiors, Las Cruces, NM

Account Executive/ Architect

- Marketing and Business Development
- Sales
- Space Planning and Design
- Project Management
- Consulting

1/2011- present modernFlair design, Las Cruces, NM

Owner

- Marketing and Business Development
- Graphic Design
- Project Management
- Consulting

10/1999 – 4/2012 Studio d Architects Las Cruces, NM

Project Manager/ Project Architect – License #4518

- Marketing & Development
- Project Management
- Project Design
- Construction Administration

Objective To broaden the scope of my profession, to ensure the health, safety and welfare of the residents of New Mexico and to provide diversity on the Board of Examiners for Architects in the State of New Mexico. I am currently Chair for the Board and am on a NCARB ARE 5.0 Committee. I have participated in NCARB both regionally and nationally since my original placement on the Board.

Education [8/1990 – 12/1995] Texas Tech University Lubbock, TX
Bachelor of Architecture

- Specialty in Design

Professional experience [2/1996 – 10/1999] Collins| Reisenbichler Architects El Paso, TX
Intern Architect

- Healthcare Design
- Client Contact
- Project Management
- Construction Administration

Additional professional activities Member of the American Institute of Architects; participate in an industry specific Mentor group ACE; participate regularly at DACC presenting to students about the profession and about women in architecture; LEED AP and involved in green building practices; participation on committee for National Council of Architectural Registration Boards for cut/score for the Architectural Registration Exam; member of the AIA Academy of Architecture for Health

Professional memberships American Institute of Architects (AIA); National Council of Architectural Registration Boards (NCARB); US Green Building Council – LEED Accredited Professional

Community activities Past Board Member NMSU President Associate's Board; Past Board Member – First Step Center; Co-Chair and Founder of the First Step Center Annual Golf Tournament; Member of Friends of First Step; Past Committee Member for the Community Foundation of Southern New Mexico Annual Gala; Sustaining Member and Past President of the Junior League of Las Cruces; I was a model for the High Heel for High Hopes event for the March of Dimes; Tough Enough to Wear Pink Campaign

References Upon Request

Interests and activities

I am the mother of a 14 year old son; I enjoy golf but have little free time to play; graphic design and fundraising are my hobbies; I participate in church activities and care for my mother, who has Parkinson's; I enjoy travel and philanthropy. As a recent breast cancer survivor, I enjoy mentoring others through this terrible disease.

Volunteer experience

I have served on a number of boards and have worked on fundraisers and events for the past 20+ years. I was on the committee for the Community Foundation Mayor's Ball for four consecutive years and was involved in the Capital Campaign for the First Step Center; as a Past President of the Junior League of Las Cruces, I worked to promote the welfare of children in Dona Ana County; as a professional, I volunteer my time as a mentor to high school and college students; I participate in events for NMSU and I have donated services to many non-profit agencies including Mesilla Valley Hospice, DAAC, La Casa, First Step Center, Jardin de los Niño's and others.

Awards received

JLLC Sustainer of the Year; First Step Angel Award

SCOTT E. HARM, AIA, NCARB
ARCHITECTURAL CLIENT RELATIONS MANAGER



YEARS OF EXPERIENCE

37

EDUCATION

- M. Arch., Architecture, University of Houston, Texas, 1988
- B.A., Forestry, Pennsylvania State University, 1981

LICENSING

- Architect: Arkansas
- Architect: California
- Architect: Washington, DC
- Architect: Hawaii
- Architect: Idaho
- Architect: Illinois
- Architect: Indiana
- Architect: Maryland
- Architect: Minnesota
- Architect: North Carolina
- Architect: New Jersey
- Architect: New York
- Architect: Ohio
- Architect: Pennsylvania
- Architect: Texas
- Architect: Virginia
- Architect: Washington

WCARB CANDIDACY STATEMENT: CHAIR

Fellow WCARB; Region 6 Members;

I am both delighted and humbled to submit my name for your consideration of me as a candidate for the **WCARB Regional Executive Committee's Chair** position. Since being appointed by our States Governor to the Washington State Board of Architectural Registration in 2013 I have been fully engaged in my Board's duties as well as the NCARB and WCARB communities. With each passing year I am more and more excited to be working with all the outstanding professionals with whom I am now associated.

Since being nominated and then elected to the WCARB Executive Committee from the floor just a few years ago I have grown increasingly enthusiastic about the opportunities I have been presented with and have become much more aware of the responsibilities I have taken on as one of your regional representatives. I believe my past and current experiences of serving on localized Planning Commissions, Design Review Committees, as well as various public Commissions have engrained in me a deep sense of responsibility to truly serve those to whom I have been selected to represent. I would like nothing more than to continue in that capacity by expanding my role and responsibility in our Executive Committee.

I have made a career, both personally and professionally, of making those around me as successful as possible by removing obstacles that might impede their own efforts and recognizing and addressing impediments to our mutual success as early as possible and attacking them with unbridled enthusiasm, and candor. Simple put, I really love what I am doing and hope all of you can see that in my eyes and the way in which I conduct myself.

I do, however live by the mantra of "we should expect more" and while I am excited about the activities and actions of both WCARB and NCARB I believe there is so much more we can and should be doing and/or expecting from our organizations. Of primary concern to me is the belief that at both levels we should be seeking "added value" from both organizations which would pay an increased dividend to our individual state boards. Some of you may remember a few years ago a very energetic and some time heated debate regarding the value of the WCARB organization and questioning if it was an organization that should continue in the way it currently does. I believe this is still a valuable undertaking/conversation and am convinced that both NCARB and WCARB can and should do more to provide value to our

AREAS OF EXPERTISE

- Team Building
- Partnering
- Design-Build Project Delivery
- Department of Defense Standards
- Municipal Projects
- Public/Private Joint Ventures
- Historic Preservation and Adaptive Reuse
- General Construction/Construction Management (GCCM)
- Feasibility Studies
- Constructability Evaluations
- Healthcare Design
- Multi-family Housing
- Distribution and Warehouse

AFFILIATIONS

- Washington State Architectural Board of Registration
- NCARB Western Region Council Member: Region 6; Vice Chair
- Society of American Military Engineers, Architectural Practice Committee Member
- City of Seattle, Mayor's Energy Conservation Commission
- City of Issaquah, WA, Design Review Commission, Chair
- City of Puyallup, WA, Historical preservation and Design Review Commission, Chair
- City of Puyallup, WA, Planning Commission, Vice-Chair
- WCARB, Regional Executive Council Member
- NCARB Futures Task Force
- American Institute of Architects
- Society of American Military Engineers (SAME)
- Design Build Institute of America (DBIA)
- American Institute of Certified Planners (AICP)

State Boards. I will hopefully with your support and our combined efforts develop a plan that really does substantiate the importance of WCARB and clearly demonstrate a “value added” component to our collective and continued participation.

Lastly, I have truly loved my experiences within NCARB and more importantly WCARB and hope with your continued support and vote of confidence you can and should all “expect more from me” in being one of your representatives and pushing forward those items that are important within our regional organization. I am excited about our future and am looking forward to being an active (and sometimes vocal) proponent for increasing the value of WCARB.

Thank you all for your time and consideration;



Scott E. Harm, AIA, NCARB



February 7, 2019

Gina Spaulding, Executive Director
Western Council of Architectural Registration Boards, Region 6
2657 Windmill Parkway #601
Henderson, NV 89074

Dear Esteemed Members of Region 6

I appreciate the opportunity to request your support in my candidacy for the Secretary/Treasurer position of WCARB Executive Committee. It has been a pleasure meeting and working alongside many of you in WCARB in the past few years.

Since my appointment to the Utah Architects Licensing Board in 2015, I've had the pleasure to serve on three NCARB task forces, and most recently last year on the WCARB board as well the WCARB strategic planning committee.

I would very much like to continue with this work and implement the elements of the strategic plan for the future of WCARB to further the mission of the organization.

I have a diverse set of skills that would be of value to WCARB and the concerns that may affect our profession. I believe that my experience in finance as well as my experience working as a Treasurer on several other boards in the past can help our WCARB for the upcoming year in the Secretary/Treasurer position.

I'm passionate about what I do, and the industry that I represent and thank you in advance for your consideration.

Respectfully,

A handwritten signature in blue ink that reads 'Corey R. Solum'.

Corey R. Solum, AIA
Think Architecture
5151 S. 900 E., Ste. 200
Murray, UT 84117
801.269.0055 (o)
csolum@thinkaec.com

5151 South 900 East

Suite 200

Salt Lake City, Utah 84117

801-269-0055

www.thinkaec.com

COREY R. SOLUM, AIA, NCARB

COREY R. SOLUM / PRINCIPAL, CEO

Corey is a principal and chief executive officer at Think Architecture. Corey is passionate about architecture and has more than 25 years of design experience. He has successfully designed and managed many high profile private and public projects across the western United States.

EDUCATION

- Master of Architecture (1995)
University of Utah
- B.S. Architectural Studies (1993)
University of Utah

ACHIEVEMENTS / AFFILIATIONS

- Licensed Architect
 - Arizona License
 - Georgia License
 - Idaho License
 - Kentucky License
 - Missouri License
 - Nevada License
 - North Dakota License
 - Oklahoma License
 - Texas License
 - Utah License - Home State
 - Washington License
 - Wyoming License

NCARB Certified

Utah Architects Licensing Board (Appointed position)

- Chairperson (2018, 2019)
- Member (8/2015-8/2023)

NCARB & WCARB Committees

- WCARB Board of Directors (2018-2019)
- WCARB Strategic Plan Committee (2017-2018)
- Case Study Sub Committee (2018)
- Case Study Task Force (2017)
- Cut Score Task Force (2016)

Member of American Institute of Architects

- AIA Government Affairs, Chairperson (2018)
- AIA Government Affairs Member (2015-2018)
- AIA Utah Board Member
 - President (2014)
 - President-Elect (2013)



Treasurer (2011-2012)

Director (2009-2011)

PROFESSIONAL BACKGROUND

Think Architecture, Inc.
Salt Lake City, Utah (2012-Present)

JSA Architects, LLC.
Salt Lake City, Utah (2000-2012)

John C. Shirley & Associates
Salt Lake City, Utah (1997-2000)

GSBS Gillies-Stransky-Brems-Smith Architects
Salt Lake City, Utah (1995-1997)

REVIEW AND POSSIBLE ACTION ON CONTRACT FOR DEBT COLLECTION SERVICES TO COLLECT OUTSTANDING ADMINISTRATIVE FINES AND COST RECOVERIES

The Board's 2017-2018 Strategic Plan contained an objective to "measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers" and the LATC's 2017-2018 Strategic Plan contained an objective to "contract with collection agencies to pursue and recover unpaid citations from unlicensed individuals." As a result of these Strategic Plan objectives, the Board and LATC have combined efforts to contract with an agency to provide debt collection services to collect outstanding administrative fines and cost recoveries.

Staff worked collaboratively with the Department of Consumer Affairs' Business Services Office (BSO) to develop a scope of work to be performed by the debt collection agency that fits our needs. Additionally, a breakdown of the estimated administrative fines, cost recoveries, and potential litigation services were provided for bidding purposes.

A Request for Quote (RFQ) with an invitation to bid was sent to several California small business debt collection vendors on the Department of General Services approved vendor list. Three vendors responded with quotes and the lowest bidder was selected according to small business preference guidelines. The contract is planned to be executed from March 15, 2019 through March 14, 2022.

At today's meeting, the Board is asked to review the contract for debt collection services to collect the Board's and LATC's outstanding administrative fines and cost recoveries and take possible action. A draft copy of the contract will be provided under separate cover when available.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on February 8, 2019 LATC Meeting
2. Review and Possible Action on Draft 2019-2021 Strategic Plan
3. Review and Possible Action on Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2603 Delegation of Certain Functions
4. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2655 Substantial Relationship Criteria; 2656 Criteria for Rehabilitation; and 2680 Disciplinary Guidelines; and LATC's *Disciplinary Guidelines*

UPDATE ON FEBRUARY 8, 2019 LATC MEETING

The LATC met on February 8, 2019, in Los Angeles. Attached is the meeting notice. LATC Program Manager, Trish Rodriguez, will provide an update on the meeting.

Attachment:

February 8, 2019 Notice of Meeting



NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS

Marq Truscott, Chair
Andy Bowden, Vice Chair
Susan M. Landry
David Allen (DJ) Taylor, Jr.
Patricia Trauth

February 8, 2019

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

**University of Southern California
School of Architecture
Verle Annis Gallery
850 Bloom Walk, Los Angeles, CA 90089
(213) 740-2723**

The Landscape Architects Technical Committee (LATC) will hold a meeting, as noted above.

Agenda

**11:00 a.m. – 3:30 p.m.
(or until completion of business)**

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and LATC Member Introductory Comments
- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).
- D. Update on the Department of Consumer Affairs (DCA) – Dean R. Grafilo, DCA Director
- E. Presentation on the University of Southern California Landscape Architecture Program (Esther Margulies, Associate Professor of Practice, Interim Director Landscape Architecture + Urbanism)
- F. Review and Possible Action on December 6-7, 2018 LATC Meeting Minutes

- G. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs
- H. Review and Possible Action on Extension Certificate Program Subcommittee's Recommendation to Amend California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5 Requirements for an Approved Extension Certificate Program
- I. Review and Possible Action on Amendments to CCR, Title 16, Division 26, Article 1, Sections 2680 Disciplinary Guidelines, 2655 Substantial Relationship Criteria, and 2656 Criteria for Rehabilitation
- J. Review and Possible Action to Approve Fiscal Year 2019-20 Intra-Departmental Contract with Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development
- K. Review and Possible Action on Draft 2019-2021 Strategic Plan
- L. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to Amend CCR, Title 16, Division 26, Article 1, Section 2603 (Delegation of Certain Functions) to Align with the California Architects Board's Delegation of Certain Functions, CCR, Title 16, Division 2, Article 1, Section 103
- M. Discuss and Possible Action on the 2019-2021 Strategic Plan Objective to Develop a Social Media Content Strategy to Inform the Public
- N. Demonstration of New LATC Website Features
- O. Review of Future LATC Meeting Dates
- P. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the 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 at 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: Blake Clark

Telephone: (916) 575-7236

Email: Blake.clark@dca.ca.gov

Telecommunication Relay Service: Dial 711

Mailing Address:

Landscape Architects Technical Committee

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 LATC in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code section 5620.1).

REVIEW AND POSSIBLE ACTION ON DRAFT 2019-2021 STRATEGIC PLAN

On December 7, 2018, the Landscape Architects Technical Committee (LATC) participated in a Strategic Planning session to update its Strategic Plan. The session was facilitated by the Department of Consumer Affairs' SOLID team. The LATC developed objectives for four goal areas: Regulation and Enforcement, Professional Qualifications, Public and Professional Outreach, and Organizational Effectiveness.

SOLID updated the Strategic Plan based on the LATC's session. At its February 8, 2019, meeting, the LATC approved the draft 2019-2021 Strategic Plan, extending the prior two-year plan to a three-year plan.

The Board is asked to review and approve the draft 2019-2021 LATC Strategic Plan.

Attachment:

2019-2021 LATC Strategic Plan (Draft)

Landscape Architects Technical Committee

Strategic Plan 2019-2021

Adopted:

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LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE MEMBERS

Marq Truscott, Chair

Andrew Bowden, Vice Chair

Susan M. Landry, Committee Member

David A. Taylor, Jr., Committee Member

Patricia Trauth, Committee Member

Gavin Newsom, Governor

Alexis Podesta, Secretary, Business Consumer Services and Housing Agency

Dean Grafilo, Director, Department of Consumer Affairs

Laura Zuniga, Executive Officer, California Architects Board

Trish Rodriguez, Program Manager, Landscape Architects Technical Committee

MESSAGE FROM THE CHAIR



Environmental change has expanded the role of landscape architects throughout the State of California. Our licensees are planning for greater resiliency when faced with sea level rise, wildfires, drought, and increased daily temperatures. Furthermore, today's projects require increased expertise with storm water management, public accessibility, public acceptance, and the use of water. Our charge demands that licensed landscape architects in California are prepared for these and future challenges to our built environment.

The Landscape Architects Technical Committee (LATC) has been working on increasing the pathways to licensure. In the past year we have created an experience only path and expanded the acceptable education requirements to meet the growing demand for licensed professionals. We also continue to support the University of California extension certificate, which provides additional licensure candidates who cannot attend a full-time studio program.

We will continue to seek input from the industry, partners, and public while we strive for transparency and collaboration. This Strategic Plan will guide our work for the next three years as we continue to work on our mandate, which is to protect the citizens of California.

Marq Truscott
Committee Chair

ABOUT THE COMMITTEE

The Landscape Architects Technical Committee (LATC) was created pursuant to Assembly Bill (AB) 1546 which became effective January 1, 1998. The Committee was statutorily established under the jurisdiction of the California Architects Board (Board). Its purpose is to act in an advisory capacity to the Board on examination and other matters pertaining to the regulation of the practice of landscape architecture in California.

The five-member committee consists of technical experts who are licensed to practice landscape architecture in California. Under the provisions of AB 1546, the Governor appoints three members; the Senate Rules Committee appoints one member, and the Speaker of the Assembly appoints one member.

The activities of the LATC benefit consumers in two important ways. First, regulation protects the public at large. Second, regulation protects the consumer of services rendered by landscape architects. It is imperative to ensure those who hire landscape architects are protected from incompetent or dishonest landscape architects.

The LATC is one of 39 boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA) and is part of the Business, Consumer Services and Housing Agency. DCA is responsible for consumer protection through the regulation of licensees. While DCA provides administrative oversight and support services, the LATC further sets its own regulations, policies, and procedures.

Mission, Vision, and Values

Mission

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.

Vision

Champion for consumer protection, and a safer, healthier environment for the people of California.

Values

Consumer Protection

Integrity

Education

Communication

Leadership

Innovation

STRATEGIC GOALS

1 *REGULATION & ENFORCEMENT*

2 *PROFESSIONAL QUALIFICATIONS*

3 *PUBLIC & PROFESSIONAL OUTREACH*

4 *ORGANIZATIONAL EFFECTIVENESS*

GOAL 1: REGULATION & ENFORCEMENT

Protect consumers through effective regulation and enforcement of laws, codes, and standards affecting the practice of landscape architecture.

- 1.1 Review and assess the current Landscape Architects Practice Act to be consistent with related statutes and regulations.
- 1.2 Research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.
- 1.3 Revise disciplinary guidelines, regulations, forms, and processes related to AB 2138 to comply with statutory guidelines.
- 1.4 Amend California Code of Regulations (CCR) section 2603 (Delegation of Certain Functions) to align with the California Architects Board's CCR section 103 (Delegation of Certain Functions) to streamline the disciplinary process.
- 1.5 Publish an updated Practice Act booklet to provide the public and licensees with current information.

GOAL 2: PROFESSIONAL QUALIFICATIONS

Ensure that landscape architects are qualified to practice by setting and maintaining equitable requirements for education, experience, and examinations.

- 2.1 Research the feasibility of a structured internship program to better prepare licensure candidates.
- 2.2 Research the need for continuing education for licensees through the Committee, American Society of Landscape Architects (ASLA), or another organization, to better protect the health, safety, and welfare of consumers.
- 2.3 Conduct an occupational analysis to update the California Supplemental Examination to be more reflective of current standards.
- 2.4 Research regulations governing allied professionals to better understand their scope of practice as it relates to landscape architecture.

GOAL 3: PUBLIC & PROFESSIONAL OUTREACH

Increase public and professional awareness of LATC's mission, activities, and services.

- 3.1 Educate the different jurisdictional agencies (state and local) about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations.
- 3.2 Develop a social media content strategy to inform and educate the public.
- 3.3 Increase social media presence to inform and educate licensees and the public, and expand outreach.

GOAL 4: ORGANIZATIONAL EFFECTIVENESS

Provide accessible and responsive quality services to consumers and licensees.

- 4.1 Undertake business modernization activities to achieve a smooth transition to an integrated online information technology platform.
- 4.2 Develop an online tutorial to clarify the licensure process for candidates.
- 4.3 Prepare for Sunset Review hearing and responses to background paper.

Strategic Planning Methodology

To understand the environment in which the Committee operates and identify factors that could impact the Committee's success, DCA's SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- ◆ Interviews with three members of the Committee, the Executive Officer, and Assistant Executive Officer of the Board, the former Program Manager, and three staff members conducted during the month of September and October 2018 to assess the challenges and opportunities the Committee is currently facing or will face in the upcoming years.
- ◆ An online survey sent to Committee stakeholders in September and October 2018 to identify the strengths and weaknesses of the Committee from an external perspective. Forty-Four stakeholders completed the survey.

The most significant themes and trends identified from the environmental scan were discussed by the Committee and the executive management team during a strategic planning session facilitated by SOLID on December 7, 2018. This information guided the Committee in the development of its objectives outlined in this 2019 – 2021 Strategic Plan.

**Landscape Architects Technical Committee
2420 Del Paso Blvd., Suite 105
Sacramento, CA 95834**

Prepared by: www.latc.ca.gov



Department of Consumer Affairs
1747 N. Market Blvd., Suite 270
Sacramento, CA 95834

This Strategic Plan is based on stakeholder information and discussions facilitated by SOLID for the Landscape Architects Technical Committee in September and October 2018. Subsequent amendments may have been made after Committee adoption of this plan.



REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2603 DELEGATION OF CERTAIN FUNCTIONS

The Landscape Architects Technical Committee's (LATC) 2019-2021 Strategic Plan contains an objective to amend its delegation of authority regulation to align with the Board's.

Specifically, CCR section 2603 (Delegation of Certain Functions) does not allow for the Executive Officer (EO) to approve LATC settlement agreements for the revocation or surrender of license, whereas the Board's CCR section 103 (Delegation of Certain Functions) allows the EO to approve such settlement agreements on the Board's behalf.

The LATC recently had a Stipulated Surrender of License in which the surrender of license as outlined in CCR section 2603 required Board approval. By amending CCR section 2603 to align with the Board's, a surrender of license authority outlined in CCR section 103, in which both parties agree to the action, the surrender of license could effectively be approved by the EO.

On February 8, 2019, the LATC voted to recommend to the Board approval of the proposed regulatory amendments to CCR section 2603 Delegation of Certain Functions (see Attachment 1). Also provided for reference is the Board's existing CCR section 103 Delegation of Certain Functions (see Attachment 2).

At today's meeting, the Board is asked to review the proposed regulatory language to amend CCR section 2603 and take possible action.

Attachments:

1. Proposed Regulatory Language to Amend LATC's CCR Section 2603 (Delegation of Certain Functions)
2. California Architects Board's CCR Section 103 (Delegation of Certain Functions)

CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

PROPOSED REGULATORY LANGUAGE

Changes to the original language are shown in single underline for new text and single ~~strike~~ for deleted text.

Amend section 2603 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2603 Delegation of Certain Functions

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation or surrender of license; and the certification and delivery or mailing of copies of decisions under Section 11518 of said Code are hereby delegated to and conferred upon the executive officer, or in his or her absence from the office of the Board, the acting executive officer.

The power and discretion conferred by law upon the Board to evaluate and determine qualifications and approve applicants for examination under Section 5650 of the Code, and determine which applicants for reciprocity licenses are entitled to waiver of the written examination under Section 5651 of the Code is hereby delegated to and conferred upon the executive officer.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Sections 5624, 5651 and 5662, Business and Professions Code

CALIFORNIA ARCHITECTS BOARD

Section 103 of Article 1 of Division 2 of Title 16 of the California Code of Regulations reads as follows:

§ 103 Delegation of Certain Functions

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; **to approve settlement agreements for the revocation or surrender of license;** and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive officer of the Board.

REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTIONS 2655 SUBSTANTIAL RELATIONSHIP CRITERIA; 2656 CRITERIA FOR REHABILITATION; AND 2680 DISCIPLINARY GUIDELINES; AND LATC'S *DISCIPLINARY GUIDELINES*

Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) was approved by the Governor on September 30, 2018 and becomes operative on July 1, 2020. The bill requires boards, bureaus, and committees (collectively, the boards) to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria.

The Department of Consumer Affairs (DCA) provided model regulations and recommended each board to coordinate with board counsel regarding specific regulatory amendments. Staff worked with legal counsel to prepare revisions to CCR sections 2655 Substantial Relationship Criteria, 2656 Criteria for Rehabilitation, and 2680 Disciplinary Guidelines. Proposed amendments to section 2656 includes two options for consideration. Option 1 allows the Board to consider rehabilitation on a case-by-case basis. Option 2 requires the Board to find rehabilitation if the applicant completed their terms of criminal probation/parole.

At its meeting on February 8, 2019, the LATC voted to recommend to the Board approval of the proposed regulatory amendments to CCR sections 2655, 2656 Option 1 (with minor technical revisions suggested by DCA legal counsel), and 2680. In addition, the draft LATC *Disciplinary Guidelines* which includes revisions to align with proposed regulatory amendments were reviewed by the LATC and recommended to the Board for approval.

At today's meeting, the Board is asked to review the proposed amendments to CCR sections 2655, 2656, and 2680 (Attachment 1), and the draft LATC *Disciplinary Guidelines* (Attachment 2) and take possible action.

Attachments:

1. Proposed Regulatory Language to Amend CCR Sections 2655 (Substantial Relationship Criteria), 2656 (Criteria for Rehabilitation), and 2680 (Disciplinary Guidelines)
2. Draft Landscape Architects Technical Committee *Disciplinary Guidelines* (Revised 2019)

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

Title 16. Professional and Vocational Regulations Division 26. Landscape Architects Technical Committee

PROPOSED REGULATORY LANGUAGE

Changes to the existing regulation are shown in single underline for new text and ~~single-strikeout~~ for deleted text.

Amend Sections 2655, 2656, and 2680 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

Section 2655. Substantial Relationship Criteria.

(a) For the purpose of denial, suspension, or revocation of the license of a landscape architect pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of a landscape architect if to a substantial degree it evidences present or potential unfitness of a landscape architect to perform the functions authorized by his or her the license in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but not be limited to, the following:~~

(b) In making the substantial relationship determination required under subsection (a) for a crime, the Board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a landscape architect.

(c) For purposes of subsection (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

(a) Any violation of the provisions of Chapter 3.5 of Division 3 of the Business and Professions Code or other state or federal laws governing the practice of landscape architecture.

Note: Authority cited: Sections 481, 493, 5630, Business and Professions Code. Reference: ~~Division 1.5~~, Sections 141, 475, 480, 481, 490, 493, et seq and 5630, Business and Professions Code.

Section 2656. Criteria for Rehabilitation. [Option 1]

(a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code on the ground that the applicant was convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall, in evaluating the

~~rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:~~

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subsection (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), the Board shall apply the following criteria in evaluating the applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

(1) The nature and ~~severity~~ gravity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial~~ under Section 480 of the ~~Business and Professions~~ Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (1) or (2).

(4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) The criteria in subsection (a)(1)-(5), as applicable.

(6) Evidence, if any, of rehabilitation submitted by the applicant.

~~(c)~~ When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall ~~, in evaluating the rehabilitation of such person and his or her present eligibility for a license will~~ consider the following criteria:

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(d) If subsection (c) is inapplicable, or the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (c), the Board shall apply the following criteria in evaluating a licensee's rehabilitation. The Board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

- (1) ~~The N~~nature and severity-gravity of the act(s) or ~~offense-crime~~(s).
- (2) ~~The T~~total criminal record.
- (3) The time that has elapsed since commission of the act(s) or ~~offense-crime~~(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) The criteria in subsection (c)(1)-(5), as applicable.
- (6) If applicable, evidence of ~~expungement-dismissal~~ proceedings pursuant to Section 1203.4 of the Penal Code.
- (7) ~~Evidence, if any, of rehabilitation submitted by the licensee.~~
- (e) When considering a petition for reinstatement of the license of a landscape architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b)(c) or (d), as applicable.

Note: Authority cited: Sections 482 and 5630, Business and Professions Code. Reference: ~~Division 1.5~~, Sections 141, 475, 480, 481, 482, 488, 493, et seq and 5630, Business and Professions Code.

Section 2656. Criteria for Rehabilitation. [Option 2]

- (a) ~~When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code on the ground that the applicant was convicted of a crime, the Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation., in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:~~
- (b) If subsection (a) is inapplicable, the Board shall apply the following criteria in evaluating the applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:
 - (1) The nature and ~~severity-gravity~~ of the act(s) or crime(s) under consideration as grounds for denial.
 - (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (1) or (2).
 - (4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) Evidence, if any, of rehabilitation submitted by the applicant.
- (c) ~~When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the Board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. , in~~

evaluating the rehabilitation of such person and his or her present eligibility for a license will consider the following criteria:

(d) If subsection (c) is inapplicable, the Board shall apply the following criteria in evaluating a licensee's rehabilitation. The Board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

- (1) The Nature and severity-gravity of the act(s) or offense-crime(s).
 - (2) The Total criminal record.
 - (3) The time that has elapsed since commission of the act(s) or ~~offense-crime~~(s).
 - (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
 - (5) If applicable, evidence of ~~expungement~~ dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
 - (6) Evidence, if any, of rehabilitation submitted by the licensee.
- ~~(e)~~ When considering a petition for reinstatement of the license of a landscape architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection ~~(b)~~(c) or (d), as applicable.

Note: Authority cited: Sections 482 and 5630, Business and Professions Code. Reference: ~~Division 1.5~~, Sections 141, 475, 480, 481, 482, 488, 493, et seq and 5630, Business and Professions Code.

Section 2680. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" [Rev. 2000] (Revised 20198) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 481, 493, 5622, and 5630, and 5662, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 125.3, 125.6, 140, 141, 143.5, 480(a), 490, 493, 496, 499, 5616, 5640, 5642, 5659, 5660, 5662, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5, and 5676, and 5678, Business and Professions Code; and sections 11400.20, 11400.21, 11425, 11425.50, and 11425.50(e), Government Code.

Start Face Page:

Landscape Architects Technical Committee
Disciplinary Guidelines
(Revised 2019)



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DISCIPLINARY GUIDELINES

I. INTRODUCTION

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~Board~~CAB), Landscape Architects Technical Committee (LATC) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, landscape architects, others involved in the disciplinary process, and ultimately the Board, shall be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses ~~are referenced to the statutory and regulatory provisions.~~

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation ~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board (~~CAB~~) recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, and ~~that~~ mitigating or aggravating circumstances ~~and~~ or other factors, may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken.

Additional copies of this document may be obtained by contacting the LATCCAB at its office in Sacramento, California. There may be a charge assessed sufficient to cover the cost of production and distribution of copies.

II. GENERAL CONSIDERATIONS

A. Citations

The Board may issue a citation pursuant to Section 125.9 or 148 of the Business and Professions Code, and in accordance with Section 2630 of Article 1 of Division 26 of Title 16 of the California Code of Regulations, as an alternate means to address relatively minor violations not necessarily warranting discipline.

Citations are not disciplinary actions, but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to effectively address less egregious violations.

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due

consideration to the factors enumerated in subdivision (b) of Section 2630.1 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

Citations that include an assessment of an administrative fine are classified according to the nature of the violation as follows:

- 1) Class “A” violations are violations that involve an unlicensed person who has violated Business and Professions Code section 5640, including, but not limited to, acting in the capacity of a landscape architect or engaging in the practice of landscape architecture. A class “A” violation is subject to an administrative fine in an amount not less than \$750 and not exceeding \$2,500 for each and every violation.
- 2) Class “B” violations are violations that involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public, or a person who has committed a class “C” violation and has one or more prior, separate class “C” violations. A class “B” violation is subject to an administrative fine in an amount not less than \$1,000 and not exceeding \$2,500 for each and every violation.
- 3) Class “C” violations are violations that involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class “C” violation is subject to an administrative fine in an amount not less than \$250 and not exceeding \$1,000 for each and every violation.

Notwithstanding the administrative fine amounts listed above, a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:

- 1) The citation involves a violation that has an immediate relationship to the health and safety of another person.
- 2) The cited person has a history of two or more prior citations of the same or similar violations.
- 3) The citation involves multiple violations that demonstrate a willful disregard of the law.
- 4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

Payment of a fine with or without an informal conference or administrative hearing does not constitute an admission of the violation charged, but represents a satisfactory resolution of the citation for purposes of public disclosure.

After a citation is issued, the person may:

- 1) Pay the fine/comply with any order of abatement and the matter will be satisfactorily resolved.
- 2) Request an informal conference. Following the informal conference, the citation may be affirmed, modified, or dismissed, including any fine levied or order of abatement issued.
- 3) Request an administrative hearing to appeal the citation regardless of whether or not an informal conference was held.

Failure to pay a fine, unless the citation is being appealed, may result in disciplinary action. Where a citation is not contested and a fine is not paid, the fine shall be added to the fee for renewal of the license.

B. Proposed Decisions

The Board requests that Proposed Decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their ~~definitions.~~ descriptions.
- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if he or /she is present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

C. Stipulated Settlements

The Board will consider agreeing to stipulated settlements to promote cost-effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to a settlement with the Board, he or she may be required to admit to the violations set forth in the accusation or statement of issues. All proposed stipulated settlements must be accompanied by a memorandum from the Deputy Attorney General 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.

D. Cost Reimbursement

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including, but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

E. ~~Criteria~~Factors to be Considered

Substantially Related Criteria. The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of the profession, based on the criteria specified in Section 2655 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in Section 2656 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

In determining whether revocation, suspension, or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to any consumer, client or the general public.
3. Prior disciplinary record.

4. ~~Number and/or variety of current violations.~~
5. ~~Mitigation evidence.~~
6. ~~Rehabilitation evidence.~~
7. ~~In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
8. ~~Overall criminal record.~~
9. ~~Time passed since the act(s) or offense(s) occurred.~~
10. ~~Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.~~
11. ~~Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.~~

F. Substantial Relationship Criteria

~~California Code of Regulations, Title 16, Division 26, Article 1, section 2655 states:~~

~~For the purpose of denial, suspension, or revocation of the license of a landscape architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a landscape architect if to a substantial degree it evidences present or potential unfitness of a landscape architect to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:~~

~~(a) Any violation of the provisions of Chapter 3.5 of Division 3 of the Business and Professions Code.~~

III. DEFINITION OF PENALTIES

Revocation: Loss of a license as the result of any one or more violations of the Landscape Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of his or her license and demonstrates to the Board's satisfaction that he or she is rehabilitated.

Suspension: Invalidation of a license for a fixed period of time, not to exceed a period of one year.

Stayed Revocation: Revocation of a license, held in abeyance pending respondent's compliance with the terms of his or her probation.

Stayed Suspension: Suspension of a license, held in abeyance pending respondent's compliance with the terms of his or her probation.

Probation: A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving his or her conduct or preventing the likelihood of a reoccurrence of the violation.

Public Reproval: A condition of probation whereby the respondent is required to appear before the Board to review in public the violation which he or she was determined to have committed and the penalties imposed.

IV. DISCIPLINARY GUIDELINES

The offenses are listed by ~~statute~~section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets ~~listed after each condition of probation~~ refers to the specific standard or optional conditions of probation listed on pages XX—XX.

A. Business and Professions Code Sections

Section 5616: Landscape Architecture Contract – Contents, Notice Requirements

<u>Maximum:</u>	<u>Revocation</u>
<u>Minimum:</u>	<u>Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:</u>
	a. <u>Cost reimbursement [#16]</u>
	b. <u>Restitution [#17] (if applicable)</u>

Section 5640: Unlicensed Person Engaging in Practice - Sanctions

Applicant <u>Maximum:</u>	<u>Revocation or Denial of application for a license application</u>
Applicant <u>Minimum:</u>	<u>Ninety (90) days actual suspension <u>Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:</u></u>
	a. <u>All standard conditions of probation [#1-#7] <u>Ethics course [#14]</u></u>
	b. <u>Cost reimbursement [#16]</u>
	c. <u>Restitution [#17] (if applicable)</u>

Section 5642: Partnership, Corporation – Unlicensed Person

<u>Maximum:</u>	<u>Revocation</u>
<u>Minimum:</u>	<u>Stayed Revocation, 90 days' <u>actual suspension [#11], and probation for 5 years' probation on all standard conditions [#1-10] and the following optional conditions:</u></u>
	a. <u>All standard conditions of probation [#1-#7]</u>
	ba. <u>Cost reimbursement [#1116]</u>

Section 5659: Inclusion of License Number – Requirement

<u>Maximum:</u>	<u>Revocation</u>
<u>Minimum:</u>	<u>Stayed revocation and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:</u>

- a. Ethics course [#14]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

Section 5666: Practice in Violation of Chapter Provisions

The appropriate penalty depends on the nature of the offense.

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Cost reimbursement [#16]
- b. Restitution [#17] (if applicable)

Section 5667: Fraud, Misrepresentation - Obtaining License

Maximum/Minimum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

Section 5668: Impersonating Landscape Architect – Practice Under Assumed Name

~~Licensee~~ **Maximum:** Revocation
~~Licensee~~ **Minimum:** Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~
- ~~ba. Continuing education courses~~ Ethics course [#1014]
- ~~eb. Cost reimbursement [#1116]~~
- ~~dc. Restitution [#1217] (if applicable)~~

Section 5669: Aiding, Abetting - Unlicensed Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~and~~ the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~
- ~~ba. Continuing education courses~~ Ethics course [#1014]
- ~~eb. Cost reimbursement [#1116]~~
- ~~dc. Restitution [#1217] (if applicable)~~

Section 5670: Fraud, Deceit in Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~and~~ the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~ Ethics Course [#14]
- b. Continuing education courses [#1015]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

Section 5671: Negligence, ~~Willful Misconduct in Practice~~

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~and~~ the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~
- ~~da. Continuing education courses [#1015]~~
- ~~eb. Cost reimbursement [#1116]~~
- ~~fc. Restitution [#1217] (if applicable)~~

Section 5671: Willful Misconduct in Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]

- b. Continuing education course [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 5672: Gross Incompetence in Practice

- Maximum:** Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~and~~ the following optional conditions:
- ~~a. All standard conditions of probation~~ [#1-#7]
 - ~~b. Written examination~~ [#109]
 - ~~ba. California Supplemental Examination~~ [#12]
 - ~~eb. Continuing education courses~~ [#1015]
 - ~~ec. Cost reimbursement~~ [#1116]
 - ~~ed. Restitution~~ [#1217] (if applicable)

Section 5673: False Use of Signature

- Maximum:** Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~and~~ the following optional conditions:
- ~~a. All standard conditions of probation~~ [#1-#7]
 - ~~ba. Continuing education courses~~ Ethics course [#1014]
 - ~~eb. Cost reimbursement~~ [#1116]
 - ~~ec. Restitution~~ [#1217] (if applicable)

Section 5675: Felony Conviction - Sanctions

- Maximum:** ~~Revocation or denial of license application~~
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~and~~ the following optional conditions:
- ~~a. All standard conditions of probation~~ [#1-#7]

~~b. Continuing education courses [#10]~~

~~ea. Cost reimbursement [#116]~~

~~d. Restitution [#12]~~

~~eb. Criminal Probation Reports [#1318]~~

Section 5675.5: Disciplinary Action by a Public Agency – Disciplinary Action

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

~~a. All standard conditions of probation [#1-7]~~

~~ba. Continuing education courses [#1015]~~

~~eb. Cost reimbursement [#116]~~

~~dc. Restitution [#1217] (if applicable)~~

Section 5676: Plea of Nolo Contendere – Criminal Conviction - Sanctions

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

~~a. All standard conditions of probation [#1-7]~~

~~b. Continuing education courses [#10]~~

~~ea. Cost reimbursement [#116]~~

~~d. Restitution. [#12]~~

~~eb. Criminal Probation Reports [#1318]~~

Section 5678: Report of Settlement or Arbitration Award – Licensee

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

a. Cost reimbursement [#16]

Civil Penalty: In lieu of revocation, assess civil penalty of not less than \$100 and not more than \$1,000. If knowing and intentional failure to report, in lieu of revocation, assess civil penalty up to \$20,000.

B. General Provisions of Business and Professions Code

Section 125.6: Discrimination by Licensee

- Maximum:** Revocation
Minimum: Stayed revocation, ~~60~~90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~and~~ the following optional conditions:
- ~~a. All standard conditions of probation [#1-#7]~~
 - ~~b~~a. Cost reimbursement [#11#16]

Section 140: Failure to Record and Preserve Cash Transactions Involving Employee Wages or Failure to Make Those Records Available to Board Representative

- Maximum:** Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:
- a. Cost reimbursement [#16]

Section 141: Effect of Disciplinary Action Taken by Another State or the Federal Government

- Maximum:** Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:
- a. Continuing education courses [#15]
 - b. Cost reimbursement [#16]
 - c. Restitution [#17] (if applicable)

Section 143.5 Provision Prohibited in Settlement Agreements; Adoption of Regulations; Exemptions

- Maximum:** Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:
- a. Ethics course [#14]
 - b. Cost reimbursement [#16]

Section 480 (a): Applicant's Grounds for Denial of Licenses

An applicant's application may be denied for (1) conviction of a crime substantially related to the qualifications, functions, or duties of the practice of landscape architecture; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act ~~which~~that if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.

Maximum/Minimum: Denial of license application

Minimum: Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 490: Conviction of Crime; Suspension, Revocation – Grounds

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Cost reimbursement [#16]
- b. Criminal Probation Reports [#18]

Section 496: Subversion of Licensing Examinations or Administration of Examinations

Maximum/Minimum: Revocation or denial of license application

Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 499: False Statement in Support of Another Person's Application; Grounds

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

C. California Code of Regulations
Division 2, Title 16, Chapter 26, Article 1. General Provisions

Section 2670: Rules of Professional Conduct

(a) Competence

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~
- a. California Supplemental Examination [#12]
- b. Continuing education courses [#1015]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

(b) Willful Misconduct

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

(bc) Full Disclosure

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-#7] Ethics course [#14]
- b. ~~Continuing education courses~~ [#10]
- eb. Cost reimbursement [#1116]
- ec. Restitution [#1217] (if applicable)

(ed) Informed Consent

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-#7]
- ba. Continuing education courses [#1015]
- eb. Cost reimbursement [#1116]
- ec. Restitution [#1217] (if applicable)

(de) Conflict of Interest

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-#7] Ethics course [#14]
- b. ~~Continuing education courses~~ [#10]
- eb. Cost reimbursement [#1116]
- ec. Restitution [#1217] (if applicable)

(ef) Copyright Infringement

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]~~ Ethics course [#14]
- b. Continuing education courses [#1015]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

V.D. Violation of Probation

Maximum Penalty

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

Minimum Penalty

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offense(s).

V. MODEL DISCIPLINARY ORDERS

A. Licensee

Revocation of License

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and forward or deliver his or her license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of his or her revoked license for one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ _____ within thirty (30) days of the effective date of this Decision.

Option: As a condition precedent to reinstatement of his or her revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of his or her license unless otherwise ordered by the Board.

Revocation Stayed and License Placed on Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years on the following terms and conditions:

Public Repeal

Landscape Architect License No. _____, issued to respondent _____, is publicly repealed. This repeal constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

Surrender License

Respondent _____ surrenders Landscape Architect License No. _____ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver his or her license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be fully restored.

Grant Petition and Place License on Probation

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Grant Petition and Place License on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be fully reinstated upon the following conditions precedent:

Upon completion of the conditions precedent above, petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Extension of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional _____ year(s) on the following terms and conditions:

D. Applicant

(in cases where a Statement of Issues has been filed)

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

Grant Application and Place License on Probation

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Grant Application and Place License on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon the following conditions precedent:

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued a landscape architect license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Deny Application

The application filed by respondent _____ for initial licensure is hereby denied.

VI.—~~STANDARD~~ CONDITIONS OF PROBATION

A. Standard Conditions

(To be included in all cases of probation)

Severability Clause

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey All Laws

Respondent shall obey all federal, state, and local laws and regulations ~~governing the practice of landscape architecture in California~~ and comply with all conditions of probation.

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board ~~on using the Board's a Quarterly Probation Report of Compliance form (10/98 Rev. 5/2018)~~ obtained from the Board (Attachment A).

3. Personal Appearances

Upon reasonable notice by the Board, ~~the~~ respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. Cooperate During Probation

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of his/ or her compliance with the terms and conditions of this probation. Upon reasonable notice, ~~the~~ respondent shall provide the Board, its agents or employees, with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice landscape architecture in California for the length of the probation period. Failure to pay all renewal fees prior to respondent's license expiration date shall constitute a violation of probation.

6. Notification of Changes to Address and/or Telephone Number

Respondent shall notify the Board in writing of any and all changes to his or her address of record and telephone number within 10 calendar days of such change.

57. Tolling for Out-of-State Practice, Residence or In-State Non-Practice

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as a landscape architect or held any landscape architecture related professional license or registration within 30 calendar days of the effective date of this Decision. Respondent shall further provide information regarding the status of each license and registration and any changes in the license or registration status within 10 calendar days, during the term of probation. Respondent shall inform the Board if he or she applies for or obtains a landscape architectural license or registration outside of California within 10 calendar days, during the term of probation.

In the event respondent should leave California to reside or to practice outside the State or for any reason stop practicing landscape architecture in California, respondent shall notify the Board or its designee in writing within ~~10-ten~~ days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled, if and when he or she ceases practicing in California. Non-practice is defined as any period of time exceeding 30~~thirty~~ days in which respondent is not engaging in any activities defined in Section 5615 of the Business and Professions Code. All provisions of probation other than the quarterly report requirements, examination requirements, and education requirements, shall be held in abeyance until respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the LATC. It shall be a violation of probation for Respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California. All other provisions of probation shall recommence on the effective date of resumption of practice in California.

68. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order ~~that which~~ was stayed. If an accusation or a petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction ~~until the matter is final~~, and the period of probation shall be extended until the matter is final.

9. License Surrender While on Probation

During respondent's term of probation, if he or she ceases practice due to retirement or health reasons, or is otherwise unable to satisfy any condition of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and exercise its discretion in determining whether to grant the request, or take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the

conditions of probation. All costs incurred (i.e., cost reimbursement) are due upon reinstatement or relicensure.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board.

710. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

VII. OPTIONAL CONDITIONS OF PROBATION

B. Optional Conditions

811. Suspension

Respondent is suspended from the practice of landscape architecture for _____ days beginning on the effective date of ~~the~~this Decision.

12. California Supplemental Examination

Option 1 (Condition Subsequent)

Within six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within six months, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or /she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

913. Written Examination

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (L:A:R:E:).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he

or /she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (LARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

14. Ethics Course

Within 30 days of the effective date of this Decision, respondent shall submit for prior Board approval a course in ethics that will be completed within the first year of probation.

Failure to satisfactorily complete the required course as scheduled or failure to complete same within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of the course required by this condition, and for paying all costs of said course.

15. Continuing Education Courses

Respondent shall successfully complete and pass professional education courses, approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than one year~~100 days~~ prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of each course required by this condition, and for paying all costs of such courses.

16. Cost Reimbursement

Respondent shall reimburse the Board \$ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the effective date ~~the Board's of this Decision is final.~~

Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

1217. Restitution

Within _____ days of the effective date of this Decision, respondent shall make restitution to _____ in the amount of \$ _____ and shall provide the Board with proof from _____ attesting that the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

1318. Criminal Probation Reports

~~In the event of conviction~~ If respondent is convicted of any crime, Respondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of his or /her probation officer.

~~14.~~ Relinquish License and Wall Certificate

~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

1519. Notification to Clients/Cessation of Practice

In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall comply with procedures provided by the Board regarding notification to, and management of, provide all clients with whom he or she has a current contractual relationship in the practice of landscape architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.

20. Civil Penalty

Respondent shall pay to the Board a civil penalty in the amount of \$ _____ [not less than \$100 and not more than \$1,000; if knowing and intentional failure to report, assess civil penalty up to \$20,000] pursuant to Business and Professions Code section 5678. Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5678 violations and used in lieu of revocation.]

~~II.~~ REHABILITATION CRITERIA

~~California Code of Regulations, Title 16, Division 26, Section 2656, Criteria for Rehabilitation states:~~

- ~~(a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for a license will consider the following criteria:~~
- ~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~

- ~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~
- ~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~
- ~~(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~
- ~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~
- ~~(b) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license, will consider the following criteria:
 - ~~(1) Nature and severity of the act(s) or offense(s).~~
 - ~~(2) Total criminal record.~~
 - ~~(3) The time that has elapsed since commission of the act(s) or offense(s).~~
 - ~~(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~
 - ~~(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~
 - ~~(6) Evidence, if any, of rehabilitation submitted by the licensee.~~~~
- ~~(c) When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).~~

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

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Sacramento, CA 95814

Phone: (916) 445 4954 Fax: (916) 324 2333

E-mail: late@dca.ca.gov Web: late.dca.ca.gov

State of California

Department of Consumer Affairs

Gray Davis, Governor



DEPARTMENT OF CONSUMER AFFAIRS, BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CALIFORNIA ARCHITECTS BOARD

Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation



Gavin Newsom,
Governor

Attachment A

QUARTERLY PROBATION REPORT OF COMPLIANCE

1. NAME: _____ TELEPHONE #: () _____
(Last/First/Middle) (Residence)

RESIDENCE ADDRESS OF RECORD: _____

CITY: _____ STATE: _____ ZIP CODE: _____

2. NAME OF FIRM: _____ YOUR TITLE: _____

FIRM ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE #: () _____

3. On the ~~back~~ second page of this form detail your landscape architectural activities for the probation period beginning:
beginning _____ and ending _____
Mo. Day Year Mo. Day Year

4. ~~Site~~ List any other activities related to the practice of landscape architecture:

_____ **ACTIVITY** _____ **DATE**

5. I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.

Signature: _____

Date: _____

DATE: _____ QUARTER: _____ YEAR: _____

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

(Rev. 5/2018)

Agenda Item R

REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CCR, TITLE 16, DIVISION 2, ARTICLE 2, SECTIONS 110 SUBSTANTIAL RELATIONSHIP CRITERIA AND 110.1 CRITERIA FOR REHABILITATION; ARTICLE 8, SECTION 154 DISCIPLINARY GUIDELINES; AND BOARD'S *DISCIPLINARY GUIDELINES*

Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) was approved by the Governor on September 30, 2018 and becomes operative on July 1, 2020. The bill requires boards, bureaus, and committees (collectively, the boards) to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria.

The Department of Consumer Affairs (DCA) provided model regulations and recommended each board to coordinate with board counsel regarding specific regulatory amendments. Staff worked with legal counsel to prepare revisions to CCR sections 110 Substantial Relationship Criteria, 110.1 Criteria for Rehabilitation, and 154 Disciplinary Guidelines. Proposed amendments to section 110.1 includes two options for consideration. Option 1 allows the Board to consider rehabilitation on a case-by-case basis. Option 2 requires the Board to find rehabilitation if the applicant completed their terms of criminal probation/parole.

At today's meeting, the Board is asked to review and approve the proposed amendments to CCR sections 110, 110.1 and 154 (Attachment 1). In addition, the Draft Board *Disciplinary Guidelines* which includes revisions to align with the proposed regulatory amendments are provided for review and approval (Attachment 2).

Attachments:

1. Proposed Regulatory Language to Amend CCR Sections 110 (Substantial Relationship Criteria), 110.1 (Criteria for Rehabilitation), and 154 (Disciplinary Guidelines)
2. Draft California Architects Board *Disciplinary Guidelines* (Revised 2019)

CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Changes to the existing regulation are shown in single underline for new text and ~~single-strikeout~~ for deleted text.

Amend Sections 110 and 110.1 of Article 2 and Section 154 of Article 8 of Division 2 of Title 16 of the California Code of Regulations as follows:

Section 110. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension, or revocation of the license of an architect pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the ~~Business and Professions Code~~ code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by ~~his/her the~~ license in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but not be limited to, those involving the following:~~

(b) In making the substantial relationship determination required under subsection (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of an architect.

(c) For purposes of subsection (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

~~(a)(1)~~ Any violation of the provisions of Chapter 3, Division 3 of the ~~Business and Professions Code~~ code or other state or federal laws governing the practice of architecture.

Note: ~~Additional~~ Authority cited: Sections 481, 493, and 5526, Business and Professions Code. Reference: Sections 141, 480, 481, 490, 493~~475-492, 5577, and 5586~~, Business and Professions Code.

Section 110.1. Criteria for Rehabilitation. [OPTION 1]

(a) When considering the denial of an architect's license under Section 480 of the ~~Business and Professions Code~~ code, on the ground that the applicant was convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or

probation. In making this determination, the board shall, ~~the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will~~ consider the following criteria:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subsection (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), the board shall apply the following criteria in evaluating the applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

- (1) The nature and ~~severity~~ gravity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial~~ under Section 480 of the ~~Business and Professions Code~~ code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in ~~paragraph~~ subdivision (1) or (2).
- (4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) The criteria in subsection (a)(1)-(5), as applicable.
- ~~(5)~~ Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall, ~~in evaluating the rehabilitation of such person and his/her present eligibility for licensure will~~ consider the following criteria:

- (1) The nature and gravity of the crime(s)
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(d) If subsection (c) is inapplicable, or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (c), the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

- (1) The Nature and severity-gravity of the act(s) or offense-crime(s).
- (2) The Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense-crime(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) The criteria in subsection (c)(1)-(5), as applicable.
- (6) If applicable, evidence of expungement-dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

(e)(e) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b)(c) or (d), as applicable.

Note: Authority cited: Sections 482 and 5526, Business and Professions Code. Reference: Sections 480, 481, 482, 488, and 493475-492, Business and Professions Code.

OPTION 2

Section 110.1. Criteria for Rehabilitation. [OPTION 2]

(a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code on the ground that the applicant was convicted of a crime, the board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:

(b) If subsection (a) is inapplicable, the board shall apply the following criteria in evaluating the applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

- (1) The nature and severity-gravity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial~~ under Section 480 of the ~~Business and Professions Code~~code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in ~~subsection~~ paragraph (1) or (2).

(4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

~~(c)~~ When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation, in evaluating the rehabilitation of such person and his or her present eligibility for a license will consider the following criteria:

(d) If subsection (c) is inapplicable, the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

(1) ~~The N~~nature and ~~severity~~gravity of the act(s) or ~~offense~~crime(s).

(2) ~~The T~~Total criminal record.

(3) The time that has elapsed since commission of the act(s) or ~~offense~~crime(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of ~~expungement~~dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

~~(e)~~ When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection ~~(b)~~(c) or (d), as applicable.

Note: Authority cited: Sections 482 and 5526, Business and Professions Code. Reference: Sections 480, 481, 482, 488, 493~~475-492~~, Business and Professions Code.

Section 154. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" ~~{2000}~~(Revised 2019), which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation,

is appropriate where the Bboard in its sole discretion determines that the facts of the particular case warrant such a deviation—for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 5510.1 and 5526, Business and Professions Code; and Section ~~11425.50(e)~~11400.20, Government Code. Reference: Sections 125.3, 125.6, 140, 141, 143.5, 480(a), 481, 482, 490, 496, 499, 5536, 5536.1, 5536.22, 5536.4, 5536.5, 5553, 5558, 5560, 5561.5, 5565, 5577, 5578, 5579, 5580, 5582, 5582.1, 5583, 5584, and 5585, Business and Professions Code; and Section 11425.50(e), Government Code.

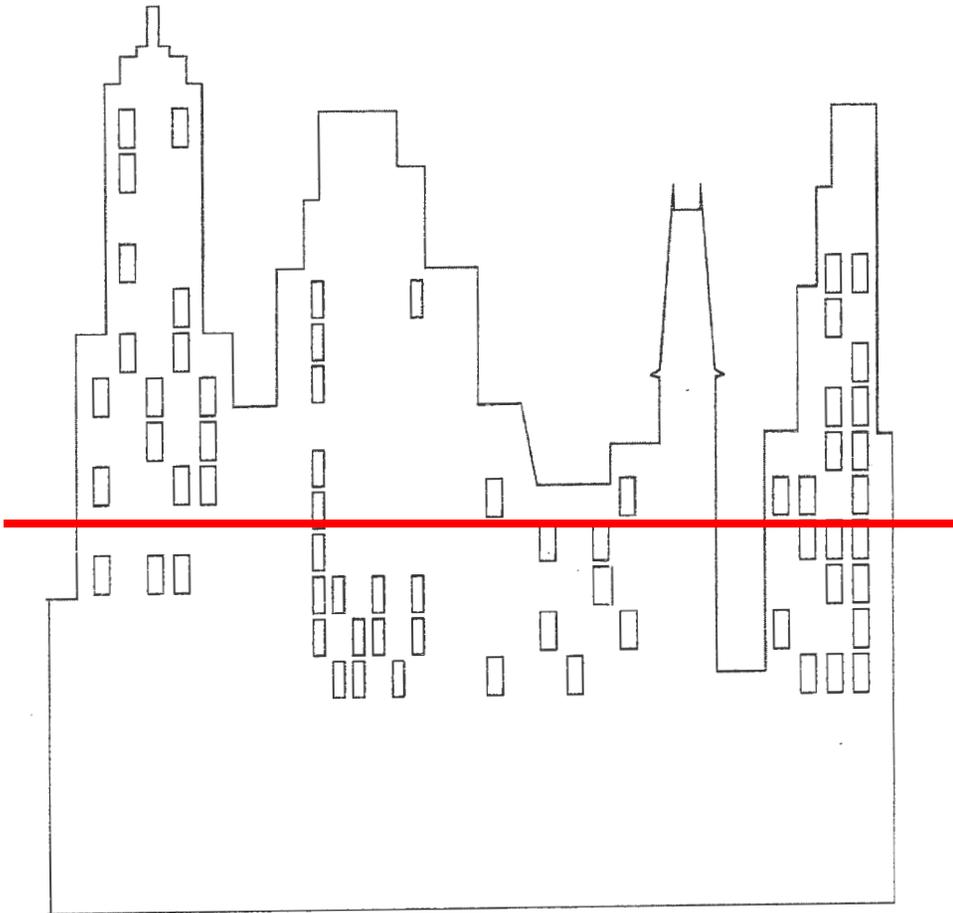
PENDING REGULATORY CHANGE

California Architects Board
*Public Protection Through
Examination, Licensure, and Regulation*



DISCIPLINARY GUIDELINES

~~DISCIPLINARY~~
~~GUIDELINES~~



~~CALIFORNIA~~
~~ARCHITECTS~~
~~BOARD~~

~~Public Protection Through Examination, Licensure, and Regulation~~

~~2000~~

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I. INTRODUCTION

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~CAB~~Board) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, Board licensees, others involved in the Board's disciplinary process, and ultimately the Board, ~~shall~~may be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses ~~are referenced to the statutory and regulatory provisions.~~

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation ~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines and ~~that~~ mitigating or aggravating circumstances ~~and/or~~ other factors may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken.

Additional copies of this document may be obtained by contacting the ~~CAB~~Board at its office in Sacramento, California. There may be a charge assessed sufficient to cover the cost of production and distribution of copies.

II. GENERAL CONSIDERATIONS

A. Citations

The Board may issue a citation pursuant to Section 125.9 or 148 of the Business and Professions Code, and in accordance with Section 152 of Article 8 of Division 2 of Title 16 of the California Code of Regulations, as an alternate means to address relatively minor violations not necessarily warranting discipline.

Citations are not disciplinary actions, but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to effectively address less egregious violations.

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due consideration to the factors enumerated in subdivision (d) of Section 152 of Article 8 of Division 2 of Title 16 of the California Code of Regulations.

Citations that include an assessment of an administrative fine are classified according to the nature of the violation as follows:

- 1) Class "A" violations are violations that involve an unlicensed person who has violated Business and Professions Code section 5536, including, but not limited to, acting in the capacity of or engaged in the practice of architecture. A class "A" violation is subject to an administrative fine in an amount not less than \$750 and not exceeding \$2,500 for each and every violation.
- 2) Class "B" violations are violations that involve a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public or a person who has committed a class "C" violation and has one or more prior, separate class "C" violations. A class "B" violation is subject to an administrative fine in an amount not less than \$1,000 and not exceeding \$2,500 for each and every violation.
- 3) Class "C" violations are violations that involve a person who, while engaged in the practice of architecture, has violated a statute or regulation relating to the practice of architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class "C" violation is subject to an administrative fine in an amount not less than \$250 and not exceeding \$1,000 for each and every violation.

Notwithstanding the administrative fine amounts listed above, a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:

- 1) The citation involves a violation that has an immediate relationship to the health and safety of another person.
- 2) The cited person has a history of two or more prior citations of the same or similar violations.
- 3) The citation involves multiple violations that demonstrate a willful disregard of the law.
- 4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

Payment of a fine with or without an informal conference or administrative hearing does not constitute an admission of the violation charged, but represents a satisfactory resolution of the citation for purposes of public disclosure.

After a citation is issued, the person may:

- 1) Pay the fine/comply with any order of abatement and the matter will be satisfactorily resolved.
- 2) Request an informal conference. Following the informal conference, the citation may be affirmed, modified, or dismissed, including any fine levied or order of abatement issued.
- 3) Request an administrative hearing to appeal the citation regardless of whether or not an informal conference was held.

Failure to pay a fine, unless the citation is being appealed, may result in disciplinary action. Where a citation is not contested and a fine is not paid, the fine shall be added to the fee for renewal of the license.

B. Proposed Decisions

The Board requests that proposed decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their definitions/descriptions.
- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if he/she is present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

C. Stipulated Settlements

The Board will consider agreeing to stipulated settlements to promote cost-effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to a settlement with the Board, he or she may be required to admit to the violations set forth in the accusation or statement of issues. All proposed stipulated settlements must be accompanied by a memorandum from the Deputy Attorney General 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.

D. Cost Reimbursement

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including, but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

E. Criteria-Factors to be Considered

Substantially Related Criteria. – The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of the profession, based on the criteria specified in Section 2655 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in Section 2656 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

In determining whether revocation, suspension, or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to any consumer, client, or the general public.
3. Prior disciplinary record.
4. Number and/or variety of current violations.
5. Aggravating evidence.
6. Mitigating evidence.
7. Rehabilitation evidence. Evidence, if any, of rehabilitation submitted by the respondent.
8. In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.
9. Overall criminal record.
10. Time passed since the act(s) or offense(s) occurred.
11. Any financial benefit to the respondent from his or her misconduct.
12. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
13. Recognition by the respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.

F. Substantial Relationship Criteria

California Code of Regulations, Title 16, Division 2, Article 2, section 110 states:

For the purposes of denial, suspension, or revocation of the license of an architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions and duties of an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by his/her license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

- (a) Any violation of the provisions of Chapter 3, Division 3 of the Business and Professions Code.

G. Criteria for Rehabilitation

(For cases involving an applicant, the conviction of a crime, the reinstatement of licensure, or the reduction of penalty)

California Code of Regulations, Title 16, Division 2, Article 2, section 110.1 states:

- (a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:
 - (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

III. DISCIPLINARY GUIDELINES

The offenses are listed by section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein, are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets listed after each condition of probation refers to the specific standard or optional conditions of probation listed on pages _____.

A. Business and Professions Code Sections

Section 5536

Practice Without License or Holding Self Out as Architect

MAXIMUM: Revocation or denial of license application

MINIMUM: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

Section 5536.1

Signature and Stamp on Plans and Documents; Unauthorized Practice

MAXIMUM: Revocation or denial of license application

MINIMUM: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

Section 5536.22

Written Contract

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Cost reimbursement [#16]
- b. Restitution [#17] (if applicable)

Section 5536.4

Instruments of Service – Consent

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Cost reimbursement [#16]
- b. Restitution [#17] (if applicable)

Section 5536.5

State of Emergency Following Natural Disaster – Penalty for Practice Without License or Holding Self Out as Architect

MAXIMUM: Revocation or denial of license application

MINIMUM: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

- c. Restitution [#17] (if applicable)

Section 5558

Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

- a. Cost reimbursement [#16]

Section 5577

Conviction of a Crime Substantially Related to the Qualifications, ~~Duties~~ Functions, and ~~Functions~~ Duties of an Architect

MAXIMUM: Revocation or denial of license application and \$5,000 fine

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~—~~ All standard conditions of probation [#1-7]
- ~~ba.~~ Cost reimbursement [#12|16]
- ~~eb.~~ Criminal probation reports [#14|18]
- c. Fine - Maximum \$5,000 [#20]

Section 5578

Acts in Violation of the Architects Practice Act

The appropriate penalty depends on the nature of the offense.

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Cost reimbursement [#16]
- b. Restitution [#17] (if applicable)

Section 5579

Fraud or Misrepresentation in Obtaining Architect License

MAXIMUM/MINIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

Section 5580

Impersonation or Use of Assumed or Corporate Name

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-7]~~

ba. ~~Continuing education courses~~Ethics course [#1114]

eb. Cost reimbursement [#1216]

dc. Restitution [#1317] (if applicable)

Section 5582

Aiding & and Abetting the Unlicensed Practice of Architecture

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-7]~~

ba. ~~Continuing education courses~~Ethics course [#1114]

eb. Cost reimbursement [#1216]

dc. Restitution [#1317] (if applicable)

Section 5582.1

Signing Others' Instruments of Service or Permitting Misuse of Name to Evade Provisions of Architects Practice Act

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-7]~~

- ba. ~~Continuing education courses~~ Ethics course [#1114]
- eb. Cost reimbursement [#1216]
- dc. Restitution [#1317] (if applicable)

Section 5583

Fraud or Deceit in the Practice of Architecture

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-714]
- b. Continuing education courses [#1115]
- c. Cost reimbursement [#1216]
- d. Restitution [#1317] (if applicable)

Section 5584

Negligence in the Practice of Architecture

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-7]
- b. ~~California Supplemental Examination~~ [#9]
- ea. Continuing education courses [#1115]
- db. Cost reimbursement [#1216]
- ec. Restitution [#1317] (if applicable)

Section 5584

Willful Misconduct in the Practice of Architecture

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-7~~14~~]
- b. Continuing education courses [#11~~5~~]
- c. Cost reimbursement [#12~~16~~]
- d. Restitution [#13~~17~~] (if applicable)

Section 5585

Incompetency or Recklessness in the Practice of Architecture

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-7]
- ba. California Supplemental Examination [#9~~12~~]
- eb. Continuing education courses [#11~~5~~]
- ec. Cost reimbursement [#12~~16~~]
- ed. Restitution [#13~~17~~] (if applicable)

Section 5586

Disciplinary Action by a Public Agency for an Act Substantially Related to the Qualifications, Functions, or Duties as an Architect

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Continuing education courses [#15]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

Section 5588

Failure to Report Settlement or Arbitration Award

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

- a. Cost reimbursement [#16]

Civil Penalty: In lieu of revocation, assess civil penalty of not less than \$100 and not more than \$1,000. If knowing and intentional failure to report, in lieu of revocation, assess civil penalty up to \$20,000. [#21]

Section 5600.05

License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Continuing education courses [#15]
- b. Cost reimbursement [#16]

B. General Provisions of Business and Professions Code

Section 125.6

Discrimination by Licensee

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 60 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~— All standard conditions of probation [#1-7]~~
- ba. Cost reimbursement [#1216]

Section 140

Failure to Record and Preserve Cash Transactions Involving Employee Wages or Failure to Make Those Records Available to Board Representative

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

- a. Cost reimbursement [#16]

Section 141

Effect of Disciplinary Action Taken by Another State or the Federal Government

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Continuing education courses [#15]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

Section 143.5

Provision Prohibited in Settlement Agreements

MAXIMUM: Revocation

MINIMUM: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

Section 480-(a)

Denial of Licenses

An applicant's application may be denied for (1) conviction of a crime substantially related to the qualifications, functions, or duties of the practice of architecture; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act ~~which~~that if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.

~~**RECOMMENDED DISCIPLINE**~~**MAXIMUM:** Denial of license application

MINIMUM: Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 490

Conviction of Crime; Suspension, Revocation – Grounds

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Cost reimbursement [#16]
- b. Criminal probation reports [#18]

Section 496

Subversion of Licensing Examinations or Administration of Examinations

~~RECOMMENDED DISCIPLINE~~ **MAXIMUM:** Denial or ~~Revocation~~ or denial of license application

MINIMUM: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 499

False Statement in Support of Another Person's Application

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

C. Title 16, California Code of Regulations, Title 16, Division 2

Article 9. Professional Conduct

Section 160

Rules of Professional Conduct

a. Competence

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation [#1-7]~~
- ba. California Supplemental Examination [#912]
- eb. Continuing education courses [#1115]
- dc. Cost reimbursement [#1216]

ed. Restitution [#1317] (if applicable)

b. Willful Misconduct

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-7]~~

ba. ~~California Supplemental Examination~~ Ethics course [#914]

eb. Continuing education courses [#1115]

ec. Cost reimbursement [#1216]

ed. Restitution [#1317] (if applicable)

c. Conflict of Interest

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-7]~~

ba. ~~Continuing education courses~~ Ethics course [#1114]

eb. Cost reimbursement [#1216]

ec. Restitution [#1317] (if applicable)

d. Full Disclosure

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-7]~~

ba. ~~Continuing education courses~~ Ethics course [#1114]

eb. Cost reimbursement [#1216]

ec. Restitution [#1317] (if applicable)

e. Copyright Infringement

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-714]
- b. Continuing education courses [#11-15]
- c. Cost reimbursement [#12-16]
- d. Restitution [#13-17] (if applicable)

f. Informed Consent

MAXIMUM: Revocation

MINIMUM: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

D. Violation of Probation

Maximum Penalty -

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

Minimum Penalty -

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offenses.

IV. MODEL DISCIPLINARY ORDERS

A. Licensee

Revocation of License

Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and forward or deliver his or her license to practice architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of his or her revoked license for one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ _____ within thirty (30) days of the effective date of this Decision.

Option: As a condition precedent to reinstatement of his/her revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of his or her license unless otherwise ordered by the Board.

Revocation Stayed and License Placed on Probation

Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years on the following terms and conditions:

Public Reproval

Architect License No. _____, issued to respondent _____, is publicly reproved. This reproval constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

Surrender of License

Respondent _____ surrenders Architect License No. _____ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver his or her license to practice architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's architect license shall be fully restored.

Grant Petition and Place License on Probation

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Grant Petition and Place License on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's architect license shall be fully reinstated upon the following conditions precedent:

Upon completion of the conditions precedent above, petitioner's architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Architect License No. _____, issued to respondent _____, is revoked.

Extension of Probation

Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional _____ year(s) on the following terms and conditions:

D. Applicant

(in cases where a Statement of Issues has been filed)

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted, and an architect license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees.

Grant Application and Place License on Probation

The application filed by respondent _____ for initial licensure is hereby granted, and an architect license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Grant Application and Place License on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted, and an architect license shall be issued to respondent upon the following conditions precedent:

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued an architect license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Deny Application

The application filed by respondent _____ for initial licensure is hereby denied.

V. CONDITIONS OF PROBATION

A. Standard Conditions of Probation **(To be included in all Cases of Probation)**

Severability Clause

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey All Laws

Respondent shall obey all federal, state, and local laws and regulations ~~governing the practice of architecture in California~~ and comply with all conditions of probation.

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board ~~using the Board's a-Quarterly Probation Report of Compliance form (1/00Rev. 12/2017)~~ obtained from the Board (Attachment-A).

3. Personal Appearances

Upon reasonable notice by the Board, ~~the~~ respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. Cooperate During Probation

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of his/ or her compliance with the terms and conditions of this probation. Upon reasonable notice, ~~the~~ respondent shall provide the Board, its agents or employees with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice architecture in California for the length of the probation period. Failure to pay all renewal fees and meet applicable coursework requirements prior to respondent's license expiration date shall constitute a violation of probation.

6. Notification of Changes to Address, Telephone Number, and/or Employment

Respondent shall notify the Board in writing of any and all changes to his or her address of record, telephone number, and employment within 10 calendar days of such change.

57. Tolling for Out-of-State Practice, Residence or In-State Non-Practice

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as an architect or held any architecture related professional license or registration within 30 calendar days of the effective date of this Decision. Respondent shall further provide information regarding the status of each license and registration and any changes in the license or registration status within 10 calendar days, during the term of probation. Respondent shall inform the Board if he or she applies for or obtains an architectural license or registration outside of California within 10 calendar days, during the term of probation.

In the event respondent should leave California to reside or to practice outside the State or for any reason stop practicing architecture in California, respondent shall notify the Board or its designee in writing within ~~ten~~10 days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled, if and when he or she ceases practicing in California. Non-practice is defined as any period of time exceeding ~~thirty~~30 days in which respondent is not engaging in any activities defined in Section 5500.1 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the Board. It shall be a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California. All other provisions of probation shall recommence on the effective date of resumption of practice in California. ~~Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period.~~

68. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order ~~which~~that was stayed. If an accusation or a petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction ~~until the matter is final~~, and the period of probation shall be extended until the matter is final.

9. License Surrender While on Probation

During respondent's term of probation, if he or she ceases practice due to retirement or health reasons, or is otherwise unable to satisfy any condition of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and exercise its discretion in determining whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation. All costs incurred (i.e., cost reimbursement) are due upon reinstatement or relicensure.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board.

710. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

B. Optional Conditions of Probation

811. Suspension

Respondent is suspended from the practice of architecture for _____ days beginning on the effective date of ~~the~~this Decision.

912. California Supplemental Examination

Option 1 (Condition Subsequent)

Within _____ ~~day~~six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within ~~6~~six months, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he/ or she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

1013. Written Examination

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Architect Registration Examination (ARE).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he/ or she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Architect Registration Examination (ARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

14. Ethics Course

Within 30 days of the effective date of this Decision, respondent shall submit for prior Board approval a course in ethics that will be completed within the first year of probation.

Failure to satisfactorily complete the required course as scheduled or failure to complete same within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of the course required by this condition, and for paying all costs of said course.

1115. Continuing Education Courses

Respondent shall successfully complete and pass professional education courses approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than ~~100 days~~ one year prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of each course required by this condition, and for paying all costs of such courses.

1216. Cost Reimbursement

Respondent shall reimburse the Board \$ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the effective date ~~the Board's of this dDecision~~ is final.

Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

1317. Restitution

Within _____ days of the effective date of this Decision, respondent shall make restitution to _____ in the amount of \$ _____ and shall provide the Board with proof from _____ attesting the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

1418. Criminal Probation Reports

If respondent is convicted of any crime, Respondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of his/ or her probation officer.

15. ~~Relinquish License and Wall Certificate~~

~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

1619. Notification to Clients/Cessation of Practice

In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall ~~comply with procedures provided by the Board regarding notification to, and management of,~~ provide all clients with whom he or she has a current contractual relationship in the practice of architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.

20. Fine

Respondent shall pay to the Board a fine in the amount of \$ _____ [not to exceed \$5,000] pursuant to Business and Professions Code section 5577. Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5577 violations.]

21. Civil Penalty

Respondent shall pay to the Board a civil penalty in the amount of \$ _____ [not less than \$100 and not more than \$1,000; if knowing and intentional failure to report, assess civil penalty up to \$20,000] pursuant to Business and Professions Code section 5588. Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5588 violations and used in lieu of revocation.]

~~IV. REHABILITATION CRITERIA~~

California Code of Regulations, Title 16, Division 2, Section 110.1, Criteria for Rehabilitation states:

- ~~(a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:
 - ~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~
 - ~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~
 - ~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~
 - ~~(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~
 - ~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~~~
- ~~(b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:
 - ~~(1) Nature and severity of the act(s) or offense(s).~~
 - ~~(2) Total criminal record.~~
 - ~~(3) The time that has elapsed since commission of the act(s) or offense(s).~~
 - ~~(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~
 - ~~(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~
 - ~~(6) Evidence, if any, of rehabilitation submitted by the licensee.~~~~
- ~~(c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).~~



CALIFORNIA ARCHITECTS BOARD

400 R STREET, SUITE 4000, SACRAMENTO, CALIFORNIA 95814-6238

Telephone: (916) 445-3393

Fax: (916) 445-8524

E-mail: cab@dca.ca.gov

Web: cab.ca.gov



Attachment A



Gavin Newsom Governor

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

2420 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834

MAIN (916) 574-7220

FAX (916) 575-7283

WWW.CAB.CA.GOV

CAB@DCA.CA.GOV

QUARTERLY PROBATION REPORT OF COMPLIANCE

1. NAME: (Last/First/Middle) TELEPHONE #: () (Residence)

RESIDENCE ADDRESS OF RECORD:

CITY: STATE: ZIP CODE:

2. NAME OF FIRM: YOUR TITLE:

FIRM ADDRESS:

CITY: STATE: ZIP CODE:

TELEPHONE #: ()

3. On the back second page of this form, detail your architectural activities for the probation period

beginning: Mo. Day Year and ending: Mo. Day Year

4. List any other activities related to the practice of architecture:

ACTIVITY

DATE

Table with 2 columns: ACTIVITY, DATE. Multiple empty rows for data entry.

5. I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.

Signature:

Date:

DATE: _____ QUARTER: _____ YEAR: _____

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: () _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

Agenda Item S

REVIEW OF FUTURE BOARD MEETING DATES

March

8-9	National Council of Architectural Registration Boards (NCARB) Regional Summit	Nashville, TN
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April

TBD 1	Professional Qualifications Committee Meeting <i>Cesar Chavez Day (observed)</i>	Sacramento <i>Office Closed</i>
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May

23 27	Landscape Architects Technical Committee (LATC) Meeting <i>Memorial Day</i>	Campbell <i>Office Closed</i>
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June

6-8 12 20-22	American Institute of Architects Conference on Architecture 2019 Board Meeting NCARB Annual Meeting	Las Vegas, NV San Luis Obispo Washington, DC
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July

4	<i>Independence Day</i>	<i>Office Closed</i>
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August

13	LATC Meeting	Chula Vista
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September

2 11 26-28	<i>Labor Day</i> Board Meeting Council of Landscape Architectural Registration Boards Annual Meeting	<i>Office Closed</i> Berkeley St. Louis, MO
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November

8 11 15-18 28-29	LATC Meeting <i>Veterans Day</i> American Society of Landscape Architects Annual Meeting and EXPO <i>Thanksgiving Holiday</i>	Sacramento <i>Office Closed</i> San Diego <i>Office Closed</i>
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December

11 25	Board Meeting <i>Christmas Day</i>	Sacramento <i>Office Closed</i>
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ADJOURNMENT

Time: _____

