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 | F (916) 575-7283 | www.cab.ca.gov

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

NOTICE OF MEETING

California Architects Board

December 11, 2019

East Los Angeles College
Multipurpose Room (F5-201)
F5 Campus Student Center Building
1301 Avenida Cesar Chavez
Monterey Park, CA 91754-6001
(916) 574-7220 (Board office)
(323) 265-8839 (Meeting location)

The California Architects Board (Board) will hold a meeting as noted above.

AGENDA

9:30 a.m. to 5:00 p.m.
(or until completion of business)

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

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)

D. Public Comment on Items Not on the Agenda

The Board may not discuss or act 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. Presentation on East Los Angeles College

F. Presentation on Architectural Copyright – David E. Barker, Esq., Collins Collins Muir + Stewart LLP

G. Review and Possible Action on September 11, 2019 Board Meeting Minutes

(Continued)

H. Election of 2020 Board Officers

I. Discuss and Possible Action on Recommendation Regarding 2019 Octavius Morgan Distinguished Service Awards

J. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs

K. Review, Discuss, and Possible Action on Draft National Council of Architectural Registration Boards (NCARB) Model Law

L. Update and Possible Action on Legislation Regarding:
   1. Assembly Bill (AB) 476 (B. Rubio, 2019) Department of Consumer Affairs: Task Force: Foreign-Trained Professionals
   2. AB 626 (Quirk-Silva, 2019) Conflicts of Interest
   3. Senate Bill (SB) 601 (Morrell, Chapter 854, Statutes of 2019) State Agencies: Licenses: Fee Waiver
   4. SB 608 (Glazer, Chapter 376, Statutes of 2019) Architects and Landscape Architects

M. Discuss and Possible Action on 2020 Legislative Proposal on Implementation of Fingerprinting Requirement

N. Discuss and Possible Action on Retired License:
   1. Proposed Amendment to California Code of Regulations (CCR), Title 16, Division 2, Article 7, Section 144, Fees
   2. 2020 Legislative Proposal to Amend Business and Professions Code Section 5600.4

O. Update on November 19, 2019 Communications Committee Meeting

P. Landscape Architects Technical Committee (LATC) Report
   1. Update on September 5, 2019 and November 8, 2019 LATC Meetings

   2. Review and Possible Action to Approve Proposed Amendments to the LATC Member Administrative Manual

   3. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2655 Substantial Relationship Criteria and 2656 Criteria for Rehabilitation

Q. 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

R. Review of Future Board Meeting Dates

S. Closed Session - Pursuant to Government Code Sections 11126(a)(1), (c)(3), and (f)(4), and 11126.1, the Board Will Meet in Closed Session to:
   1. Review and Possible Action on September 11, 2019 Closed Session Minutes
   2. Deliberate and Vote on Disciplinary Matters
   3. Perform Annual Evaluation of its Executive Officer
   4. Adjourn Closed Session

T. Reconvene Open Session

U. 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. 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 Board prior to it 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 their 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).

AGENDA ITEM A: 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

AGENDA ITEM E: PRESENTATION ON EAST LOS ANGELES COLLEGE

Summary

The Board will hear from D. Michael Hamner, Chair of the East Los Angeles College Architecture Department.

Program Information

The architectural program at East Los Angeles College (ELAC) was founded in 1945 and was one of the original programs when the College was founded on the campus of Garfield College. It has served the ever-evolving community of the east and southeast side of Los Angeles for 75 years. As we head in to 2020, they have evidence that their college and specifically, the Architecture Program has changed the lives for students from around the world, offering a career path in architecture to anyone who applies. Diversity at ELAC is the direct result of its location and community. East LA is 97% Hispanic and is part of a larger region chiefly made up of immigrants from Asia and other parts of the world. The student body is designated 85% “minority”. 60% of the students work and 34% are parents. ELAC’s achievement over the last decade has exerted a remarkable influence on University Architecture Programs across the nation by educating the most competitive transfer candidates in the country. ELAC produces the highest number (23+) of annual university transfers in the State, more than 330 over the last 13 years, with a retention/graduation rate of 97%. Local Universities, including USC, SC-Arc, Cal Poly Pomona and Woodbury compete for these transfer students, who often receive multiple acceptance offers and scholarships. In addition, they send students across the nation to universities such as, Harvard, Pratt, Copper Union, Syracuse, Virginia Tech, IIT, etc. In addition to the transfer success and University relationships, the Architecture Program engages in many University competitions and activities. In 2014, ELAC was the first two-year program to be exhibited at the International Architecture Biennale Rotterdam.

The phenomenal success of ELAC, given the challenges that its students face on a daily basis, is clearly connected to the innovated teaching philosophy and a connection to its community. The transformative and innovative ELAC Design Studio curriculum mirrors the 1st and 2nd year studios at Universities, but includes coursework in technology, practice, and the arts and humanities to provide a broader foundation and perspective on the profession. Within industry sponsored competitions and exhibits, ELAC competes head to head with universities, ELAC students win scholarships and competitions, including the prestigious AIA-Los Angeles 1:2 Charrette and 2x8 Student Exhibition.

ELAC has developed a support system of former students and role-model architects and their firms to connect with current students as mentors, coaches, jurors, instructors and guest lecturers, and created a unique “architecture specific” departmental link to Academic College Counseling. ELAC has assembled a highly proactive Advisory Board from six Universities and some of the most influential architecture firms in California, including the California State Architect and the

California Architects Board. Internationally renowned architects serve as both faculty and lecturers. More than 20 scholarships from industry and firm advisors are awarded annually. ELAC also created a Community Outreach Program that includes presentations and grant-supported programs with regional high schools and middle schools, as well as a Community Studio with ambassadors from its diverse local and international student body to assist and reach out to municipal and community organizations. This has now morphed into a Dual Pathway Program with Los Angeles School District (LAUSD) and Montebello Unified School District (MUSD) and is expanding.

ELAC is an open campus and program. The approximate annual number of students in the program is between 200 to 250 students, primarily part-time and engaged in employment. The average time spent per student greatly depends on the course load they are able to manage between work and family. The average duration per student hovers around 3 ½years. In 2016, Los Angeles Community College District (LACCD) conducted a Housing and Food survey and noted that of the nearly 29,000 campus students, 23% are experiencing some level of "Homelessness" and 57% experienced "Food Insecurity." This affects their effort as a highly competitive program of Architecture; however, the various level of support does assist in their endeavor to assist to mitigation of these influences. Whether through internships or scholarships, some students find some assistance, however, they endure to expand and provide more support. With that, as noted in the overview, they average nearly 24 students a year to 4/5-year programs. That number will increase in the coming years as their High School "Dual Pathways" efforts should begin to bring to the program more "architecture ready" or prepared students. They are currently on five High School campuses offering a variety of their introductory courses that lead to certificates and of course, to the transfer course work. The High School course work is the same courses offered on the campus to first year students.

In 2017, the American Institute of Architects (AIA) recognized the Department of Architecture at ELAC and its Chair, D. Michael Hamner with elevation to Fellowship in the AIA (FAIA). ELAC is the first 2-year public Architecture Program in the country to receive such recognition. Michael Hamner is the first two-year Professor to receive such an honor.

Action Requested

None

Attachment(s)

None

AGENDA ITEM G: REVIEW AND POSSIBLE ACTION ON SEPTEMBER 11, 2019 BOARD MEETING MINUTES

Summary

The Board is asked to review and take possible action on the minutes of the September 11, 2019 Board meeting.

Action Requested

Approval of the September 11, 2019 Board Meeting Minutes.

Attachment(s)

1. September 11, 2019 Board Meeting Minutes (Draft)

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DRAFT MEETING MINUTES
CALIFORNIA ARCHITECTS BOARD

September 11, 2019
Pleasant Hill

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

On September 11, 2019, Board President, Sylvia Kwan, called the meeting to order at 10:40 a.m. and Vice President, Tian Feng, called roll.

Board Members Present
Sylvia Kwan, President
Tian Feng, Vice President
Denise Campos
Pasqual Gutierrez
Ebony Lewis
Robert C. Pearman, Jr.

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

Board Members Absent
Nilza Serrano, Secretary

Members of the Public Present
Daniel Abbott, Architecture Design and Technology Program Chair,
Diablo Valley College
Mark Christian, Director of Government Relations,
American Institute of Architects, California (AIA California)
Nick Steele, Associate Practice Area Leader,
International Interior Design Association, Northern California (IIDA NC)
Marq Truscott, Chair,
Landscape Architects Technical Committee (LATC) Chair

Staff Present
Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant EO
Marccus Reinhardt, Program Manager Examination/Licensing
Michael Sganga, Enforcement Analyst
Tara Welch, Attorney III, Department of Consumer Affairs (DCA)
Gabrial Nessar, Administration Analyst
Mike Sanchez, Television Specialist, DCA

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

Ms. Kwan: 1) announced the meeting is being webcast, 2) thanked Diablo Valley College (DVC) for allowing the Board to hold its meeting on their campus, and 3) reminded members all motions will be repeated for the record and votes on all motions will be taken by roll call.

C. UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS (DCA)

EO, Laura Zuniga delivered updates on Assistant Deputy Director, Karen Nelson's behalf. Ms. Zuniga indicated that in June 2019, the Chief Deputy Director hosted the Director's Quarterly meeting. It was encouraged that the boards submit ideas regarding cost-cutting projects so that the Administration can focus on them. Ms. Zuniga informed the Board that in July 2019, the Department released an EO salary study and the next Director's Quarterly meeting is scheduled for October 16, 2019.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no comments from the public.

E. PRESENTATION OF OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD TO BARRY N. WILLIAMS

Ms. Kwan announced she was pleased to present the 2018 Octavius Morgan Award to Barry N. Williams who contributed nearly 1,000 volunteer hours over 30 years of service to the Board. Mr. Williams addressed the Board and expressed his gratitude for the opportunity to serve the community as an architect.

F. PRESENTATION ON DIABLO VALLEY COLLEGE – DANIEL ABBOTT, ARCHITECTURE DESIGN AND TEHCNOLOGY PROGRAM

Professor Daniel Abbott, Chair of the Architecture Design and Technology Program at Diablo Valley College (DVC) informed the Board there are approximately 400 students enrolled in the program; of those 200-250 are dedicated architecture students who will later transfer to four- and five-year programs at universities. He said there is a subset of the student population who are enrolled in courses like architectural history to fulfill general education requirements. Prof. Abbott touched upon the demographics of DVC and said approximately 60 percent of students come from nontraditional backgrounds and there is a strong international community at DVC. He described the program curricula and mentioned it still includes freehand drafting in addition to training in modern industry software applications for design and drafting.

Ebony Lewis asked whether DVC actively recruits international students into its program. Prof. Abbott responded that DVC periodically sends representatives to countries like China and Korea to recruit students for the program. Ms. Lewis expressed what she believed to be an important concern of the Board regarding international students returning home to their respective countries rather than remaining in California and applying for licensure; she added it is a foreseeable problem [for the Board to address].

Robert Pearman asked when DVC began its architecture program. Prof. Abbott provided a brief history of the program and speculated it began sometime around 1970. Mr. Pearman followed-up and asked whether DVC has information on how many of its students work in the Bay Area architecture community. Prof. Abbott said many of those involved with architecture in the Bay Area went through DVC – though admitted he did not have precise statistics available at the moment. He added that many DVC students transfer to architecture programs throughout the country, including those at Ivy League schools.

I.* REVIEW AND POSSIBLE ACTION ON JUNE 12, 2019 BOARD MEETING MINUTES

Ms. Kwan asked for comments concerning the minutes of the June 12, 2019 Board meeting. Pasqual Gutierrez requested an amendment to the minutes under agenda item K.1., regarding Assembly Bill 476 in which he suggested resources to provide DCA. He clarified that his suggestion was to specifically provide the Board's *Architect Licensure Handbook* on our requirements to DCA.

- **Tian Feng moved to approve the June 12, 2019 Board meeting minutes.**

  Ebony Lewis seconded the motion.

Mr. Gutierrez identified one needed correction under Item K.1 on page 5. He requested that the word "resources" be changed to "*Architects Licensure Handbook*."

- **Tian Feng amended the motion to approve the June 12, 2019 Board meeting minutes with an amendment to page 5 under Agenda Item K to change "resources" to "Architect Licensure Handbook."**

  Ebony Lewis seconded the amended motion.

  Members Campos, Feng, Gutierrez, Lewis, Pearman, and President Kwan voted in favor of the motion. The motion passed 6-0.

G. PRESENTATION ON SIGNIFICANT CHANGES IN THE 2019 STATE BUILDING CODE – SHARON GOEI, PRESIDENT, CALIFORNIA BUILDING OFFICIALS AND DIRECTOR OF HOUSING, CITY OF MILPITAS

Agenda item not taken up due to unavailability of presenter.

H. PRESENTATION ON REBUILDING EFFORTS IN THE CITY OF PARADISE AND SONOMA COUNTY – MIKE RENNER, 4LEAF, INC.

Agenda item not taken up due to unavailability of presenter.

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

Ms. Zuniga provided the Board with a brief update on its programs.

- In July 2017, the DCA implemented the FI$Cal system, the statewide system for budgets, accounting, and procurement that the State of California has implemented for all state departments. The transition continues to pose challenges in the reconciliation and closing of the fiscal year (FY) 2017-18. The final financial reports for FY 2017-18 are expected in August 2019. Staff continuously monitor the Board's budget with the DCA Budget Office staff. Once the final reports are available, a comprehensive budget update will be provided at the December Board meeting.

- Business Modernization is in process. It is a four-stage process and the Board recently started the second stage which begins the oversight with the Department of Technology.

- The California Architects newsletter was published on May 24, 2019. The next issue of the newsletter was published on August 2019. Linked-In was added to the Social media statistics.

- Subject Matter Experts' recruitment for the Enforcement Unit is in process. The information was provided to qualifying candidates and so far, 30 individuals have met the Board's qualifications.

K. UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING:

1. Assembly Bill (AB) 476 (B. Rubio, 2019) Department Of Consumer Affairs: Task Force: Foreign-Trained Professionals

Ms. Zuniga presented this item that requires DCA to appoint a task force with the goal of integrating foreign-trained professionals into the workforce and

stated that it was presented for information only and no action was requested. She advised that the bill was on the Assembly Floor. Mr. Feng asked what the Board's role would be, and Ms. Campos replied we could provide our educational materials.

2. AB 613 (Low, 2019) Professions And Vocations: Regulatory Fees

Ms. Zuniga presented this item, which authorizes boards within DCA to increase fees according to the increase in the Consumer Price Index, outside of the regulatory process. She advised the bill was a two-year bill and could be brought up again in the Legislature next year.

3. AB 626 (Quirk-Silva, 2019) Conflicts Of Interest

Ms. Zuniga presented this item, which provides an exemption to existing conflict of interest provisions for certain work performed by a variety of professions, including architects. She stated that it was a two-year bill, and that the Board had requested to further discuss this item at this meeting and consider taking a position. Mr. Feng asked what the Board can do to support the bill. Ms. Zuniga noted there were several groups in opposition to the bill. Mark Christian stated that all opposition could have been addressed by limiting the provisions to only pre design work, as the opponents wanted construction management services to continue to be prohibited. While AIA California, a co-sponsor, was fine with that concept the other co-sponsor, the American Council of Engineering Companies, California, did not want to accept that amendment. Mr. Christian advised that he felt it may be too late at this point to achieve consensus among the interested parties. Ms. Lewis stated that she would like to hear more information about the concerns of both sides before the Board votes to take a position. Ms. Zuniga replied that the item would be added to the December agenda, and additional background information will be provided.

4. Senate Bill (SB) 53 (Wilk, 2019) Open Meetings

Ms. Zuniga presented this item, which amends the Bagley-Keene Open Meetings Act to require two-member advisory bodies to hold open meetings. She stated that it was held in the Assembly Appropriations Committee and is a two-year.

5. SB 601 (Morrell, 2019) State Agencies: Licenses: Fee Waiver

Ms. Zuniga presented this item, which authorizes boards within DCA to waive certain fees in the event of a declared emergency. She stated that the bill had passed the Legislature and was on the Governor's Desk for final action.

6. SB 608 (Glazer, 2019) Architects And Landscape Architects

Ms. Zuniga presented this item, which extends the Board and LATC's sunset dates and makes additional changes, including requiring new applicants for licensure to be fingerprinted in order to complete a criminal background check. She summarized amendments to the bill and stated that the bill was currently in the Assembly Appropriations Committee.

L. DISCUSS AND POSSIBLE ACTION ON ARCHITECT REGISTRATION EXAMINATION (ARE)

Ms. Zuniga reminded members that ARE performance was discussed at the Board's June 12, 2019 meeting. She also reminded the Board that there was some concern regarding the accuracy of the performance data, which prompted members to ask that staff verify it. Ms. Zuniga added that an error was discovered, and corrected data was previously sent to members. Members raised concerns with the National Council of Architectural Registration Boards (NCARB) data because it excludes California from the national average. Members opined this greatly skews the data in a negative manner. The Board requested data in future EO Reports include comparison of California with true national average data. It also asked staff to provide comparison data for states with similarly large architect populations. Ms. Zuniga said staff would request updated data from NCARB and that the EO Report for the December meeting would include the Board's request.

Mr. Gutierrez expressed his concern over the number of architects being licensed each year. He asked whether enough architects were being licensed to meet future needs of the profession and consumers. Ms. Kwan concurred with Mr. Gutierrez that this is an issue the Board should soon address. The Board asked staff to research whether there are enough architects using standard economic indicators and annually present the data. Ms. Zuniga advised the Board the questions raised were also considered by DCA, and that it is a challenge for boards because their role is to ensure minimum competency standards and professional qualifications, and there is little that can be done to regulate the number of individuals who seek and ultimately become licensed.

Mr. Feng asked members whether the Board should be concerned over ARE performance by candidates. He noted that performance between first-time testers and those who retake an examination was similar. Ms. Kwan wondered whether the lower performance rates on an ARE division was indicative of it being too hard for candidates. Mr. Reinhardt explained that the psychometricians review the performance of each question, which is a better indicator of whether an examination is properly discriminating between those who possess the requisite knowledge to competently practice and those who do not.

M. DISCUSS AND POSSIBLE ACTION ON RETIRED LICENSE STATUS AND FEE

Mr. Reinhardt reminded members that at the June 12, 2019 Board meeting staff was asked to analyze the budgetary impact of reducing the retired architect license fee. He cited the Analyses of Fund Condition included in the meeting packet and indicated that reduction of the retired license fee from the current level to half or zero would appear to be absorbable in the budget. Mr. Reinhardt advised the Board staff was seeking authorization to prepare a regulatory amendment that would clarify the fee. Ms. Zuniga advised the Board that it would first need to set the fee and then proposed language would be brought before the Board at the December 11, 2019 meeting.

The Board discussed the matter and included in its consideration the feedback from Mr. Williams and LATC Chair Marq Truscott, on the reasonableness of the fee to call oneself a retired architect and the benefits to architects and the public. Members expressed their concern is now more focused upon what constitutes a reasonable administrative fee for processing the request. Several members questioned why there should be a fee and recommended honorary bestowment of the title “retired architect” for the many years of service to the public. Vickie Mayer explained that those who apply for the retired license receive a wall certificate like the one issued when they receive their initial license from the Board.

Mr. Pearman asked how many apply for the retired architect license. Ms. Zuniga and Mr. Reinhardt replied that the Board receives approximately 85 retired license applications per year. Mr. Pearman subsequently asked whether the Board must, at this meeting, move to set a fee (or no fee) for the retired architect license. Ms. Zuniga respond that the Board could move to set the fee or at least come to a consensus of what they would like the fee to be and then staff could provide language at the December meeting for the Board’s approval.

The Board asked for an estimate of the administrative costs for retiring a license. Ms. Zuniga responded that staff would research the associated costs and include the suggested fee in the regulatory language to be presented at the December meeting. Tara Welch, Board legal counsel, advised the members interested in not charging a fee that there is a statutory requirement to require an application and fee to retire a license. She added that it would be necessary to amend the law, if the Board decides it does not want to charge a fee for the retired license.

Ms. Campos asked whether the Board could direct a temporary reduction in the retired architect license fee. Ms. Zuniga suggested the Board not take this action now, but instead wait until the next meeting after the new fee is determined by the Board. Ms. Zuniga also said that in the interim an email notification would be sent to licensees advising them the fee would be considered for a reduction in December. Ms. Mayer said staff would contact any licensees who apply for a retired architect license and ask whether they want to wait until the Board has

determined the new fee or retire the license now. She added that licensees who choose to wait would have their respective application returned to them.

N. REGULATORY AND ENFORCEMENT COMMITTEE (REC)

1. Update On August 1, 2019 Rec Meeting

Mr. Pearman, Chair of the REC stated that the REC had a productive meeting with good contributions and thoroughly considered the Building Official Information Guide before recommending approval and made progress on some of the other Strategic Plan objectives assigned to the Committee.

Ms. Zuniga recounted that the SME recruitment process was discussed and will be addressed more at the December Board meeting, at which time we expect to have some contracts in place and beginning to do some work with those experts. She advised that one of the Committee members asked whether there was some correlation between architect license numbers and the number of complaints that were filed which will be discussed further at the next REC meeting. She said based on research, staff concluded that the increase in complaints among licensees with numbers in the 20,000-29,999 range was because those are the bulk of architects currently practicing.

2. Review And Possible Action On Update To *Building Official Information Guide*

Mr. Sganga described progress on the Building Official Information Guide, a publication that is distributed to all the building officials in the state, and which tries to answer the questions most frequently asked of the enforcement staff. He advised the last time the Guide was updated in 2000. He referred the members to the copy included in the meeting packet, which has been reviewed by the REC, and edited to incorporate their suggestions as well as those of the architect consultants and legal counsel. He added it is now ready for the Board's review and printing with the Board's approval.

Denise Campos asked how the Guide will be distributed once it is printed. Mr. Sganga stated that there would be some hard copies because a lot of building officials like those, and it will be on the Board's website as well.

Mr. Gutierrez made the following recommendations for edits to the Guide: In the introduction, second sentence, the phrase "methods of construction" is not something that the architect does. An architect does not have domain over it, and it should be "architect's scope of practice," which is defined later in this document. Ms. Kwan stated she understands the objection because architects are not supposed to be worried about "methods," but they do worry about materials.

Mr. Gutierrez then referred to the section about advertising of architectural services, item 2 ["How must architectural businesses advertise?"], which explains the parameters of advertising. It is unclear to him why that section was removed. Mr. Sganga stated that several changes were made in order to remove legal advice about owning a business entity. Ms. Zuniga confirmed that the information that was there before went beyond what is described in statute. Ms. Mayer pointed out that the previous language points to California Code of Regulations section 134, which was amended. Mr. Feng expressed that it is not our job to regulate how a business must advertise.

Mr. Feng asked what the main information is that building officials want to get from this Guide? Mr. Sganga replied that one thing they want to know is what the limitations of practice are for unlicensed individuals, engineers, surveyors, and interior designers. Ms. Kwan also pointed out some other good questions that she did not know the answer to, such as what happens when an architect quits or is discharged, may another architect sign the original licensee's plans or instruments.

Mr. Gutierrez asked about the section on Exempt Buildings and Structures, under the definition of "single family dwellings" it refers to a free-standing unattached dwelling of wood frame construction, but what about the dwelling that has a garage attached? He suggested taking out the word "attached." Ms. Kwan stated that she believes that "free standing" and "unattached" have the same meaning, so we don't need to use both.

Mr. Feng asked why we feel the need to instruct building officials about items within their expertise? Ms. Kwan pointed out that sometimes they need to have a handy authority to use when they are explaining things to their customers. Mr. Feng stated that we can regulate how architects practice, but not how other professions practice. Mr. Gutierrez stated that we can publish statements about where the Board stands on issues.

Mr. Pearman found the regulatory source of the language regarding freestanding and attached, so it cannot be changed. Ms. Zuniga stated that we can consider changing the regulation itself in the future.

Mr. Feng suggested that some of the material is too detailed such as "is a greenhouse constructed of metal framing and glass considered exempt?" Ms. Kwan pointed out that a typical greenhouse today is ordered from a manufacturer, then delivered and put on a foundation. She advised you do not need to stamp a greenhouse. Ms. Mayer reasoned that some of the information might be a little dated, but at the time there was a need for putting these questions in the Guide because the Enforcement Unit was asked these questions by building officials. Mr. Sganga stated that another reason to include such questions was to be instructive about the subtleties of certain provisions of the Architects Practice Act such as whether Business and Professions Code

(BPC) section 5537 applies to greenhouses and fruit stands. He felt the questions are important not only on their face, but to explain the meaning of the code sections. Mr. Feng said that the scope of the content is very broad and wanted to know who is responsible for the content. Ms. Zuniga answered that the architect consultants spent quite a lot of time with the revisions. Mr. Feng said that he is confident of the content if they have done exhaustive research and are confident of the details.

Ms. Kwan asked why Accessory Dwelling Units (ADUs) are not addressed in the Guide, since they are now relevant in every jurisdiction in the state. Ms. Zuniga confirmed that there was a recent statutory change. Mark Christian stated that there is pending legislation to make it more difficult for local jurisdictions to deny permit applications for ADUs. Ms. Zuniga stated that, if the publication is adopted, we can look at possible statutory changes to bring back to the Board at the end of the year.

- **Pasqual Gutierrez made a motion to approve the Building Official Information Guide as updated with the one change to the Introduction on page 3 to replace "methods of construction" with "scope of practice."**

  The motion was seconded by Ebony Lewis.

  Members Campos, Feng, Gutierrez, Lewis, Pearman, and President Kwan voted in favor of the motion. The motion passed 6-0.

3. Review And Possible Action On 2019-2021 Strategic Plan Objectives To:

a. Educate Architects Regarding Their Responsibilities Under Business And Professions Code (Bpc) Section 5535.1 (Responsible Control) And California Code Of Regulations (Ccr) Section 151 (Aiding And Abetting) To Protect Consumers From Unlicensed Practice

Mr. Sganga presented this item and described the Enforcement Unit's efforts to periodically publish an informational bulletin based on enforcement issues that arise. He advised the first one of these addresses the types of cases that the Unit deals with most often concerning responsible control. He directed the members to the article contained in the meeting packet concerning advertising by design-build companies that was reviewed as a response to mounting abuses and as a vehicle for discussion of future enforcement issues. He indicated the publication would be posted on the Board's website and distributed as a hard copy to design-build associations and building officials. He advised staff is asking the Board to authorize publication of this and subsequent enforcement bulletins with approval from the EO and legal counsel. Ms. Zuniga pointed out a typographical correction

that would be made to the draft bulletin, spelling out Business and Professions Code the first time that phrase is used.

Ms. Campos asked who the audience was for the informational bulletin. Mr. Sganga pointed out that staff was specifically asked to educate architects, and this is a difficult principle to understand, even for professional architects. He added since responsible control cannot be defined any better than it is in BPC section 5535.1, it is described by comparison of different case situations.

Ms. Kwan recounted that she has heard so many versions of what constitutes a legitimate architectural firm and hoped this will clarify it once and for all. Mr. Sganga agreed that this is one issue that raises a lot of questions and can be addressed in more detail in future bulletins, along with the professional limitations of design.

Mr. Gutierrez requested that the informational bulletin be included in the Board's Annual Practice Brief this year. Ms Zuniga said that it could.

Ms. Welch agreed that staff does not need approval to send out the bulletin, so no further Board action was requested.

b. Collaborate With Websites To Restrict Advertisements From Unlicensed Entities

Mr. Sganga presented this item and recounted staff's research regarding unlicensed advertising on the Internet. He advised in a six-month sample of the most frequently used platforms by people unlawfully advertising architectural services is summarized in the attached chart in the meeting packet. He discussed the potential remedies for the problem as dependent on the type of platform. He advised some of them are controlled by the user and some by data-harvesting robots that automatically categorize companies independent of their license status. He further explained the first group can be ordered by the Board to cease and desist, the second cannot as they do not have legal responsibility for the content. Ms. Welch added that the Board also does not have authority to regulate Internet websites, only licensees or individuals attempting to practice or advertise the practice of architecture.

Mr. Feng asked how the Enforcement Unit finds such violations. Mr. Sganga answered that many architects report violations when they see them. He further explained that whenever the Unit starts investigating one, they find five more.

Mr. Sganga asked the Board for some input about how important the issue is and whether a reasonable remedy would be to require architect license numbers on all advertising. He explained we could then educate consumers

how to distinguish between licensed and unlicensed architects. Msses. Kwan and Zuniga recognized that contractors are so required and the LATC is also moving forward with regulations that would require this.

Ms. Lewis stated that it would make her more confident in an architectural firm if their license number was included in advertising, but as a consumer she does not know that she would be looking for that.

Mr. Pearman asked how it would work if Yelp does not need the architect to advertise affirmatively. Mr. Sganga responded that the architects, as Yelp's customers, can apply more pressure than the Board to put the correct information on their site. Ms. Lewis asked if it is useful to tell people what to put on Yelp, when the real information about an architect is on their own website. Ms. Mayer pointed out that the proposed law or regulation would apply to all advertising, not specifically Yelp. Mr. Feng stated his concern that a firm would not have a license number to put on advertising and it might create unintended liability for somebody to use their license number for a firm. His other concern is that doctors do not have to put their license number on their business card. Ms. Zuniga pointed out that doctors do have to display their license in their office.

Ms. Kwan asked to hear from the AIA representative. Mr. Christian stated that he has not had that discussion with his members, so he cannot offer any insight. He can inquire with his leadership and membership and get back to the Board. Ms. Zuniga pointed out that this question had been raised at the REC meeting. Nicki Dennis Stephens (Executive Vice President, AIA California) was there representing AIA and expressed her surprise that this was not already a requirement.

Ms. Welch explained that, in the general Business and Professions Code, section 137 provides all boards and bureaus the authority to promulgate regulations to include license numbers in any advertising, solicitations or other presentments to the public. She advised all of the boards and bureaus have the authority to do this, potentially because it may have been a problem.

Ms. Mayer made the comment that a lot of consumers do not know that architects are licensed and this is one more way to get that information out. She opined it might also help direct consumers to us if they have a complaint.

Ms. Kwan observed that there is no urgent need to get such a program going at this point and it seems like there are a lot of issues to consider, and some research to be conducted. Mr. Pearman asked if the Board could work with social media platforms like Yelp to advertise that consumers should check the license status of services listed under the architects category. Ms.

Zuniga said we could ask them if they would require a license number, but some websites are pretty reluctant.

O. REVIEW OF FUTURE BOARD MEETING DATES

Ms. Zuniga reminded members that the next Board meeting date is scheduled for December 11, 2019 in Los Angeles.

P. CLOSED SESSION – PURSUANT TO GOVERNMENT CODE (GC) SECTIONS 11126 (A)(1), (C)(3), AND (F)(4), AND 11126.1, THE BOARD WILL MEET IN CLOSED SESSION TO

1. **Review And Possible Action On February 27, 2019 Closed Session Minutes**
2. **Deliberate And Vote On Disciplinary Matters**
3. **Perform Annual Evaluation Of Its Executive Officer**
4. **Adjourn Closed Session**

Q. RECONVENE OPEN SESSION

The Board reconvened in Open Session.

R. ADJOURNMENT

The meeting adjourned at 2:58 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.

AGENDA ITEM H: ELECTION OF 2020 BOARD OFFICERS

Summary

Business and Professions Code section 5518 states:

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

The Board Member Administrative Manual provides the following in relation to election of the Board officers:

> 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.

The Manual also provides for a nomination process as follows:

> 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.

Board President Sylvia Kwan appointed Pasqual Gutierrez and Ebony Lewis to serve as members of the Nominations Committee. All Board members were surveyed as to their interest, and the Nominations Committee recommends the following slate of officers for 2020 for the Board's consideration based on the qualifications, recommendations, and interest expressed by the Board members:

Nominations Committee Recommended Slate of Officers for 2020

President – Tian Feng
Vice President – Denise Campos
Secretary – Nilza Serrano

Action Requested

At this meeting, the Nominations Committee will present the recommended slate of officers to the Board for its consideration. The Board is asked to consider the slate and elect the officers for 2020.

Attachment(s)

None

AGENDA ITEM I: DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2019 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARDS

Summary

The Board, at its September 2000 meeting, voted to establish an annual system for recognizing the volunteers who contribute to the Board and to grant a special award for distinguished service. The award was named the Octavius Morgan Distinguished Service Award, after the first Board President. The following guidelines for the award were approved by the Board.

Purpose: To recognize and thank our committed volunteers on their efforts.

Criteria: Volunteers who, over time, have provided the Board with outstanding and dedicated service. Potential winners would be committee or task forces members, exam subject matter experts/commissioners, or others. Board members are eligible, provided they have served the Board five or more years in addition to their terms on the Board. Non-traditional candidates (e.g., Landscape Architects Technical Committee-affiliated, national participants) are also considered.

Number of awards: Three to five per year in order to spread the recognition.

Selection process: Board members and staff nominate individuals. The names of those receiving awards are announced at the December Board meeting.

Award: The Octavius Morgan Distinguished Service Award recipients would be sent an appropriate item of recognition and would be noted in the Board's newsletter. Board members will purchase the item of recognition from their own monies if prohibitions are in place from making the purchase from Board funds (motion approved at December 5-6, 2012, Board meeting).

The following individuals have been recipients of the award:

2018 – Robert Kitamura and Barry N. Williams
2017 – Norman Millar and Robert Peterson
2016 – Connie Christensen and Don Hodges
2015 – Robert Greig and Alex Rogic
2014 – Albert Okuma and Charles Smith
2013 – Loangle Newsome and Linda Zubiate
2012 – Victor Newlove, Roger North, and Roger Wilcox
2011 – Denis Henmi, Phyllis A. Newton, and Richard R. Tannahill
2010 – Wayne Holtan, Arlee Monson, and John Petrucelli
2009 – Richard Cooling, Richard Dodd, Morris Gee, and Larry Segrue
2008 – Chad R. Overway, Eric H. Jacobsen, and Bruce L. Macpherson

2007 – John Canestro, Gerald Cole, and Michelle Plotnick
2006 – Allan Cooper, Robert George, and Richard Holden
2005 – Andrew Barker, Robert DePietro, and Paul Neel
2004 – Jim Jordan, Larry Paul, P.K. Reibsamen, and Merlyn Isaak
2003 – Carol Tink-Fox, Jim McGlothin, and Ron Ronconi
2002 – Glenn A. Gall, Lucille M. Hodges, RK Stewart, and Richard T. Conrad
2001 – George Ikenoyama, Fred Yerou, Richard Crowell, Jack Paddon, and Cynthia Easton
2000 – Charles J. Brown, Mackey W. Deasy, and Barry Wasserman

Staff were asked to submit nominations for 2019 recipients to the Board for consideration at its December 11, 2019 meeting; a list of the recommended nominees will be provided to the Board members prior to the meeting.

Action Requested

The Board is asked to consider the 2019 Octavius Morgan Distinguished Service Award nominees and reconfirm that Board members will purchase the awards from their own personal funds.

Attachment(s)

None

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MEMORANDUM

DATE	October 31, 2019
TO	Board and Landscape Architects Technical Committee (LATC) Members
FROM	Laura Zuniga, Executive Officer
SUBJECT	**Executive Officer Report**

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

Administrative/Management

Board The Board met on September 11, 2019, at Diablo Valley College in Pleasant Hill and will meet December 11, 2019 at East Los Angeles College. The Landscape Architects Technical Committee (LATC) will meet on November 8, 2019 in Sacramento.

Committee Meetings:

Professional Qualifications Committee (PQC) The PQC was scheduled to hold a teleconference on October 22, 2019; however, it was canceled because of a scheduling conflict for the Chair. A poll will be conducted to determine meeting dates in early-2020.

Regulatory and Enforcement Committee (REC) The REC met on August 1, 2019, in Sacramento. At this meeting, the REC began work on its assigned 2019-2021 Strategic Plan objectives. The next REC meeting has not yet been scheduled.

Communications Committee The Communications Committee will meet on November 19, 2019 to continue discussion of its 2019-2021 Strategic Plan objectives.

Budget In July 2017, the Department of Consumer Affairs (DCA) implemented FI$Cal, the statewide system for budgets, accounting, and procurement that the State of California has implemented for all state departments. The transition continues to pose challenges in the reconciliation and closing of fiscal year (FY) 2017-18. The final financial reports for FY 2017-18 remain unavailable. Staff continuously monitor the Board's budget with the DCA Budget Office staff. Once the final reports are available, a budget update will be provided to the Board.

Business Modernization In December 2017, the Board, in collaboration with the DCA, finalized its Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Stage 1 Business Analysis report was signed by California Business, Consumer Services,

and Housing Agency (Agency) Secretary, Alexis Podesta on October 17, 2019, and was forwarded to the California Department of Technology for approval. Stage 2 activities commenced in August 2019 and included software demonstrations by 10 vendors. Five cohort DCA programs will meet on November 18, 2019 to discuss the vendors including market research questionnaire results, consolidated business requirements, and cost.

The first major software release is scheduled for November 1, 2021 and the project is estimated to be completed on November 1, 2022.

The Board and LATC pursued a stop gap measure to accept online credit card payments for license renewal applications, our highest volume transaction. The acceptance of online credit card payments for license renewal launched on February 5, 2019, for the Board and on April 23, 2019, for LATC. The Board had 4,821 licensees renew online since February, which averages to approximately 540 renewals per month. Currently, the LATC averages 60 online renewal payments each month and has successfully issued 402 license renewals using the online payment portal.

Newsletter The *California Architects* newsletter was published on October 23, 2019.

Publications On September 4, 2019, the Board published the *Architect Licensure Handbook* which includes information on the Board and the process to become licensed, from education and experience through examinations and required continuing education.

Staff is currently in the final stage of development of the *Building Official Information Guide*, which focuses on enforcement issues important to California Building Officials. The *Guide* is available on the Board website and hard copies will be available upon request.

Additionally, staff created an informational bulletin describing the requirements attached to the use of the word architect in business names and description of services. A second bulletin is in preparation which describes the design limitations imposed under different categories of architect, contractor, and engineering licenses, and those types of designs that can be prepared by unlicensed persons. The bulletins will be shared with the email subscribers and posted on the Board's website once completed.

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 Executive Officer (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 prereview
July 2, 2018	DCA Legal concluded prereview
July 5, 2018	Proposed regulation submitted to DCA Legal for initial analysis
April 26, 2019	Proposed regulatory language approved by Agency
May 24, 2019	Notice of Proposed Changes in the Regulations published by Office of Administrative Law (OAL)
July 8, 2019	Public hearing, no comments received
July 9, 2019	Final rulemaking file submitted to DCA Legal Office
September 3, 2019	Final rulemaking file approved by Agency
September 5, 2019	Final rulemaking file submitted to Department of Finance (DOF)
September 6, 2019	Final rulemaking file submitted to OAL
October 18, 2019	Final rulemaking file approved by DOF
October 18, 2019	Final rulemaking file approved by OAL
January 1, 2020	Effective date of regulatory change

CCR Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) The Board approved proposed regulatory language to amend CCR sections 110 and 110.1 at its February 27, 2019, 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 110 and 110.1:

February 27, 2019	Proposed regulatory language approved by the Board
March 5, 2019	Proposed regulation submitted to DCA Legal for prereview
March 7, 2019	DCA Legal concluded prereview
March 8, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 13, 2019	Proposed regulation submitted to Agency

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 EO 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. Language was included in Senate Bill (SB) 608 and will take effect January 1, 2020.

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 the American Institute of Architects California 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 Assembly Bill (AB) 2138 as well as proposed changes to CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) including two options. The Board adopted the proposed recommended changes for CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. Staff is proceeding with the regulatory proposal process and submitted it to DCA Legal for pre-review on September 19, 2019.

Personnel Examination Technician Wendy Baker, who was in a limited-term Office Technician assignment transferred to the Bureau of Automotive Repair on October 1, 2019. Also, effective October 1, 2019, Tim Rodda was approved for an Out-of-Class assignment for the Program Manager Administration/Enforcement position in the absence of Alicia Hegje. Oscar Diaz was selected for the Public Information Technician position in the Administration Unit. His first day at the Board was October 14, 2019.

Social Media

Social Media Statistics (as of October 31, 2019)

Platform	Q2* Posts	Q3* Posts	Difference	Followers 10/31/19	Followers 8/30/19*	Difference
Twitter (launched in 2014)	27	56	+207	1276	1260	+1.36
Instagram (launched in 2016)	17	15	-12	653	624	+4.6
Facebook (launched in 2017)	29	41	+141	154	120	+28

Platform	Q2* Posts	Q3* Posts	Difference	Followers 10/31/19	Followers 8/30/19	Difference
LinkedIn (launched July 2019)	1	1	0	144	122	+18%

* Q2 May – July, Q3 August – October 2019

Website The website was updated to provide licensees with information regarding the forthcoming discussions related to the fee for a retired architect license that is scheduled for the December Board meeting. A recruitment for subject matter experts to assist in examination development for the California Supplemental Examination (CSE) was posted to the website on September 10, 2019. Staff is preparing to transfer responsibility for website maintenance and update to the Office of Information Services (OIS). The effective date for the transfer is still to be determined by OIS.

Examination and Licensing Programs

Architect Registration Examination (ARE) Performance data for ARE 5.0 administrations of California candidates and comparisons to national performance (which includes California data) are shown in the following tables:

Candidate Performance ARE 5.0
(July 1, 2019 to October 31, 2019)

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	280	187	67%	93	33%
Practice Management	542	252	46%	290	54%
Programming & Analysis	377	171	45%	206	55%
Project Development & Documentation	472	200	42%	272	58%
Project Management	361	202	56%	159	44%
Project Planning & Design	585	210	36%	375	64%

California to National ARE 5.0 Performance Comparison (FY 18/19)

ARE Division	California		National	Delta % (▲%)
	Total	Passed	Passed	
Construction & Evaluation	685	64%	71%	-7%
Practice Management	1,497	45%	49%	-4%
Programming & Analysis	1,245	45%	53%	-8%
Project Development & Documentation	1,357	43%	50%	-7%
Project Management	1,015	57%	62%	-5%
Project Planning & Design	1,693	35%	43%	-8%

▲% is the difference in the California and national (NCARB) pass rates.

Multi-Year California to National ARE 5.0 Performance Comparison (FY 2017/18 and 2018/19)

DIVISION	FY 2017/18 ARE 5.0			FY 2018/19 ARE 5.0		
	CA Pass	National Pass	▲%	CA Pass	National Pass	▲%
Construction & Evaluation	62%	69%	-7%	64%	71%	-7%
Practice Management	48%	52%	-4%	45%	49%	-4%
Programming & Analysis	45%	54%	-9%	45%	53%	-8%
Project Development & Documentation	50%	55%	-5%	43%	50%	-7%
Project Management	61%	62%	-1%	57%	62%	-5%
Project Planning & Design	43%	49%	-6%	35%	43%	-8%

▲% is the difference in the California and national (NCARB) pass rates.

California Supplemental Examination (CSE) The current Intra-Agency Contract Agreement with the Office of Professional Examination Services (OPES) for examination development for FY 2019/20 will expire on June 30, 2020.

The pass rates for CSE administrations from July 1, 2019 to October 31, 2019 and the prior FY are displayed in the following tables:

CSE Performance by Candidate Type
(July 1, 2019 to October 31, 2019)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	128	72%	49	28%	177
Instate Repeat	72	59%	50	41%	122
Reciprocity First-time	42	58%	30	42%	72
Reciprocity Repeat	21	60%	14	40%	35
Relicensure First-time	2	67%	1	33%	3
Relicensure Repeat	0	0%	1	100%	1
TOTAL	265	65%	145	35%	410

CSE Performance by Candidate Type
(FY 2018/19)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	432	64%	240	36%	672
Instate Repeat	191	57%	144	43%	335
Reciprocity First-time	141	57%	106	43%	247
Reciprocity Repeat	40	57%	30	43%	70
Relicensure First-time	3	30%	7	70%	10
Relicensure Repeat	1	33%	2	67%	3
TOTAL	808	60%	529	40%	1337

Enforcement Program

Enforcement Subject Matter Expert (SME) Program The Board's selected 14 qualified SMEs to provide case review, technical evaluation, and courtroom testimony as needed. The Board's enforcement staff plan to begin utilizing the SMEs in November 2019.

Enforcement Actions

Mohammad R. Hakimi (Oakland) The Board issued a one-count citation that included a $500 administrative fine to Mohammad R. Hakimi, architect license number C-25024, for an alleged violation of Business and Professions Code (BPC) section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Hakimi certified false or misleading information on his 2019 License Renewal Application. Hakimi paid the fine, satisfying the citation. The citation became final on August 2, 2019.

Tuan Nguyen (Westminster) The Board issued a two-count citation that included a $2,000 administrative fine to Tuan Nguyen, dba Do Green Company Design & Consultant Service and ICM Management Co., an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect). The first cause for citation alleged that Nguyen provided a proposal to add a 400 sq. ft. family room and open patio to a single-family residence located in Anaheim, California. The services offered in the proposal included "Architectural & Engineering (A/E) Consultant Service." The written proposal using the word "Architectural" is a device that might indicate to the public that Nguyen is an architect, that he is qualified to engage in the practice of architecture, or that he is an architectural designer. The second cause for citation alleged that Nguyen prepared drawings for the project that contained a title block that included his business name "ICM Management Co., Architecture & Consultant." Nguyen used a business name which included the term "architecture" in its title and description of services, without a California licensed architect who was in management control of the professional services that were offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on August 5, 2019.

Mike De Alba, Jr. (Sanger) The Board issued a two-count citation that included a $2,000 administrative fine to Mike De Alba, Jr., architect license number C-33144, for alleged violations of BPC section 5584 (Willful Misconduct), as defined in CCR, title 16, sections 150 (Willful Misconduct) and 160(b)(2) (Willful Misconduct; Failure to Respond to Board Investigation). The action alleged that on or about September 16, 2014, De Alba, Jr. agreed to prepare drawings and/or calculations for a project located in Turlock, California. The contract provided that "Construction Documents will be completed in 60 days of owner signing contract and initial payment." The contract also stated, "Owner will sign and date of approval of schematic design and design development drawings prior to commencement of construction documents." The initial payment for the contract was sent to De Alba, Jr. the day after the execution of the contract, September 17, 2014, so the plans should have been completed by November 17, 2014. De Alba, Jr. did not submit the plans to the city of Turlock until in or around April 2015, nor did he provide any designs to the client for approval prior to proceeding to the construction documents stage. The client was not made aware of any delays until he received a copy of an email the city of

Turlock sent in their response to De Alba, Jr.'s fifth attempt at submitting the plans, in or around February 2016. De Alba, Jr. thus violated a provision of the agreement with the client and made no reasonable effort to inform the client of the conduct or omission. De Alba, Jr. also failed to respond to the Board's requests for information regarding an investigation within 30 days. The citation became final on August 6, 2019.

Hildegard Anna Richardson (Mill Valley) The Board issued a one-count citation that included a $2,000 administrative fine to Hildegard Anna Richardson, architect license number C-11183 for an alleged violation of BPC section 5536.22(a) (Written Contract). The action alleged that Richardson failed to execute a written contract with her client for a new phase of work on a residential project located in Sonoma, California prior to commencing the professional services. Richardson paid the fine, satisfying the citation. The citation became final on August 28, 2019.

David W. Stark (Rocklin) The Board issued a one-count citation that included a $500 administrative fine to David W. Stark, architect license number C-24144 for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Stark certified false or misleading information on his 2019 License Renewal Application. Stark paid the fine, satisfying the citation. The citation became final on August 29, 2019.

Jijun Han (Buena Park) The Board issued a one-count citation that included a $750 administrative fine to Jijun Han, an unlicensed individual, for an alleged violation of BPC section 5536(b) (Use of Stamp by an Unlicensed Person). The action alleged that while Han was unlicensed, he affixed a stamp to drawings which read: "KTIK design," "INTERIOR + ARCHITECTURAL + DESIGN," "COMMERCIAL / RESIDENTIAL PLANNING / CONSTRUCTION," and "#985437." The stamp was circular in shape and of a similar design used by licensed architects, pursuant to CCR, title 16, section 136. The license number listed was Han's contractor's license number, not an architect's license number. The word "ARCHITECTURAL" was prominent and centered below the license number. Han paid the fine, satisfying the citation. The citation became final on September 9, 2019.

Rui Han (Santa Clara) The Board issued a one-count citation that included a $500 administrative fine to Rui Han, architect license number C-32779 for an alleged violation of BPC section 5600.05(b) (License Renewal Process; Failure to Maintain Records of Completion of Required Coursework). The action alleged that Han failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Han paid the fine, satisfying the citation. The citation became final on September 23, 2019.

Warren Earle Pechin (Bakersfield) The Board issued a one-count citation that included a $500 administrative fine to Warren Earle Pechin, architect license number C-8366, for an alleged violation of BPC section 5536.22(a) (Written Contract). The action alleged that on or about October 10, 2016, Pechin failed to execute a written contract with his client prior to commencing professional services for a residential addition located in Bakersfield, California. Pechin paid the fine, satisfying the citation. The citation became final on September 23, 2019.

David H. Lyon (Carlsbad) The Board issued a one-count citation that included a $500 administrative fine to David H. Lyon, architect license number C-11865, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Lyon certified false or misleading information regarding the completion of required coursework on his 2019 License Renewal Application. Lyon paid the fine, satisfying the citation. The citation became final on September 30, 2019.

Lynn L. Fisher (Palo Alto) The Board issued a one-count citation that included a $250 administrative fine to Lynn L. Fisher, architect license number C-29880, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Fisher certified false or misleading information regarding the completion of required coursework on her 2019 License Renewal Application. Fisher paid the fine, satisfying the citation. The citation became final on October 9, 2019.

Randall W. Russom (Arroyo Grande) The Board issued a one-count modified citation that included a $1,000 administrative fine to Randall W. Russom, architect license number C-24410, for an alleged violation of CCR, title 16, section 160(b)(2) (Failure to Respond to Board Investigation). The action alleged that Russom failed to respond to the Board's requests for information regarding his continuing education coursework within 30 days. The citation became final on October 10, 2019.

Robert Trent Fechtmeister (Gretna, NE) The Board issued a one-count citation that included a $750 administrative fine to Robert Trent Fechtmeister, architect license number C-31451, for alleged violations of BPC sections 141(a) (Effect of Disciplinary Action Taken by Another State or the Federal Government) and 5586 (Public Agency; Disciplinary Action). The action, according to disciplinary action taken by the Nebraska Board of Engineers and Architects, alleged that on or about November 16, 2011, Fechtmeister forged the name of an engineer on a Certificate of Authorization Renewal Application and forged the engineer's signature and professional engineering seal on multiple mechanical, electrical, and plumbing plans. The citation became final on October 17, 2019.

Jeffrey Lee Sobin (Los Angeles) The Board issued a one-count citation that included a $250 administrative fine to Jeffrey Lee Sobin, architect license number C-18249, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Sobin certified false or misleading information regarding the completion of required coursework on his 2019 License Renewal Application. Sobin paid the fine, satisfying the citation. The citation became final on October 25, 2019.

Steven M. Lawler (Walnut Creek) The Board issued a three-count citation that included a $2,500 administrative fine to Steven M. Lawler, architect license number C-29399, for alleged violations of BPC sections 5586 (Discipline by Public Agency), 5579 (Fraud in Obtaining License), and 5584 (Willful Misconduct) as defined in CCR, title 16, section 160(b)(2) (Failure to Respond to Board Investigation). The action alleged that Lawler was disciplined by the Florida State Board of Architecture and Interior Design on May 30, 2017, and again on February 19, 2019, for failure to complete continuing education requirements. The action further alleged that Lawler failed to respond to the

California Board's requests for information regarding its investigation. The action also alleged that Lawler represented on his October 10, 2018 California license renewal application that he had not been disciplined by a public agency during the preceding two-year renewal period. The citation became final on October 28, 2019.

Kurt Von Puttkammer (West Point) The Board issued a one-count citation that included a $500 administrative fine to Kurt Von Puttkammer, architect license number C-21166, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Von Puttkammer certified false or misleading information regarding the completion of required coursework on his 2019 License Renewal Application. The citation became final on October 28, 2019.

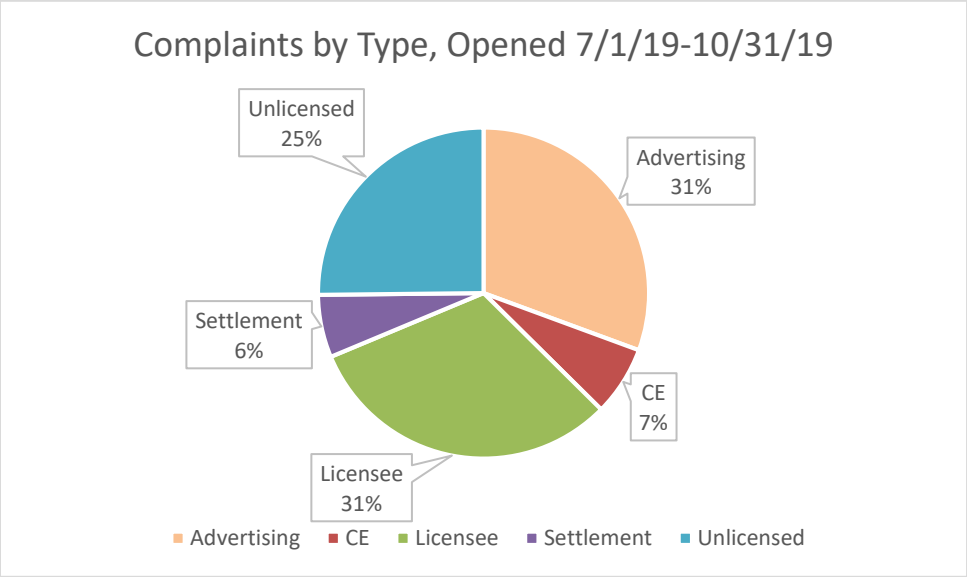
Disciplinary Actions

None

Enforcement Statistics	Current FY 19/20	FY18/19	FY17/18
	July-Oct	2018/19	2017/18
Complaints			
Received/Opened (Reopened):	155 (0)	310 (2)	380 (2)
Closed:	154	314	334
Average Days to Close:	149 days	188 days	97 days
Pending:	155	150*	161
Average Age of Pending:	189 days	230 days*	161 days
Citations			
Issued:	28	48	65
Pending:	17	32*	0
Pending AG: †	2	3*	0
Final:	20	55	58
Disciplinary Actions			
Pending AG:	10	6*	4
Pending DA:	0	1*	1
Final:	0	1	3
Continuing Education (§5600.05)**			
Received/Opened:	7	35	32
Closed:	1	24	30
Pending:	3	11*	10
Settlement Reports (§5588)**			
Received/Opened:	9	24	14
Closed:	3	15	14
Pending:	18	9*	0

* *Calculated as a monthly average of pending cases.*
** *Also included within "Complaints" information.*
† *Also included within "Pending Citations."*

Types of Complaints Received FY 2019/20



Closure of Complaints by FY

Type of Closure	FY 2019/20 (as of 10/31/19)	FY 2018/19	FY 2017/18
Cease/Desist Compliance	7	10	9
Citation Issued	33	43	64
Complaint Withdrawn	2	10	8
Insufficient Evidence	4	16	14
Letter of Advisement	56	120	157
No Jurisdiction	8	13	15
No Violation	33	74	40
Referred for Disciplinary Action	0	4	5
Other (i.e., Duplicate, Mediated, etc.)	11	30	25

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 2019/20 (as of 10/31/19), 19 citations with administrative fines became final with 25 violations of the provisions of the Act and/or Board regulations. The most common

violations that resulted in citation or discipline during the current and previous two fiscal years are listed below.

BPC or CCR Section	FY 2019/20 (as of 10/31/19)	FY 2018/19	FY 2017/18
BPC § 5536(a) and/or (b) – Practice Without License or Holding Self Out as Architect	9.1%	25.4%	8.1%
BPC § 5536.1(c) – Unauthorized Practice	0%	0%	3.2%
BPC § 5536.22(a) – Written Contract	9.1%	6%	1.6%
BPC § 5584 – Negligence or Willful Misconduct	13.6%	6%	1.6%
BPC § 5600.05(a)(1) and/or (b) – License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements	59%	37.3%	77.4%†
CCR § 160(b)(2) – Rules of Professional Conduct	9.1%	7.5%	4.8%

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

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 proposed changes were included in SB 608 and will take effect January 1, 2020.

Strategic Plan Update

GOAL 1: Professional Qualifications

1.1 Amend existing law regarding continuing education requirements for license renewal to reflect the evolving practice.

Status: Discussed by PQC at April 18, 2019 meeting and referred to staff for additional research.

1.2 Provide licensees the opportunity to submit continuing education documentation online to increase efficiency in license renewal.

Status: Discussed by PQC at its April 18, 2019 meeting and referred to staff for additional research.

1.3 Conduct an occupational analysis (OA) of the profession to reflect current practice.

Status: Staff discussed with the OPES and they recommended beginning no earlier than FY 2020-21 or after NCARB completes the development of its new test plan for the ARE.

1.4 Review and amend CCR section 117 and related regulations to reflect current licensing requirements.

Status: Presented at the PQC meeting on April 18, 2019 and referred to staff for further development.

GOAL 2: Regulation and Enforcement

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.

Status: Discussed by Regulatory and Enforcement Committee (REC) at its August 1, 2019 meeting and REC approved an Informational Bulletin to be distributed to interested parties, which was distributed in November 2019.

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).

Status: Discussed by REC at its August 1, 2019 meeting. Staff currently working on the regulatory package.

2.3 Collaborate with websites to restrict advertisements from unlicensed entities.

Status: Discussed by REC at its August 1, 2019 meeting. Staff are doing additional research on requiring license numbers in advertisements.

GOAL 3: Communications

3.1 Educate licensees and the public on the penalties for violations of the Architects Practice Act.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting.

3.2 Increase the use of social media outlets to better communicate with new licensees and consumers.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. Committee suggested creating a LinkedIn profile, which was done.

3.3 Collaborate with the DCA Communications Office to improve communications with all stakeholders.

Status: Communications Committee heard presentation from DCA's Office of Public Affairs on a Communications Plan. Staff continue to work with DCA on this item.

3.4 Develop an information exchange with related professionals of DCA to better educate the professionals of the duties, needs, and pitfalls of each discipline.

Status: Discussed by the Communications Committee at its May 14, 2019 and November 19, 2019 meetings.

3.5 Expand outreach to community colleges and schools of architecture, including Board meetings on campuses to increase public and professional awareness.

Status: Discussed by the Communications Committee at its May 14, 2019 meeting. All 2019 Board meetings have been held at schools.

3.6 Issue an annual practice brief update on licensee misconduct to increase public and professional awareness.

Status: Discussed by the Communications Committee at its May 14, 2019 and November 19, 2019 meetings. Staff presented a draft for the Committee's review and consideration.

GOAL 4: Organizational Relationships

4.1 Collaborate with NCARB, the American Institute of Architects (AIA) and the National Architectural Accrediting Board to help students fulfill Integrated Path to Architectural Licensure (IPAL) program experience requirements.

Status: Not yet begun.

4.2 Collaborate with high schools to promote the architect profession and promote entry into the profession.

Status: Staff met with AIA Central Valley to discuss working together on this issue. Efforts will continue in 2020.

4.3 Attend collateral organization meetings (such as Monterey Design Conference and AIACC) with an information booth to increase public and professional awareness.

Status: Staff will pursue attending Monterey Design Conference in 2021, which will require approval by control agencies.

4.4 Partner with related professional organizations to promote the Board's website and increase the presence and awareness to consumers and the public.

Status: Not yet begun. May be address through Communications objectives.

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.

Status: Staff held November 1st at the Board's office with stakeholders.

GOAL 5: Organizational Effectiveness and Customer Service

5.1 Promote Board staff development and team building to increase efficiency.

Status: Ongoing

5.2 Collaborate with DCA to conduct an employee engagement survey to improve employee morale, address employee concerns, and promote a positive work environment.

Status: DCA conducted an Employee Engagement Survey for staff (excluding management) and provided results to EO. Management has implemented some of the recommendations and will revisit the survey next year to determine improvements.

5.3 Undertake business modernization activities to achieve a smooth transition to an integrated online IT platform

Status: Ongoing

5.4 Prepare for Sunset Review hearing and responses to background paper.

Status: Completed

Landscape Architects Technical Committee

LATC ADMINISTRATIVE/MANAGEMENT

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

Committee The LATC met on September 5, 2019 via teleconference. The next meeting is planned for November 8, 2019 in Sacramento.

Andrew Bowden's term expired on June 1, 2019, and he is serving in his one-year grace period.

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 odd year throughout a member's term. (Note: 2019 is a mandatory year)
- Board Member Orientation – completed within one year of a member's appointment and reappointment
- Defensive Driver – once every four years

Social Media The LATC maintains a Twitter account that currently has 182 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website The Interim Credit Card Renewal was launched on April 23, 2019 and can be found on the LATC's homepage and option is included with each license renewal notice.

In June, LATC staff worked with SOLID to develop a strategy to create an online tutorial to assist candidates navigate through the process of becoming a licensed landscape architect. A content outline was created, from which staff and the DCA Public Information Office (PIO) will produce a web-based candidate tutorial for the LATC homepage, schools, and other outreach efforts. Staff provided additional detail to the content outline to PIO in August and will meet with PIO to view the draft tutorial on November 18, 2019.

California Supplemental Examination (CSE) The current Intra-Departmental Contract Agreement with the OPES for examination development for FY 2019/20 will expire on June 30, 2020. The LATC will review an Intra-Departmental Contract Agreement with the OPES to conduct an OA at their meeting on November 8, 2019.

The pass rates for CSE administrations from July 1, 2019 to October 31, 2019 and the prior FY are displayed in the following tables:

CSE Performance by Candidate Type (July 1, 2019 to October 31, 2019)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	25	76%	8	24%	33
Repeat	7	78%	2	22%	9
TOTAL	32	76%	10	24%	42

CSE Performance by Candidate Type (FY 2018/19)

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
First-time	122	79%	32	21%	154
Repeat	51	82%	11	18%	62
TOTAL	173	80%	43	20%	216

Landscape Architect Registration Examination (LARE) A LARE administration was held August 5-17, 2019. 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. On September 12, 2019, LATC staff issued notifications to all California candidates who completed the LARE during the August administration to advise of their eligibility to sit for the CSE. The next LARE administration will be held December 2-14, 2019, and the application deadline was October 18, 2019.

The pass rates for LARE sections taken by California candidates during the August 5-17, 2019 administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	59	34	58%	25	42%
Inventory and Analysis	63	31	49%	32	51%
Design	59	34	58%	25	42%
Grading, Drainage and Construction	39	21	54%	18	46%

National pass rates for LARE sections taken during the August 5-17, 2019 administration are shown below:

SECTION	CALIFORNIA		NATIONAL		▲%
	Total	Passed	Total	Passed	
Project and Construction Management	59	58%	336	68%	-10%
Inventory and Analysis	63	49%	338	68%	-19%
Design	59	58%	332	64%	-6%
Grading, Drainage and Construction	39	54%	323	60%	-6%

▲% is the difference in the California and national (CLARB) pass rates.

National pass rates for LARE sections taken in 2018 are shown in the following table:

SECTION	CALIFORNIA		NATIONAL		▲%
	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	191	69%	1,156	69%	0%

▲% is the difference in the California and national (CLARB) pass rates.

Outreach On November 12, 2019 LATC staff will provide presentations to students enrolled in two senior level professional practice and construction documentation courses at University of California Davis. The presentations will include an overview of the LATC's mandate, the Landscape Architects Practice Act, the importance of licensure, the examination process, and updates to the various education and training pathways to licensure.

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 the Board approved the regulatory changes at its meeting on December 10, 2015.

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 efficient to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government (Gov.) Code 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.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR sections 2615 and 2620:

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 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 section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend sections 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 sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA Legal review
February 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 21, 2019	DCA Legal concluded first round of prereview and returned regulation to staff
April 16, 2019	Proposed regulation returned to DCA Legal for additional prereview
June 5, 2019	DCA Legal concluded prereview
June 6, 2019	Proposed regulation submitted to DCA Legal for initial analysis
June 14, 2019	Proposed regulation submitted for Budget Office Review

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 Gov. section 11349.1, subdivision (a)(1). Gov. 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 Stephanie Landregan and Christine 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 the February 8, 2019 LATC meeting, the Committee reviewed the subcommittee's recommendations and directed staff to prepare

a regulatory proposal to amend CCR section 2620.5 for the LATC's consideration at its next meeting. At its May 29, 2019 meeting, the LATC voted to recommend to the Board approval of the proposed regulatory language to amend CCR section 2620.5. The Board approved the proposal at its meeting on June 12, 2019 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 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 regarding previously proposed amendments to section 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
February 8, 2019	LATC directed staff to prepare a regulatory proposal to amend section 2620.5 for the LATC's consideration at its May 23, 2019 meeting
May 29, 2019	Proposed regulatory language approved by LATC
June 12, 2019	Proposed regulatory language approved by Board
July 31, 2019	Proposed regulation submitted to DCA Legal for prereview
October 22, 2019	Proposed regulation submitted to DCA Legal for additional prereview

CCR Sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) At its meeting on February 8, 2019, LATC recommended to the Board approval of proposed regulatory language to amend CCR sections 2655 and 2656. The Board approved the proposed regulatory language at its February 27, 2019, 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 LATC's regulatory proposal for CCR sections 2655 and 2656:

February 8, 2019	Proposed regulatory language approved by LATC
February 27, 2019	Proposed regulatory language approved by the Board
March 7, 2019	Proposed regulation submitted to DCA Legal for prereview
March 8, 2019	DCA Legal concluded prereview
March 12, 2019	Proposed regulation submitted to DCA Legal for initial analysis
September 24, 2019	Proposed regulatory language approved by Agency
October 11, 2019	Notice of Proposed Regulatory Action published by OAL

LATC ENFORCEMENT PROGRAM

Regulatory Proposal *CCR section 2680 (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

section 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 as well as proposed changes to CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) including two options. On February 8, 2019, the Committee made a recommendation to the Board to adopt the proposed regulatory language for section 2655 and option 1 for section 2656 and approve the revised *Disciplinary Guidelines*. The Board approved the Committee's recommendation at its February 27, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal completed the prereview of the regulatory change package. On October 15, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

Regulatory Proposal CCR section 2671 (Public Presentments and Advertising Requirements) As part of the Strategic Plan established by LATC at the January 2013 meeting, LATC set an objective of researching the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.

LATC enforcement staff reviewed several non-healing arts board's and bureau's Practice Acts to identify language, if applicable, requiring license numbers to be included on all advertisements to determine if similar language could be added to LATC's CCR section 2671 (Public Presentments and Advertising Requirements). Staff found that the Bureau of Security and Investigative Services and Contractors State License Board Practice Acts require their licensees to include license numbers on all forms of advertisements, as well as the Regulations Relating to the Practices of Geology and Geophysics for the Board for Professional Engineers, Land Surveyors, and Geologists which also requires licensees include license numbers on all advertisements for geologic or geophysical services.

Currently, CCR section 2671 requires that a landscape architect only include their name and the words "landscape architect" in all forms of advertising or public presentments. In an effort to better inform and protect California consumers, the proposed changes of the LATC's current advertising requirements will expand to include license numbers in all forms of advertising.

Proposed language to amend CCR section 2671 was presented to the Committee and on May 29, 2019, where the Committee made a recommendation to the Board to adopt the proposed regulatory language. The Board approved the Committee's recommendation at its June 12, 2019 meeting. Staff proceeded with the regulatory proposal process and DCA Legal completed the prereview of the regulatory change package. On August 12, 2019 the regulatory change package was submitted to DCA for Initial Analysis.

Enforcement Actions

None

Enforcement Statistics	Current Quarter Aug-Oct 2019	Prior Quarter May-Jul 2019	FYTD 2019/20	5-FY Avg 2014/15-2018/19
Complaints				
Received/Opened (Reopened):	7 (0)	10 (0)	10 (0)	30 (0)
Closed:	11	21	15	33
Average Days to Close:	81 days	79 days	71 days	208 days
Pending:	4*	9*	5*	13
Average Age (Pending):	122 days*	113 days*	128	161 days
Citations				
Issued:	0	1	0*	3
Pending:	0*	0*	0*	1
Pending AG: †	0*	0*	0*	0
Final:	1	1	1	3
Disciplinary Actions				

Pending AG:	0*	0*	0*
Pending DA:	0*	0*	0*

Settlement Reports (§5678)**

0	0	0
0	2	0
0*	0*	0*

AGENDA ITEM K: REVIEW, DISCUSS, AND POSSIBLE ACTION ON DRAFT NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) MODEL LAW

Summary

NCARB's Model Law Task Force was formed in 2017 to undertake a holistic review of the existing NCARB Legislative Guidelines and Model Law and Regulations. The goal has been to modernize and update this document to make it easier to use, more relevant for today's practice of architecture, and to ensure it is consistent with the updated uniform programs and national models for architectural licensure that have been developed by Member Boards since the document was initially drafted decades ago.

Action Requested

The Model Law Task Force released a draft of the new Model Law in October. Board members are asked to review and discuss.

Attachment(s)

1. Draft NCARB Model Law

National Council of Architectural Registration Boards (NCARB)

Model Law

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Article I - Title, Purpose, and Definitions

Section 101. Title of Act

This (State) Architecture Practice Act shall also be known as the "Act."

Section 102. Legislative Declaration

The Practice of Architecture in the State of (State) is declared a professional practice affecting the public health, safety, and welfare and is subject to regulation and control in the public interest. It is a matter of public interest and concern that the Practice of Architecture, as defined under this Act, merits and receives the confidence of the public and that the Practice of Architecture be limited to those Persons determined by the Board to be qualified under this Act. This Act shall be liberally construed to carry out these objectives and purposes.

It is the purpose of this Act to promote, preserve, and protect the public health, safety, and welfare by and through the licensure and regulation of Persons, whether within or outside of (State), who engage in the Practice of Architecture within (State). In furtherance of this purpose, this Act creates the (State) Board of Architecture whose members, functions, and procedures shall be established in accordance with the provisions of this Act. The regulatory structure calls for Architects and public members to serve on the Board, and this Act recognizes the need for professional expertise provided by Architects serving the public interest.

Section 103. Definitions

The following words as used in this Act, unless the context otherwise requires, shall have the following meanings:

Applicant - An individual who seeks a License in accordance with the process set forth by the Board.

Approved Educational Program - An educational program for architecture that is accepted by the Board.

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Approved Experience Program - An experience program for architecture that is accepted by the Board.

Architect - An individual currently licensed by the Board who has successfully completed the education, experience, and examination requirements as defined by (State), who demonstrates Competence to engage in the Practice of Architecture.

Board - The (Board Name) established by this Act.

Building[1] - An open or enclosed structure that has as its principal purpose human occupancy or habitation.

Competence - The knowledge, experience, and skill required by an Architect for the Practice of Architecture in accordance with the accepted standard of care.

Firm - Any legally formed business entity through which architectural services are provided.

Good Standing - An unrestricted License granted by the Board to engage in the Practice of Architecture.

Jurisdiction - Any state, commonwealth, the District of Columbia, or other insular territory of the United States.

License - Approval granted by the Board to an individual to engage in the Practice of Architecture.

NCARB - The National Council of Architectural Registration Boards.

Person - Any individual, firm, partnership, association, joint venture, cooperative, corporation, or other group or combination acting in concert.

Practice of Architecture - The art and science of designing, in whole or in part, Buildings and the space within and the site around them, in a manner that protects the public health, safety, and welfare. The Practice of Architecture includes providing or offering to provide planning services; developing concepts; preparing documents that define form and function; coordinating consultants; and construction administration.

- *Planning services* include, but are not limited to, programming and planning.

[1] Providing a broad definition of the term "Building" allows each Jurisdiction the flexibility to provide more specificity as it relates to different building types within their regulations.

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- *Developing concepts* includes, but is not limited to, preliminary studies, pre-design, investigations, and evaluations.
- *Preparing documents that define form and function* includes, but is not limited to, drawings and Technical Submissions, including incorporation of the requirements of the authorities having jurisdiction.
- *Coordinating consultants* includes, but is not limited to, the coordination of any elements of Technical Submissions prepared by others.
- *Construction administration*[2] includes, but is not limited to, evaluation of construction to determine that the work is proceeding in accordance with the contract documents.

Responsible Charge - The control over and detailed professional knowledge of the development and execution of the project, including Technical Submissions, as is ordinarily exercised by an Architect applying the required professional standard of care.

Technical Submissions - The documents necessary to demonstrate compliance with applicable regulatory requirements and/or to fabricate or construct a project including, but not limited to, drawings, digital models, specifications, performance criteria, and installation requirements.

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Section 104. Activities and Individuals Excluded from the Practice of Architecture

The following activities shall not be deemed to be the Practice of Architecture nor shall the following require a License under this Act:

1) Activities performed in connection with any of the following:
    A. Detached single- or two-family residential dwelling Buildings.
    B. Farm structures intended for the storage of equipment or livestock, if designed for the occupancy of no more than 10 individuals.
    C. Fabrication drawings, installation drawings, specifications or operation, and maintenance manuals of individual components of a Building incidental to the Architect's design of the entire project that describe or illustrate the use of such

[2] The Task Force is creating commentary addressing what services by an owner, client representative, or construction manager are not considered Practice of Architecture.

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components.

D. Alterations or renovations that do not affect structural or life safety aspects of a Building.

2) Any individual who possesses a valid NCARB Certificate seeking an architectural commission in the Jurisdiction performing either of the following:

   A. Offering to provide services involved in the Practice of Architecture; or

   B. Participating in an architectural design competition for a project, which does not include acting as the Architect for a project.

3) Any individual licensed to engage in the Practice of Architecture in another Jurisdiction rendering voluntary services in the event of a declared emergency.

4) Any individual licensed to engage in the Practice of Architecture in another Jurisdiction while performing duties as a federal government employee or as a part of his or her military service.

5) Any individual who is unlicensed in (State) who is performing services on a project under the supervision of an Architect, as long as the Architect serves as the Architect in Responsible Charge of the project.

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Article II – Board of Architecture

Section 201. Delegation of Authority

The responsibility to enforce the provisions of this Act is hereby delegated to the Board by (State), the Board shall have all of the duties, powers, and authority specifically granted by, or otherwise necessary to enforce this Act, as well as such other duties, powers, and authority as it may be granted from time to time by law.

Section 202. Board Composition

The Board may be composed pursuant to either of the following options:

1) Architect Profession Board Option. The Board shall consist of (Number) members appointed under Section 204 of this Act, at least (Number) of whom shall be a representative(s) of the public, and the remainder of whom shall be Architects, who possess the qualifications specified in Section 203 of this Act. It is the intent of this Act for Board composition to consist of the expertise necessary for the effective and efficient regulation of the Practice of Architecture.
2) Multiple Profession Board Option. The Board shall consist of (Number) members appointed under Section 204 of this Act who possess the qualifications specified in Section 203 of this Act and comprising of the following:
    A. (Number) public members as described in Section 203(2);
    B. (Number) Architects as described in Section 203(1); and
    C. (Number) (Profession) members as defined in (citation to relevant practice act referencing residence, licensed in good standing, licensed for a specified period of time).

Section 203. Qualifications for Board Membership

1) Each Architect Board member shall at all times:
    A. Be a resident of (State);
    B. Be an Architect in Good Standing;

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C. Maintain in good standing any other active professional license issued by a licensing authority in this or any other Jurisdiction; and

D. Have had at least five years of practice as an Architect.

2) Each public member of the Board shall at all times:

A. Be a resident of (State);

B. Maintain in good standing any active professional license issued by a licensing authority in this or any other Jurisdiction; and

C. Not be, nor shall ever have been, (i) an Architect or the spouse of a current or former Architect; or (ii) an individual who has had any material financial interest in the provision of architecture services or who is currently engaged in any activity directly related to the Practice of Architecture.

3) Each Board member shall at all times maintain eligibility to serve on the Board by avoiding relationships that would interfere with the Board's mission of public protection.[3]

4) Each Board member shall not be an officer or hold any leadership position in a Jurisdiction's professional association or national professional association serving Architects for the term of such Board member's appointment to the Board.

5) Each Board member shall complete training of a duration and covering content approved by the (State). Such coursework or training shall address relevant regulatory procedures.

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Section 204. Board Member Appointment and Oversight

In accordance with the principle of separation of powers and to provide for sufficient oversight by the respective branches of government, the Governor or Governor's designee shall appoint the Board members in accordance with the provisions of this Act and the (State) constitution.

[3] The Task Force is considering amending provision to add more specificity.

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Section 205. Terms

1) Except as provided in subsection (2) of this Section 205, Board members shall be appointed for a term of (Number) years, except that Board members who are appointed to fill vacancies that occur prior to the expiration of a former member's full term shall serve the remaining portion of such unexpired term.
2) The Board members' terms shall be staggered so that the terms of no more than half of the members shall expire in any year. Each member shall serve until a qualified successor is appointed, unless such member cannot serve by reason of such member's resignation or removal from the Board.
3) A Board member may serve for up to (Number) consecutive full terms. The completion of the remaining portion of an unexpired term shall not constitute a full term for purposes of this Section 205.[4]

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Section 206. Board Member Vacancies

Any vacancy that occurs in the Board membership for any reason, including expiration of a term, removal, resignation, death, disability, or disqualification, shall be filled as prescribed in Section 204 of this Act in a timely manner so that the Board may fulfill its duties as charged.

Section 207. Removal of Board Member

The Jurisdiction's appointing official(s) shall have the authority to remove a Board member with or without cause. A Board member may be removed by the Board upon an affirmative vote of a majority of members otherwise eligible to vote upon one or more of the following grounds:

[4] The Task Force debated the merits of incorporating limits on consecutive full terms for professional and public Board members and decided to recommend including them in the statute. The Task Force's discussions included weighing the benefits of this provision, such as allowing a greater number of individuals to serve on the Board and allowing for diverse perspectives and viewpoints when making decisions that influence public health, safety and welfare. Adding new Board members also allows the Governor or Governor's designee to evaluate the type of skillsets the Board requires at the time of appointment, resulting in an efficient and well-rounded Board. Finally, the Task Force thought term limits would encourage Board members to purposefully focus on their roles and responsibilities without the potential for burnout over time and that they would reduce the likelihood for complacency or abuse of office. Consequences of this approach that would need to be mitigated include the potential loss of Board members with prior knowledge of disciplinary action who can ensure fair and consistent application of the laws and regulations, the loss of institutional memory, and the loss of decision-making history and consistency in NCARB policy and operations, since Board members are the primary source of volunteers and leadership for NCARB.

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1) The refusal or inability for any reason of a Board member to perform the duties required of a Board member in an efficient, responsible, and professional manner;
2) The misuse of a Board member's position to obtain, or attempt to obtain, any financial or material gain, or any advantage personally or for another, through such office;
3) A final adjudication by a recognized body, including any court, that there has been a violation of the laws governing the Practice of Architecture by a Board member; or
4) Conviction of a felony or misdemeanor other than a minor traffic offense.

Section 208. Organization of the Board

1) The Board shall elect from its members a Chairperson, Vice-Chairperson, and such other officers as it deems appropriate and necessary to conduct its business. The Chairperson shall preside at all meetings of the Board and shall perform those duties customarily associated with the position and such other duties assigned from time to time by the Board. The Chairperson may establish Board committees as appropriate and necessary for the furtherance of Board business and may designate or remove Board members as committee members.
2) An officer shall serve a term of (Number) year(s), commencing with the day of the officer's election and ending upon the election of the officer's successor. An officer shall serve no more than (Number) consecutive (Number)-year(s) terms in each office to which they are elected.

Section 209. Executive Director

1) Under the oversight of the Board, the Executive Director shall be responsible for the proper performance of the Board's duties.
2) The Board may delegate authority to the Executive Director as necessary to properly fulfill the Board's duties.

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Section 210. Meetings of the Board

The Board shall hold regular meetings to transact business in compliance with all applicable (State) laws.

Section 211. Powers and Duties Delegated to the Board

1) The following powers and duties are delegated to the Board:
    A. Promulgation of Regulations. The Board is authorized to make, adopt, amend, and repeal such regulations as may be deemed necessary by the Board from time to time for the proper administration and enforcement of this Act. Such regulations shall be promulgated in accordance with the requirements of the (State) Administrative Procedure Act.
    B. Licensure. The Board is authorized to issue Licenses to engage in the Practice of Architecture as further described in Article III - Licensing.
    C. Firm Practice. The Board is authorized to regulate Firms as further described in Article III - Licensing.
    D. Enforcement. The Board is authorized to enforce all the provisions of this Act and any regulations duly promulgated hereunder, including, but not limited to, discipline as further described in Article V - Discipline. The Board has jurisdiction over Architects, and all other Persons, whether or not licensed by the Board, who are engaged in the Practice of Architecture or other conduct regulated by this Act.
    E. Fees for Services. In addition to the fees specifically authorized under this Act, the Board is authorized to assess reasonable fees for licensure and other services rendered to carry out its duties and responsibilities as required or authorized under this Act or regulations duly promulgated hereunder.
    F. Expenditure of Funds. The Board is authorized to receive and expend funds from parties other than (State) in addition to its (Annual/Biennial) appropriation.

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G. Board Reporting. The Board from time to time shall issue a report outlining the activities of the Board, including reference to the effectiveness and efficiencies of the Board.

H. Other Powers and Duties of the Board. The Board shall be delegated such other powers and duties as may be necessary to carry out the purposes of or enforce of any provision of this Act or any regulations duly promulgated hereunder.

2) The powers and duties set forth in this Section 211 shall be in addition to any other powers and duties delegated to the Board under the provisions of this Act.

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Article III – Licensing

Section 301. Initial License Qualifications

1) Initial License.[5]
    A. Generally. To obtain a License to engage in the Practice of Architecture in (State), an Applicant for an initial License shall provide documentation to the Board that the Applicant:
        i. Received a degree from an Approved Education Program;
        ii. Successfully completed an Approved Experience Program;
        iii. Successfully completed an examination for architectural licensure that is accepted by the Board; and
        iv. Possesses good moral character as established by the Board
2) Each Applicant shall submit to the Board a completed application and pay the required fee.
3) Each Applicant shall provide to the Board a social security number, federal employer identification number, individual taxpayer identification number, or an affidavit attesting that the Applicant has no such number, for the Board to establish the Applicant's identity. Any such information provided to the Board shall be released by the Board to identify Applicants, including verifying an Applicant's identity with the examination entity, and as may be required by law.
4) A License shall be effective upon approval of the Board.

Section 302. Education Equivalence for Initial License

1) The Board shall by regulation set forth a procedure for Applicants who have graduated from an educational program or school for architecture that is not an Approved Educational Program to petition the Board for a determination of education equivalence.

[5] The Task Force is still considering appropriate licensing pathways for foreign architects.

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2) In addition to the successful completion of the criteria set forth herein, an Applicant under this Section 302 shall also meet all other statutory and regulatory criteria to obtain a License under this Act.

Section 303. Reciprocal License Qualifications [6]

1) Each Applicant currently licensed in another Jurisdiction who seeks a reciprocal License in (State) shall provide documentation satisfactory to the Board that such Applicant:
    A. Holds a current and valid license issued by a licensing authority recognized by the Board; and
    B. Holds a current and valid NCARB Certificate.
2) Each Applicant shall submit to the Board a completed application and pay the required fee.
3) A License shall be effective upon approval of the Board.

Section 304. Continuing Education

The Board shall by regulation establish procedures and requirements for continuing education after an Architect obtains a License to demonstrate continuing Competence. Such requirements shall include a description of acceptable activities and appropriate documentation required for License renewal.

Section 305. Requirements for License Renewal

1) An Architect shall demonstrate completion of annual continuing education. The Board may decline to renew an Architect's License if the Architect's continuing education activities do not meet the standards set forth in the Board's regulations.
2) Each Architect shall submit to the Board a completed application and pay the required fee.

[6] The granting of a reciprocal license facilitates portability (or mobility) of an individual's license from jurisdiction to jurisdiction. This concept is currently referred to in some existing statutes as comity, endorsement, mutual recognition, or out-of-state transfer, among other terms. This Model recommends that the term reciprocity be used uniformly to describe a more consistent process for facilitating licensure portability (or mobility).

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3) A License shall be effective upon approval of the Board.

Section 306. Expired License

An Architect's failure to renew a License by the designated renewal date shall result in the expiration of the Architect's License.

Section 307. Inactive License

The Board shall by regulation set forth procedures for an Architect in Good Standing to elect to enter inactive License status whereby the Architect shall not engage in the Practice of Architecture in (State) or use the title Architect and shall be exempt from License renewal requirements.

Section 308. Architect Emeritus Requirements

The Board shall by regulation establish the requirements for the title of Architect Emeritus, which is an honorary title granted by the Board to a previously licensed Architect who has retired in Good Standing from the active Practice of Architecture.

Section 309. Reinstatement of License

The Board shall by regulation set forth procedures and requirements for the reinstatement of an Architect's License.

Section 310. *Prima Facie* Evidence of License

A certified copy of an Architect's License record shall be maintained by the Board and shall be accepted as *prima facie* evidence that the individual is legally licensed as an Architect for the period for which it is issued and of all other facts included in the record.

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Section 311. Source of Data

The Board may use documentation and verified data stored by NCARB in the same way that it may use data stored by the Board to establish qualifications for a License. Notwithstanding any other provision of law to the contrary, the Board shall share such information with NCARB as may be reasonably requested from time to time provided that no information marked by the Board as confidential shall be shared.

Section 312. Firm

To perform architectural services in a Jurisdiction as a Firm, a legally formed business entity must first meet any regulatory requirements set forth by the Board.[7]

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[7] The Task Force is still considering the issue of firm registration.

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Article IV – Practice Requirements

Section 401. Seal[8]

1) Every Architect shall have a seal of an image authorized by the Board. The seal may be electronic. It is the responsibility of the Architect to provide adequate security over the use of the Architect's seal.
2) All Technical Submissions prepared under the Responsible Charge of the Architect required by public authorities having jurisdiction for building permits or regulatory approvals shall be sealed and signed by the Architect. By sealing Technical Submissions, the Architect represents that the Architect was in Responsible Charge over the content of such Technical Submissions during its preparation and has applied the required professional standard of care.
3) The public authorities having jurisdiction and charged with the administration and enforcement of adopted codes shall accept or approve Technical Submissions involving the Practice of Architecture only if the Technical Submissions have been sealed as required by this Act. A building permit issued for a Technical Submission that does not conform with the requirements of this Act shall be invalid.

Section 402. Unlawful Practice

1) Except as otherwise provided under this Act, it shall be unlawful for any Person to engage in the Practice of Architecture unless duly licensed as an Architect under the applicable provisions of this Act.
2) Except as set forth in Article III, no Person shall engage in the Practice of Architecture in (State) or use the title "Architect" or any modification or derivative in its name or

[8] Design of the build environment is regulated by applicable building codes and statutes. An Architect shall seal Technical Submissions to certify that applicable codes have been appropriately addressed. The seal also represents that the Architect is in charge of the design, is familiar with all aspects of the document preparation, and that the submission is complete for construction. The public authorities in charge of issuing building permits or granting regulatory approvals are responsible for determining that the construction documents adequately describe a building project which, when completed, will meet the applicable codes. It is not unusual for such authority's to make comments that will result in corrections or discussions with the Architect. Such an authority shall not issue a building permit to construct until any comments have been appropriately addressed and amended documents sealed.

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description of is business activity in a manner that indicates or implies that it engages in the Practice of Architecture or offers to engage in the Practice of Architecture in the Jurisdiction.

Section 403. Record Keeping

An Architect shall maintain documentation of Technical Submissions for at least five years and make records available to the Board upon request. Records must be adequate to demonstrate the Architect's Responsible Charge over the Technical Submission, whether prepared entirely by the Architect or by integrating the work of others.

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Article V – Discipline

Section 501. General Enforcement Authority and Grounds for Discipline

1) The Board shall be charged with the enforcement of this Act and the regulations adopted hereunder. Persons, whether or not licensed by the Board, who engage in conduct in violation of this Act or the regulations adopted hereunder, are subject to the Board's authority. Persons licensed by the Board cannot divest the Board of its authority by changing their licensure status or relinquishing their License.
2) Conduct in violation of this Act or the regulations adopted hereunder includes, but is not limited to:
   A. Unprofessional conduct relating to the Practice of Architecture;
   B. Failure to conform to the accepted minimum standard of care;
   C. Financial misconduct such as improper or fraudulent billing practices;
   D. Incapacity or impairment, for whatever reason, that prevents an Architect from engaging in the Practice of Architecture consistent with the accepted minimum standard of care;
   E. Conviction of a felony;
   F. Engaging, or aiding and abetting any Person with engaging, in the Practice of Architecture without being licensed pursuant to this Act;
   G. Falsely using the title of Architect or any derivative thereof;
   H. Engaging in the Practice of Architecture in another Jurisdiction without being duly licensed in that Jurisdiction;
   I. Attempting to use or using the License or seal of another Architect as his or her own;
   J. Having had any license to engage in the Practice of Architecture in another Jurisdiction subjected to disciplinary action, if the basis of such disciplinary action would have resulted in a violation in (State);[9]
   K. Failure to comply with policies and procedures related to the examination and Approved Experience Program required by the Board for an initial License;

[9] The Task Force is drafting commentary language to make clear this is intended to be limited to significant disciplinary actions and not minor administrative infractions that have been resolved in the relevant Jurisdiction.

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L. Having been sanctioned by the NCARB Board of Directors;

M. Failure to report to the Board any information as required under Article VI – Reporting of this Act;

N. Failure to disclose a fact or misrepresentation of a fact to the Board;

O. Failure to cooperate with the Board in an investigation pending against any Person; or

P. Failure to comply with any stipulation or agreement of any Board disciplinary action.

Section 502. Procedures for Discipline

1) The Board shall by regulation set forth procedures for discipline pursuant to the (State) Administrative Procedure Act, including, but not limited to, the right to a hearing and judicial review.
2) The Board acting by itself or through a designee may administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, records, memoranda, or other information necessary to this Act.

Section 503. Disciplinary and Other Enforcement Actions

1) For conduct violating any provision of this Act or the regulations adopted hereunder, the Board may refuse to issue, renew, or reinstate, or may suspend, revoke, reprimand, restrict or otherwise limit the License of any Person, whether or not currently licensed, pursuant to the (State) Administrative Procedure Act. The Board in addition to other enforcement actions may impose civil penalties, including recovery of costs, for violations of this Act and the regulations adopted hereunder.
2) The Board or, upon the request of the Board, the Attorney General or the appropriate District Attorney, shall file an action to enjoin or restrain a Person, whether or not licensed, from violating any provision of this Act or the regulations adopted hereunder, including injunctive relief, in the court with appropriate jurisdiction.
3) If any Person refuses to comply with any decision or order of the Board, then the Board or, upon the request of the Board, the Attorney General or the appropriate District

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Attorney, shall file an action for the enforcement of such decision or order, including injunctive relief, in the court with appropriate jurisdiction. After due hearing, the court shall order the enforcement of such decision or order, or any part thereof, if legally and properly made by the Board and, where appropriate, injunctive relief.

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Article VI – Reporting

Section 601. Reporting

Any Architect, Applicant, or Firm who has knowledge of any conduct by any Person that may constitute grounds for disciplinary action under any provision of this Act or any regulation duly promulgated hereunder shall report such conduct to the Board. An Architect, Applicant, or Firm that violates this Act or any regulation promulgated hereunder is required to self-report such violation to the Board. Such reports shall be submitted within the timeframe and format set forth by the Board by regulation.

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Article VII – Other

Section 701. Severability

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court of competent jurisdiction, the constitutionality or legality of the remaining provisions of this Act and the application of this Act to other Persons and circumstances, shall not be affected, and shall remain in full force and effect, without the invalid provision or application.

Section 702. Effective Date

This Act shall be in full force and effect on (Date).

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AGENDA ITEM L.1: ASSEMBLY BILL (AB) 476 (B. RUBIO, 2019) DEPARTMENT OF CONSUMER AFFAIRS: TASK FORCE: FOREIGN-TRAINED PROFESSIONALS

Status: Vetoed by the Governor

Summary

This bill:

1. Requires the Department of Consumer Affairs (DCA) to create a task force to study and report on the licensing of foreign-trained professionals with the goal of integrating these professionals into the state's workforce.
2. Specifies that required findings and recommendations include identification of state and national licensing regulations that potentially pose unnecessary barriers to practice for foreign-trained professionals, corresponding changes to state licensing requirements, and opportunities to advocate for corresponding changes to national licensing requirements.
3. Requires the report to submitted to the Legislature by January 1, 2021.

Comments:

According to the author, "the biggest barrier that those with foreign degrees face is the accreditation process that regulatory agencies have for licensing professionals with experience or education outside the country."

Candidates for an architect's license who receive credit at a foreign college or university must have an education evaluation service approved by the National Association of Credential Evaluation Services or the National Architectural Accrediting Board.

Architects licensed in a foreign jurisdiction may receive certification from the National Council of Architectural Registration Boards through one of three methods. Foreign architects are required to complete the Architect Registration Examination.

DCA estimates implementation costs of $538,000, which would be funded through pro rata paid by the boards.

Veto Message:

This bill would require the DCA to create a task force to study the licensing of foreign-trained professionals and create a report for the Legislature.

Integrating foreign-trained professionals into California's workforce is an admirable goal. However, creating a new task force and a legislative report to accomplish that goal is unnecessary.

Action Requested

None

Attachment(s)

1. AB 476, amended September 6, 2019

AMENDED IN SENATE SEPTEMBER 6, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL No. 476

Introduced by Assembly Member Blanca Rubio

February 12, 2019

An act to add Section 110.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as amended, Blanca Rubio. Department of Consumer Affairs: task force: foreign-trained professionals.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session.

This bill, the California Opportunity Act of 2019, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than ~~January 1, 2021,~~ *July 1, 2022*, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each

member of the task force to receive *a* per diem and reimbursement for expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

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

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

SECTION 1. This act shall be known as the California Opportunity Act of 2019.

SEC. 2. Section 110.5 is added to the Business and Professions Code, to read:

110.5. (a) The Department of Consumer Affairs shall create a task force to study, and write the report described in subdivision (c) regarding, the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce.

(b) The task force shall consist of the following 15 members:

(1) The Director of Consumer Affairs, or the director's designee, who shall serve as the chair of the task force.

(2) One member appointed by the Governor.

(3) One member appointed by the President pro Tempore of the Senate.

(4) One member appointed by the Speaker of the Assembly.

(5) One member ~~of the Regents~~ *appointed by the President* of the University of California.

(6) One member ~~of the Trustees~~ *appointed by the Chancellor* of the California State University.

(7) One member ~~of the Board of Governors~~ *appointed by the Chancellor* of the California Community Colleges.

(8) Four members appointed by the Governor who are representatives of the private sector from diverse regions in the state.

(9) Four members appointed by the Governor who are representatives of nonprofit organizations that serve the immigrant community from diverse regions in the state.

(c) (1) The task force shall write a report of its findings and recommendations regarding the licensing of foreign-trained professionals, that include, but are not limited to, the following:

(A) Strategies to integrate foreign-trained professionals and methods of implementing those strategies, including those recommended by the Little Hoover Commission in its October 2016 report entitled Jobs for Californians: Strategies to Ease Occupational Licensing Barriers (Report #234).

(B) Identification of state and national licensing regulations that potentially pose unnecessary barriers to practice for foreign-trained professionals, corresponding changes to state licensing requirements, and opportunities to advocate for corresponding changes to national licensing requirements.

(C) Identification of best practices learned from similar efforts to integrate foreign-trained professionals into the workforce in other states.

(2) The task force may include in the report guidelines for full licensure and conditional licensing of foreign-trained professionals.

(3) The task force may hold hearings and invite testimony from experts and the public to gather information.

(4) The Department of Consumer Affairs may enter into a contract with a third-party vendor to complete the report required pursuant to paragraph (1).

(d) The task force shall submit the report described in subdivision (c) to the Legislature no later than ~~January 1, 2021,~~ *July 1, 2022,* and in compliance with Section 9795 of the Government Code.

(e) The following shall also apply:

(1) The task force shall meet at least once each calendar quarter. The task force shall meet at least once in northern California, once in central California, and once in southern California to facilitate participation by the public.

(2) A majority of the appointed task force shall constitute a quorum. Task force meetings shall be held in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(3) (A) Each member shall receive a per diem of one hundred dollars ($100) for each day actually spent in the discharge of

official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

(B) Notwithstanding any other law, a public officer or employee shall not receive per diem salary compensation for serving on the task force on any day when the officer or employee also received compensation for their regular public employment.

(4) The task force shall solicit input from a variety of government agencies, stakeholders, and the public, including, but not limited to, the following:

(A) The Little Hoover Commission.

(B) The California Workforce Development Board.

(C) The Department of Industrial Relations.

(D) In- and out-of-state licensing entities.

(E) Professional associations.

(F) Labor and workforce organizations.

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AGENDA ITEM L.2: AB 626 (QUIRK-SILVA) CONFLICTS OF INTEREST

Status: Assembly Floor: Inactive File (2 Year Bill)

Summary

Existing law, Government Code (GC) section 1090, prohibits elected officers, public officials, and public employees from being financially interested in any contract made by them in their official capacity. This prohibition extends to consultants and contractors hired by the public agency, so that architects, engineers and other design professionals who are hired to work on the preliminary process are not able to bid on or be awarded a contract for the project itself.

This bill:

1. Provides an exemption to the restriction described above for the work of an engineer, geologist, architect, landscape architect, land surveyor or planner in performing services, including master planning, capital improvement planning, entitlement, environmental, assessments, feasibility studies, conceptual analysis, surveying, preliminary design services, preconstruction, or assisting with plans, specifications, or project planning services to any portion or phase of a project when proposing to perform services on any subsequent portion or phase of the project, if the work product for prior phases is readily available.
2. Specifies this exemption does not apply to a design-build contract for a public works project, and that it does not limit the authority of a public agency to establish more restrictive conflict of interest requirements applicable to these services.

Comments:

According to the author, AB 626 seeks to ensure that all phases of all public works projects are delivered by the most qualified engineer or architect, thus delivering for California the safest and most cost-effective project. The bill is co-sponsored by the American Council of Engineering Companies, California and the American Institute of Architects, California. They argue that precluding specific professionals from working on successive phases of a project can force consultants to choose to withhold a proposal for early phases of work, resulting in chances that the best solutions or design for a project will be unavailable during the critical early phases of project development.

Under existing law, the Fair Political Practices Commission (FPPC) has the authority to commence an administrative or civil enforcement action for a violation of GC section 1090, and to issue an opinion or advice on whether or not GC section 1090 precludes a person' activities.

Past legal opinions and case law on this topic have held, for purposes of applying GC section 1090, the making of a contract goes beyond awarding the contract and includes preliminary discussions, plans, drawings, etc. An individual participating as an advisor during that preliminary

process (such as an engineer or architect) is therefore precluded from entering into a contract for the resulting project. Supporters argue that the FPPC is inappropriately subjecting design professionals, acting in a consulting role to a public agency, to the restrictions of GC 1090.

The FPPC has issued more than 300 advice letters on GC Section 1090. In those about whether an individual who performed preliminary services could be eligible for the resulting contract, in some cases they were. It depends on the facts and specifics of each situation. AB 626 would provide clear authority for this type of activity.

AB 626 is opposed by several construction associations. They express a concern that it is unclear how liability would be apportioned, to the extent constructability issues arise. They also note that, under this bill, design professionals could tailor pre-construction plans to help them secure the design work, then as the designer, they could tailor plans to help them secure a position as a construction manager, which would give them an unfair advantage over competitors because they could have inside information about the project that is unavailable to other bidders.

Opponents would like the bill to be amended to retain the existing exemption for construction management activities. ACEC, one of the bill's sponsors, has not wanted to accept that amendment as they believe it causes an automatic assumption of a conflict of interest in construction management services.

Additionally, opponents note that under current law, design professionals can provide services during all phases of a construction project already, as long as those services are provided under a single contract. In those cases, the design professional has one contract, with the public owner.

Several newspapers published editorials against AB 626 earlier this year, noting that the bill would allow design professionals to provide advice on a potential project and then profit from that advice.

<u>Support:</u>

American Council of Engineering Companies, California (co-sponsor)
American Institute of Architects, California (co-sponsor)
Coachella Valley Water District
Structural Engineers Association of California

<u>Opposition:</u>

Associated General Contractors of California
California Association of Sheet Metal & Air Conditioning Contractors, National Association
California Chapters of the National Electrical Contractors Association
California Legislative Conference of Plumbing, Heating and Piping Industry
Construction Employers' Association
Northern California Allied Trades
Southern California Contractors Association
United Contractors
Wall and Ceiling Alliance
Western Wall and Ceiling Contractors Association

Proposed Amendments:

The sponsor has proposed amendments that are not yet in print. The amendments would modify the proposed exemption, to instead provide that the restriction does not apply to a design professional performing services on any portion or phase of a project when proposing to perform services on any subsequent portion or phase of the project, if the design professional's work product on the prior phases is publicly available and the public agency has not delegated its responsibility for approving the contract or terms to the design professional.

The amendments define "design professional" as an individual, firm, partnership, corporation, association, or other legal entity permitted to practice the profession of architecture, engineering, environmental services, geology, geophysics, land surveying, landscape architecture, planning, or program management.

Action Requested

None

Attachment(s)

1. AB 626 (Quirk-Silva) as amended May 13, 2019

AMENDED IN ASSEMBLY MAY 13, 2019

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL No. 626

Introduced by Assembly Member Quirk-Silva

February 15, 2019

An act to amend Section 1091.5 of the Government Code, relating to conflicts of interest.

LEGISLATIVE COUNSEL'S DIGEST

AB 626, as amended, Quirk-Silva. Conflicts of interest.

Existing law prohibits members of the Legislature, and state, county, district, judicial district, and city officers or employees, from being financially interested in a contract, as specified, made by them in their official capacity or by any body or board of which they are members, subject to specified exceptions. Existing law prohibits an officer or employee from being deemed to have an interest in a contract if the person's interest is one of certain types.

This bill would prohibit an officer or employee from being deemed interested in a contract, as described above, if the interest is that of an engineer, geologist, architect, *landscape architect*, land surveyor, or planner, performing specified services on a project, including preliminary design and preconstruction services, when proposing to perform services on a subsequent portion or phase of the ~~project.~~ *project, if the work product for prior phases is publicly available. This exception to being deemed interested in a contract would not apply to a design-build contract for a public works project. The bill would provide that these provisions do not limit public agencies from establishing*

more restrictive conflict of interest requirements applicable to these services.

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

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

SECTION 1. Section 1091.5 of the Government Code is amended to read:

1091.5. (a) An officer or employee shall not be deemed to be interested in a contract if their interest is any of the following:

(1) The ownership of less than 3 percent of the shares of a corporation for profit, provided that the total annual income to them from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of their total annual income, and any other payments made to them by the corporation do not exceed 5 percent of their total annual income.

(2) That of an officer in being reimbursed for the officer's actual and necessary expenses incurred in the performance of official duties.

(3) That of a recipient of public services generally provided by the public body or board of which the recipient is a member, on the same terms and conditions as if the recipient were not a member of the body or board.

(4) That of a landlord or tenant of the contracting party if the contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of the contract is the property in which the officer or employee has the interest as landlord or tenant in which event their interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Section 1091.

(5) That of a tenant in a public housing authority created pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code in which the tenant serves as a member of the board of commissioners of the authority or of a community development commission created pursuant to Part 1.7

(commencing with Section 34100) of Division 24 of the Health and Safety Code.

(6) That of a spouse of an officer or employee of a public agency in their spouse's employment or officeholding if their spouse's employment or officeholding has existed for at least one year prior to their election or appointment.

(7) That of a nonsalaried member of a nonprofit corporation, provided that this interest is disclosed to the body or board at the time of the first consideration of the contract, and provided further that this interest is noted in its official records.

(8) That of a noncompensated officer of a nonprofit, tax-exempt corporation, which, as one of its primary purposes, supports the functions of the body or board or to which the body or board has a legal obligation to give particular consideration, and provided further that this interest is noted in its official records.

For purposes of this paragraph, an officer is "noncompensated" even though the officer receives reimbursement from the nonprofit, tax-exempt corporation for necessary travel and other actual expenses incurred in performing the duties of the office.

(9) That of a person receiving salary, per diem, or reimbursement for expenses from a government entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that the interest is disclosed to the body or board at the time of consideration of the contract, and provided further that the interest is noted in its official record.

(10) That of an attorney of the contracting party or that of an owner, officer, employee, or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm, or real estate firm.

(11) Except as provided in subdivision (b), that of an officer or employee of, or a person having less than a 10-percent ownership interest in, a bank, bank holding company, or savings and loan association with which a party to the contract has a relationship of borrower, depositor, debtor, or creditor.

(12) That of (A) a bona fide nonprofit, tax-exempt corporation having among its primary purposes the conservation, preservation, or restoration of park and natural lands or historical resources for public benefit, which corporation enters into an agreement with a public agency to provide services related to park and natural lands or historical resources and which services are found by the public agency, prior to entering into the agreement or as part of the agreement, to be necessary to the public interest to plan for, acquire, protect, conserve, improve, or restore park and natural lands or historical resources for public purposes and (B) any officer, director, or employee acting pursuant to the agreement on behalf of the nonprofit corporation. For purposes of this paragraph, "agreement" includes contracts and grants, and "park," "natural lands," and "historical resources" shall have the meanings set forth in subdivisions (d), (g), and (i) of Section 5902 of the Public Resources Code. Services to be provided to the public agency may include those studies and related services, acquisitions of property and property interests, and any activities related to those studies and acquisitions necessary for the conservation, preservation, improvement, or restoration of park and natural lands or historical resources.

(13) That of an officer, employee, or member of the Board of Directors of the California Housing Finance Agency with respect to a loan product or programs if the officer, employee, or member participated in the planning, discussions, development, or approval of the loan product or program and both of the following two conditions exist:

(A) The loan product or program is or may be originated by any lender approved by the agency.

(B) The loan product or program is generally available to qualifying borrowers on terms and conditions that are substantially the same for all qualifying borrowers at the time the loan is made.

(14) That of a party to a contract for public services entered into by a special district that requires a person to be a landowner or a representative of a landowner to serve on the board of which the officer or employee is a member, on the same terms and conditions as if they were not a member of the body or board. For purposes of this paragraph, "public services" includes the powers and purposes generally provided pursuant to provisions of the Water

Code relating to irrigation districts, California water districts, water storage districts, or reclamation districts.

(15) *(A)* That of an engineer, geologist, architect, *landscape architect,* land surveyor, or planner in performing *its services, including, but not limited to, master planning, capital improvement planning, entitlement, environmental, assessments, feasibility studies, conceptual analysis, surveying,* preliminary design services, ~~preconstruction services,~~ *preconstruction,* or assisting with plans, specifications, or project planning services on any portion or phase of a project when proposing to perform services on any subsequent portion or phase of the ~~project.~~ *project, if the work product for prior phases is publicly available.*

(B) This exception shall not apply to a design-build contract for a public works project.

(C) This exception does not limit the authority of a public agency to establish more restrictive conflict of interest requirements applicable to these services.

(b) An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if their sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

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AGENDA ITEM L.3: SENATE BILL (SB) 601 (MORRELL, CHAPTER 854, STATUTES OF 2019) STATE AGENCIES: LICENSES: FEE WAIVER

Status: Signed by the Governor (Chapter 854, Statutes of 2019)

Summary

This bill:

1. Authorizes any state agency that issues any business license to reduce or waive any fees required for licensure, renewal or reactivation of licensure, or the replacement of a physical license for display if a person or business establishes that they were displaced or is experiencing economic hardship as a result of an emergency or affected by a proclaimed or declared emergency.
2. Defines the following terms:
   (a) "economic hardship" means the inability to pay living or business expenses.
   (b) "license" includes, but is not limited to, a certificate, registration, or other require document to engage in business.
3. Further defines the process to be established for a waiver and requires application or a fee waiver to be made within one year of the declaration of emergency.

Comments:

According to the author, "As evidenced by the recent fires that wreaked havoc throughout the state, Californians affected by disasters are severely economically disadvantaged. Anything the state can do to relieve pressure on those affected and ease their transition back to normalcy ought to be of the highest priority."

As this bill authorizes the waiver, but does to require it, the California Architects Board may need to adopt regulations to authorize the fee waiver.

Action Requested

None

Attachment(s)

1. SB 601 (Morrell, Chapter 854, Statutes of 2019)

Senate Bill No. 601

CHAPTER 854

An act to add Section 11009.5 to the Government Code, relating to state government.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 601, Morrell. State agencies: licenses: fee waiver.

Existing law requires various licenses to be obtained by a person before engaging in certain professions or vocations or business activities, including licensure as a healing arts professional by various boards within the Department of Consumer Affairs.

This bill would authorize any state agency that issues any business license to establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency, as defined, to submit an application for reduction or waiver of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

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

SECTION 1. Section 11009.5 is added to the Government Code, to read:

11009.5. (a) For purposes of this section:

(1) "Displaced" means a condition in which the person or business is unable to return to the address of record or other address associated with the license before experiencing economic hardship.

(2) "Economic hardship" means the inability to pay living or business expenses, unless otherwise defined by a state agency pursuant to subdivision (c).

(3) "Emergency" means an emergency as defined in Section 8558 or a declared federal emergency.

(4) "License" includes, but is not limited to, a certificate, registration, or other required document to engage in business.

(b) Notwithstanding any other law, a state agency that issues any business license may establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of an emergency to submit an application, that the agency may grant, for a reduction or waiver of any fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

(c) A fee or waiver process established pursuant to subdivision (b) shall specify, at a minimum, all of the following:

(1) The methodology used by the agency for determining whether a person, as a result of an emergency, has been displaced or is experiencing economic hardship.

(2) The procedure for applying for a reduction or fee waiver.

(3) That the application shall be made within one year of the date on which the emergency was proclaimed or declared.

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AGENDA ITEM L.4: SB 608 (GLAZER, CHAPTER 376, STATUTES OF 2019) ARCHITECTS AND LANDSCAPE ARCHITECTS

Status: Signed by the Governor (Chapter 376, Statutes of 2019)

Summary

This bill extends the sunset date for the California Architects Board (Board) and the Landscape Architects Technical Committee (LATC) and makes the following changes:

For the Board:

1. Amends the written contract requirements to require a description of the project, a description of how contract changes will be accommodated, and a notice that architects are licensed by the Board.
2. Exempts services rendered by an architect to a public agency from the written contract requirements.
3. Requires the Board to adopt regulations to establish qualifications for CE courses and course providers by January 1, 2023.
4. Authorizes a CE provider to submit evidence of coursework completion directly to the Board.
5. Beginning January 1, 2021, requires the Board to fingerprint applicants for licensure. ("Applicant" is limited to an initial applicant who has never been registered or licensed by the Board or to an applicant for a new licensure or registration category).
6. Authorizes the Executive Officer (EO) to delegate to another individual the authority to hold an informal office conference with an individual who has received a citation.
7. Provides that if a citation is affirmed or modified following an informal office conference, the cited individual may submit a written request within thirty days for a formal hearing.

For LATC:

1. Beginning January 1, 2021, requires applicants for licensure to be fingerprinted for a background check.
2. Amends the written contract requirements to require a description of the project, a description of the procedure to accommodate contract changes, and a statement identifying the ownership and use of instruments of service prepared by the landscape architect.
3. Provides that contract requirements do not apply if the client states in writing after full disclosure of the requirements that a written contract is not required.
4. Authorizes the EO to approve settlement agreements for the revocation or surrender of a license.

Action Requested

None

Attachment(s)

1. SB 608 (Glazer, Chapter 376, Statutes of 2019)

Senate Bill No. 608

CHAPTER 376

An act to amend Sections 144, 5510, 5517, 5520, 5536, 5536.22, 5552.5, 5600.05, 5616, 5620, 5621, and 5622, of, and to add Sections 5526.5, 5552.1, and 5620.2 to, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 27, 2019. Filed with Secretary of State September 27, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 608, Glazer. Architects and landscape architects.

(1) Existing law regulating professions and vocations requires certain designated agencies, within the purview of the Department of Consumer Affairs, to require applicants to furnish their fingerprints for purposes of conducting criminal history record checks.

This bill would, beginning on January 1, 2021, add the California Architects Board and the Landscape Architects Technical Committee to the list of designated agencies subject to these provisions. The bill would also provide that beginning on January 1, 2021, the California Architects Board has the authority to obtain and review criminal offender record information to determine whether an applicant is subject to denial of a license. The bill would require, as a condition of the application for a license or reinstatement thereof, that each applicant furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history check and undergoing a state and federal level criminal offender record information search. The bill would require an applicant to certify under penalty of perjury that the applicant's fingerprints have been furnished to the Department of Justice in compliance with this provision and to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches. By expanding the crime of perjury, the bill would impose a state-mandated local program.

(2) Existing law, the Architects Practice Act, establishes the California Architects Board consisting of 10 members and sets forth its powers and duties over the licensure and regulation of architects. The act permits the board to appoint a person who is exempt from civil service as its executive officer to exercise duties delegated to the officer by the board. Existing law transfers duties previously within the jurisdiction of the California State Board of Landscape Architects to the California Architects Board. Existing law also creates a Landscape Architects Technical Committee within the jurisdiction of the board and authorizes the committee to assist the board in examining candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential

violations of the act. Existing law repeals these provisions on January 1, 2020.

This bill would extend the operation of these provisions until January 1, 2024. The bill would also confer specified powers of the board to its executive officer, or, in the executive officer's absence, to the acting executive officer. These powers would include receiving and filing accusations, issuing notices of hearings, and conducting various other duties in connection with the board's administrative hearing duties. The bill would additionally delegate to the executive officer the board's power to evaluate and determine qualifications and approve applicants for examination and determine eligibility for applicants for reciprocity licenses to waive the written examination.

This bill would also make nonsubstantive changes to those provisions related to the renaming of the "State Board of Architectural Examiners" to the "California Architects Board."

(3) Existing law authorizes boards within the Department of Consumer Affairs, to establish, by regulation, a system for issuing a citation to a licensee in accordance with certain provisions. Under existing law, the system is required to contain, among other elements, information provided to the licensee that if they desire a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 days of the date of issuance of the citation or assessment.

This bill would authorize a cited person subject to the Architects Practice Act, in addition to requesting an administrative hearing as described above, to request an informal conference to review the acts charged in the citation, in accordance with certain procedural requirements and timeframes.

(4) Under existing law, an architect is required to use a written contract when contracting to provide professional services, as specified. Existing law requires that the contract include, among other things, a description of services to be provided and a description of the procedure to be used to accommodate additional services.

This bill would require the written contract to also include a description of the project, a description of the procedure that will be used to accommodate additional services and contract changes, the project address, a statement identifying the ownership and use of instruments of service prepared by the architect, and a statement notifying the client that the architect is licensed and regulated by the board located at a specified address. The bill would provide that the written contract requirement does not apply to professional services rendered to a public agency when using that agency's written contract.

(5) Existing law requires a landscape architect to use a written contract when contracting to provide professional services. Existing law requires that the contract include, among other things, a description of services to be provided, a description of the procedure to be used to accommodate additional services, and a notice that landscape architects are licensed by the State of California.

This bill would require the written contract to also include a description of the project for which the client is seeking services, a description of the procedure that the landscape architect and the client will use to accommodate contract changes, a statement identifying the ownership and use of instruments of service prepared, and a statement notifying the client that the landscape architect is licensed by the Landscape Architects Technical Committee located at a specified address. The bill would revise and recast related provisions governing written contracts for landscape architects. The bill would provide that the written contract requirement does not apply to professional services rendered to a public agency when using that agency's written contract.

(6) Existing law makes it a misdemeanor for a person to advertise or represent that they are a "registered building designer" or registered or otherwise licensed by the state as a building designer.

This bill would delete the above misdemeanor penalty provision prohibiting a person from advertising or representing that they are a "registered building designer" or registered or otherwise licensed by the state as a building designer.

(7) Existing law requires a person licensed to practice architecture to complete, as a condition of license renewal, a specified amount of coursework regarding disability access requirements that depends on the date of renewal. Existing law requires a licensee to comply with specified recordkeeping requirements to that effect.

This bill would revise and recast those requirements to, among other changes, require a licensee to complete 5 hours of coursework that meets certain requirements, and would require the board to promulgate regulations to establish qualifications for courses and course providers by January 1, 2023. The bill would also make a licensee who provides false or misleading information as it relates to completion of coursework requirements subject to an administrative citation or disciplinary action by the board and would make specified changes to the recordkeeping requirements.

(8) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

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

SECTION 1. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

(1) California Board of Accountancy.

(2) State Athletic Commission.

(3) Board of Behavioral Sciences.

(4) Court Reporters Board of California.

(5) State Board of Guide Dogs for the Blind.

(6) California State Board of Pharmacy.

(7) Board of Registered Nursing.

(8) Veterinary Medical Board.

(9) Board of Vocational Nursing and Psychiatric Technicians.

(10) Respiratory Care Board of California.

(11) Physical Therapy Board of California.

(12) Physician Assistant Committee of the Medical Board of California.

(13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

(14) Medical Board of California.

(15) State Board of Optometry.

(16) Acupuncture Board.

(17) Cemetery and Funeral Bureau.

(18) Bureau of Security and Investigative Services.

(19) Division of Investigation.

(20) Board of Psychology.

(21) California Board of Occupational Therapy.

(22) Structural Pest Control Board.

(23) Contractors' State License Board.

(24) Naturopathic Medicine Committee.

(25) Professional Fiduciaries Bureau.

(26) Board for Professional Engineers, Land Surveyors, and Geologists.

(27) Bureau of Cannabis Control.

(28) California Board of Podiatric Medicine.

(29) Osteopathic Medical Board of California.

(30) California Architects Board, beginning January 1, 2021.

(31) Landscape Architects Technical Committee, beginning January 1, 2021.

(c) For purposes of paragraph (26) of subdivision (b), the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 2. Section 5510 of the Business and Professions Code is amended to read:

5510. There is in the Department of Consumer Affairs a California Architects Board which consists of 10 members.

Any reference in law to the California Board of Architectural Examiners shall mean the California Architects Board.

This section shall remain in effect only until January 1, 2024, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 3. Section 5517 of the Business and Professions Code is amended to read:

5517. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in the executive officer by this chapter.

This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 5520 of the Business and Professions Code is amended to read:

5520. The board shall adopt a seal for its own use. The seal used shall have the words, "California Architects Board" inscribed thereon.

The executive officer shall have the care and custody of the seal.

SEC. 5. Section 5526.5 is added to the Business and Professions Code, to read:

5526.5. (a) In addition to requesting an administrative hearing as provided for in paragraph (4) of subdivision (b) of Section 125.9, the cited person may request an informal conference to review the acts shared in the citation. The cited person shall make the request for an informal conference in writing, within 30 days of the date of issuance of the citation, to the executive officer.

(b) The executive officer or their designee shall hold, within 60 days from the receipt of the request, an informal conference with the cited person. The executive officer or their designee may extend the 60-day period for good cause.

(c) Following the informal conference, the executive officer or their designee may affirm, modify, or dismiss the citation, including any fine that is levied, order of abatement, or order of correction issued. The executive officer or their designee shall state in writing the reasons for the action and transmit a copy of those findings to the cited person within 30 days after the informal conference.

(d) If the citation, including any fine that is levied or order of abatement or correction, is affirmed or modified following the informal conference, the respondent may make a request in writing to the executive officer within 30 days of the affirmed or modified citation, for a formal hearing, which shall be conducted as provided for in paragraph (4) of subdivision (b) of Section 125.9.

(e) A cited person shall not request an informal conference for a citation which has been affirmed or modified following an informal conference.

SEC. 6. Section 5536 of the Business and Professions Code is amended to read:

5536. (a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that the person is an architect, is qualified to engage in the practice of architecture, or is an architectural designer.

(b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.

SEC. 7. Section 5536.22 of the Business and Professions Code is amended to read:

5536.22. (a) An architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. That written contract shall be executed by the architect and the client, or the client's representative, prior to the architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following items:

(1) A description of the project for which the client is seeking services.

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

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

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

(5) A description of the procedure that the architect and the client will use to accommodate additional services and contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.

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

(7) A statement identifying the ownership and use of instruments of service prepared by the architect.

(8) A statement in at least 12-point type that reads: "Architects are licensed and regulated by the California Architects Board located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834."

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

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

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the architect's services are of the same general kind which the architect has previously rendered to and received payment from the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(4) Professional services rendered by an architect to a professional engineer registered to practice engineering under Chapter 7 (commencing with Section 6700), or to a land surveyor licensed under Chapter 15 (commencing with Section 8700).

(5) Professional services rendered by an architect to a public agency when using that public agency's written contract.

SEC. 8. Section 5552.1 is added to the Business and Professions Code, to read:

5552.1. (a) Pursuant to Section 144, beginning January 1, 2021, the board has the authority to obtain and receive criminal history information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of a license pursuant to Division 1.5 (commencing with Section 475) or Sections 5560 and 5577.

(b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(c) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105 of the Penal Code.

(d) The applicant shall pay for the reasonable regulatory costs for furnishing the fingerprints and conducting the searches.

(e) The applicant shall certify, under penalty of perjury, when applying for a license whether the applicant's fingerprints have been furnished to the Department of Justice in compliance with this section.

(f) Failure to comply with the requirements of this section renders the application for a license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all of the requirements of this section.

(g) Notwithstanding any other law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the board except in accordance with state and federal requirements.

(h) This section shall apply to all applicants subject to this chapter and subdivision (i).

(i) As used in this section, the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

(j) As a condition of petitioning the board for reinstatement of a revoked or surrendered license, an applicant shall comply with subdivision (a).

SEC. 9. Section 5552.5 of the Business and Professions Code is amended to read:

5552.5. The board may, by regulation, implement an architectural education and training experience or internship program.

SEC. 10. Section 5600.05 of the Business and Professions Code is amended to read:

5600.05. (a) (1) As a condition of license renewal, a licensee shall complete five hours of coursework pursuant to paragraph (2).

(2) Coursework regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this paragraph shall be presented by trainers or educators with knowledge and expertise in these requirements. The board shall promulgate regulations to establish qualifications for courses and course providers by January 1, 2023.

(b) The board may audit the records of a licensee to verify the completion of the coursework requirements of subdivision (a). A licensee shall maintain records of completion of the required coursework for two years from the date of license renewal, containing the following information: course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer's or educator's knowledge and experience background. A licensee shall make those records available to the board for auditing upon request. A licensee who provides false or misleading information as it relates specifically to the requirements of this subdivision shall be subject to an administrative citation, which may include an administrative fine pursuant to Section 125.9, or to disciplinary action by the board.

(c) The board shall audit at least 3 percent of the license renewals received each year to verify the completion of the continuing education requirements of this subdivision.

(d) A continuing education provider may submit evidence of coursework to the board directly.

SEC. 11. Section 5616 of the Business and Professions Code is amended to read:

5616. (a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape 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:

(1) A description of the project for which the client is seeking services.

(2) A description of the services to be provided by the landscape architect to the client.

(3) A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract, and the method of payment agreed upon by both parties.

(4) A statement in at least 12-point type that reads:

"Landscape architects are licensed by the Landscape Architects Technical Committee located at 2420 Del Paso Road, Suite 105, Sacramento, CA 95834."

(5) The name, address, and license number of the landscape architect, the name and address of the client, and project address.

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

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

(8) A description of the procedure that the landscape architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation, total price, and method of payment.

(9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

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

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

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect's services are of the same general kind that the landscape architect has previously rendered to, and received payment for from, the same client.

(3) If the client states in writing after full disclosure of this section that a written contract is not required.

(4) Professional services rendered by a landscape architect to any of the following:

(A) A landscape architect licensed under this chapter.

(B) An architect licensed under Chapter 3 (commencing with Section 5500).

(C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).

(G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.

(H) A public agency when using that public agency's written contract.

(c) As used in this section, "written contract" includes a contract that is in electronic form.

SEC. 12. Section 5620 of the Business and Professions Code is amended to read:

5620. The duties, powers, purposes, responsibilities, and jurisdiction of the California State Board of Landscape Architects that were succeeded to and vested with the Department of Consumer Affairs in accordance with Chapter 908 of the Statutes of 1994 are hereby transferred to the California Architects Board. The Legislature finds that the purpose for the transfer of power is to promote and enhance the efficiency of state government and that assumption of the powers and duties by the California Architects Board shall not be viewed or construed as a precedent for the establishment of state regulation over a profession or vocation that was not previously regulated by a board, as defined in Section 477.

(a) There is in the Department of Consumer Affairs a California Architects Board as defined in Article 2 (commencing with Section 5510) of Chapter 3 of Division 3.

Whenever in this chapter "board" is used, it refers to the California Architects Board.

(b) Except as provided herein, the board may delegate its authority under this chapter to the Landscape Architects Technical Committee.

(c) After review of proposed regulations, the board may direct the examining committee to notice and conduct hearings to adopt, amend, or repeal regulations pursuant to Section 5630, provided that the board itself shall take final action to adopt, amend, or repeal those regulations.

(d) The board shall not delegate its authority to discipline a landscape architect or to take action against a person who has violated this chapter.

(e) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 13. Section 5620.2 is added to the Business and Professions Code, to read:

5620.2. (a) The following powers conferred by law upon the board are hereby delegated to and conferred upon the executive officer, or in their absence from the office, to the acting executive officer, as provided below:

(1) Receive and file accusations.

(2) Issue notices of hearings, statements to respondents, and statements of issues.

(3) Receive and file notices of defense.

(4) Determine the time and place of hearings under Section 11508 of the Government Code.

(5) Issue subpoenas and subpoenas duces tecum.

(6) Set calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the board in connection with proceedings under Sections 11500 to 11528, inclusive, of the Government Code, before hearing those proceedings.

(7) Approve settlement agreements for the revocation or surrender of a license.

(8) Certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code.

(b) In addition to the powers described in subdivision (a), the following powers are also delegated to and conferred upon the executive officer, as provided below:

(1) Evaluate and determine qualifications and approve applicants for examination under Section 5650.

(2) Determine which applicants for reciprocity licenses are entitled to waiver of the written examination under Section 5651.

SEC. 14. Section 5621 of the Business and Professions Code is amended to read:

5621. (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.

(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.

(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of the member's successor or until one year shall have elapsed, whichever first occurs. Vacancies shall be filled for the unexpired term.

(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.

(e) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 15. Section 5622 of the Business and Professions Code is amended to read:

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.

(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.

(c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.

(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.

(e) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 16. The Legislature finds and declares that Section 8 of this act, which adds Section 5552.1 to the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy and personal information of applicants, it is necessary that applicant record information be kept confidential.

SEC. 17. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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AGENDA ITEM M: DISCUSS AND POSSIBLE ACTION ON 2020 LEGISLATIVE PROPOSAL ON IMPLEMENTATION OF FINGERPRINTING REQUIREMENT

Summary

Senate Bill (SB) 608 (Glazer, Chapter 376, Statutes of 2019) requires the Board and LATC to fingerprint applicants for licensure, beginning January 1, 2021. SB 608 contains additional language to allow the Board to implement the requirement, but this same language was not included in the Landscape Architects Practice Act. This legislative proposal would add that language to the Landscape Architects Practice Act.

Action Requested

Staff requests the Board approve this proposed language.

Attachment(s)

1. Draft language to amend the Landscape Architects Practice Act

(a) *Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code or Sections 5660, 5675, 5676, or 5677 of the Business and Professions Code.*

(b) *As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.*

(c) *The Board shall request from the Department of Justice subsequent arrest notification service, pursuant to subdivision (p) of Section 11105 of the Penal Code.*

(d) *The applicant shall pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches.*

(e) *The applicant shall certify, under penalty of perjury, when applying for a license whether the applicant's fingerprints have been furnished to the Department of Justice in compliance with this section.*

(f) *Failure to comply with the requirements of this section renders the application for a license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.*

(g) *Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.*

(h) *This section shall apply to all applicants subject to this chapter and subdivision (i)*

(i) *As used in this section, the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the Board or to an applicant for a new licensure or registration category.*

(j) *As a condition of petitioning the Board for reinstatement of a revoked or surrendered license, an applicant shall comply with subdivision (a).*

AGENDA ITEM N.1: REVIEW AND POSSIBLE ACTION ON PROPOSED AMENDMENT TO CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 16, DIVISION 2, ARTICLE 7, SECTION 144 FEES

Summary

The Board, at its February 27, 2019 meeting, requested staff prepare a fee comparison between it and other Department of Consumer Affairs (DCA) entities that have a retired license status. The purpose of the comparison was to assess whether the Board should amend its fee for the retired architect license. Staff presented Board members with the comparison research at their June 12, 2019 meeting. The Board discussed the benefits of the retired license status and the associated restrictions mandated by the relevant statutes and regulations; it determined the fee for retiring an architect license should be amended if feasible. Consequently, it asked staff to analyze the potential budgetary impact of amending the fee and provide the findings at its next meeting.

Staff, at the September 11, 2019 Board meeting, presented members with the Analysis of Fund Condition (AFC) for each of three recommended fee levels. Members were advised the Board receives approximately 85 retired architect license applications per year generating approximately $25,000 in revenue. However, based upon the information in the AFCs provided by the DCA Budget Office, staff advised members the budgetary impact of reducing the fee would be minimal and absorbable. Several members subsequently questioned whether there should be a fee and recommended an honorary bestowment of the “retired architect” title after a minimal number of service years to the public. Legal counsel advised the Board of the statutory requirement for an application and fee.

Board members requested staff provide them with an administrative cost estimate for retiring a license, so the decision of whether to amend the fee could be made at the December 11, 2019 meeting. Staff was further asked to send an advisory email notification to licensees, which was completed on September 25, 2019. The Board received more than 100 responses to the advisory that were largely supportive of reducing (if not eliminating) the fee.

In determining the appropriate fee to charge for issuing a retired license, the Board must consider state directives on recovering costs to the Board for issuing such licenses. The State of California State Administrative Manual, section 8752, provides that it is state policy for departments to recover full costs whenever goods or services are provided for others. The policy applies to all departments regardless of funding source, unless prohibited by statute. The full cost includes all that are directly attributable to an activity plus a fair share of reasonably related indirect costs.

The following costs are included in calculating the fee for goods and services: 1) department direct costs; 2) indirect (overhead) costs; and 3) centralized service costs. Direct departmental costs are comprised of:

- Personal service costs
- Operating expenses and equipment costs.

Indirect departmental costs are those for support that benefits more than one organizational unit and include:

- Personal costs of administrative, supervisory, and executive staff
- Personal costs of support units
- Operating expenses and equipment costs not included as part of direct departmental costs

Central service costs are those expended for overall administration of state government and providing such services to state departments. These functions are considered necessary for state operations and are centralized for efficiency and consistent policy and services.

Staff worked with the DCA Budget Office to determine the administrative costs for retiring an architect license using the previously outlined methodology. Based upon this research, the attached proposed regulatory language includes the staff recommendation for a $40 fee for issuance of a retired license.

In the interim, staff is contacting architects who apply for a retired license and requesting whether they would like to postpone the processing of their application until after the Board makes its decision.

Action Requested

The Board is asked to review the matter and take possible action on the proposed amendment to CCR section 144 (Fees).

Attachment(s)

1. Proposed Regulatory Language to Amend CCR Section 144 (Fees)

CALIFORNIA ARCHITECTS BOARD

PROPOSED REGULATORY LANGUAGE

Article 7. Fees

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend Section 144 of Article 7 of Division 2 of Title 16 of the California Code of Regulations as follows:

§ 144. Fees.

Pursuant to Section 5604 of the code, the following fees are fixed by the Board effective January 1, 2011.

(a) The application fee for reviewing a candidate's eligibility to take any or all division(s) of the Architect Registration Examination (ARE) is one hundred dollars ($100) for applications submitted on or after July 1, 1999.

(b) The application fee for reviewing a reciprocity candidate's eligibility to take the California Supplemental Examination is thirty-five dollars ($35).

(c) The fee for the California Supplemental Examination is one hundred dollars ($100).

(d) The fee for an original license is three hundred dollars ($300). If the license is issued less than one year before the date on which it will expire, the fee is one hundred fifty dollars ($150).

(e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 2011 shall be three hundred dollars ($300).

(f) The delinquency fee is one hundred dollars ($100).

(g) The fee for a duplicate certificate is fifteen dollars ($15).

(h) The fee for a retired license is $40.

Note: Authority cited: Section 5526, Business and Professions Code. Reference: Section 5604, Business and Professions Code.

AGENDA ITEM N.2: 2020 LEGISLATIVE PROPOSAL TO AMEND BUSINESS AND PROFESSIONS CODE SECTION 5600.4

Summary

During review of the existing retired license fee, staff identified the need for an amendment to the Architects Practice Act (Act). Business and Professions Code section 5600.4(d) provides the manner in which the holder of a retired license can restore their license to active status. The specified manner requires the holder of the retired license to comply with BPC section 5600.3, which only applies to licenses that have been expired for more than five years. The Act does not specifically provide a method to restore licenses that have been expired for less than five years to active status. This legislative proposal would add a reference in BPC 5600.4(d) to BPC section 5600.2, to specifically provide a method to restore a retired license, that has been expired for less than five years, to active status.

Action Requested

Staff requests the Board approve this proposed language.

Attachment(s)

1. Draft language to amend BPC section 5600.4.

5600.4.

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to an architect who holds a license that is current and active or capable of being renewed pursuant to Section 5600.2 and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active architect's license is required. An architect holding a retired license shall be permitted to use the title "architect retired" or "retired architect."

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, the holder of a retired license shall comply with Section *5600.2 or* 5600.3.

(Included for Reference Only)

5600.2.

Except as otherwise provided in this chapter, a license which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If a license is renewed more than 30 days after its expiration, the licenseholder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in this chapter which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

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 | **F** (916) 575-7283 | www.cab.ca.gov

NOTICE OF MEETING

COMMUNICATIONS COMMITTEE

November 19, 2019

Sequoia Room
2420 Del Paso Road, Suite 109A
Sacramento, CA 95834
(916) 574-7220 (Board Office)

Communications Committee Members

Denise Campos, Chair
Ebony Lewis, Vice Chair
Cynthia Easton
Jack Paddon
Ted Pratt
Ronald Ronconi
Rona Rothenberg

The Communications Committee (Committee) will hold a meeting as noted above.

AGENDA
1:30 p.m. to 4:00 p.m.
(or until completion of business)
Action may be taken on any item listed below on the agenda.

A. Call to Order / Roll Call / Establishment of a Quorum

B. Chair's Procedural Remarks and Committee Member Introductory Comments

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

D. Review and Possible Action on May 14, 2019 Meeting Minutes

E. Update and Possible Action on 2019-2021 Strategic Plan Objectives to:

1. Educate Licensees and the Public on Penalties for Violations of the *Architects Practice Act*

2. Collaborate with Department of Consumer Affairs (DCA) Communications Office to Improve Communications with all Stakeholders

3. Issue Annual Practice Brief Update on Licensee Misconduct to Increase Public and Professional Awareness

F. Review and Discuss Earned Media Campaign

G. 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 it 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 their 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: Coleen Galvan
Telephone: (916) 575-7205
Email: coleen.galvan@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).

The California Architects Board (Board) licenses and regulates architects responsible for designing structures throughout the state. The Board protects consumers of architectural services, as well as those who inhabit or use the designed structures.

LAWS AND REGULATIONS

The Architects Practice Act

https://www.cab.ca.gov/act/all-in-one.shtml

Business and Professions Code §§ 5500 – 5610.7

Title 16, Division 2, California Code of Regulations §§ 100 – 160

ACCOMPLISHMENTS

The Board worked with DCA Office of Information Services to expand the distribution of the *California Architects* newsletter. For the first time, ListServ software was applied in a way that collected all email contact details within the Board's systems. Email contacts were then used to distribute the newsletter. This new approach resulted in an increase of email recipients from approximately 2,200 to 28,000.

There have been major outreach efforts made by the Board. In January, the Board provided the Contractors State License Board with 1,000 *Consumer's Guide to Hiring an Architect* *https://www.cab.ca.gov/docs/publications/consumers_guide.pdf* booklets and *Consumer Tips for Design Projects* cards to be disseminated at local assistance centers for wildfire victims throughout the state. During that same month, 300 *Consumer's Guide to Hiring an Architect* booklets were requested by an architect in Ventura for distribution to victims of the Thomas Fire. Also in January, the Board's executive officer and an architect consultant attended a workshop in Loma Rica (Yuba County) to assist residents who wish to hire an architect as a part of their recovery efforts from the Cascade Fire.

On April 16–18, 2018, Board staff, in collaboration with NCARB officers and managers, provided presentations that explained the licensing requirements, role of NCARB, the Architectural Experience Program (AXP), and the Architect Registration Examination (ARE) at Woodbury University, NewSchool of Architecture and Design, MiraCosta

College, and Southwestern Community College. There were approximately 200 attendees (total) at the presentations.

PREVIEW – UPCOMING CHANGES

The Board is in the process of improving the CSE with the support of the Office of Professional Examination Services. The Board approved reducing the mandatory 180-day wait time after a candidate fails the CSE while maintaining examination security and defensibility. The Board is in the process of reducing the wait time from 180 days to 90 days. Staff is currently developing a regulatory proposal for submittal to the Office of Administrative Law and notice to the public.

NCARB UPDATES

Would include any information targeted at developing interns, AXP supervisor guidelines, ARE support.

NEW LEGISLATION

(Extends through 2018)

SB 721 (Hill, Chapter 445, Statutes of 2018) establishes inspection requirements for exterior elevated elements, such as balconies and elevated walkways, including the load-bearing components, in all buildings containing three or more residential housing units. This bill creates new requirements for owners, local jurisdictions, and inspectors regarding the inspections, including specifying that inspections are to be performed by a licensed architect, licensed structural or civil engineer, a contractor holding an “A”, “B”, or “C-5,” license, a certified construction inspector, or a building official as defend.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB721

SB 920 (Cannella, Chapter 150, Statutes of 2018) extends provisions that allow licensed engineers, land surveyors, and architects to operate as limited liability partnerships from January 1, 2019, to January 1, 2026.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB920

LICENSING ACTIVITY

Initial Licenses/Certificates/Permits			
TYPE	APPS RECEIVED	ISSUED	RENEWED
ARCHITECTS	**650**	**662**	**12,585**[1]
TOTAL	**650**	**662**	**12,585**[1]

Exams Results			
EXAM TITLE	PASS	FAIL	TOTAL
ARE 4.0			
BUILDING DESIGN & CONSTRUCTION SYSTEMS	**234**	**197**	**431**
BUILDING SYSTEMS	**236**	**216**	**452**
CONSTRUCTION DOCUMENTS & SERVICES	**736**	**941**	**1,677**
PROGRAMMING, PLANNING, & PRACTICE	**771**	**1,007**	**1,778**
SCHEMATIC DESIGN	**160**	**49**	**209**
SITE PLANNING & DESIGN	**594**	**511**	**1,105**
STRUCTURAL SYSTEMS	**280**	**234**	**514**
ARE 5.0			
CONSTRUCTION & EVALUATION	**240**	**146**	**386**
PRACTICE MANAGEMENT	**398**	**430**	**828**
PROGRAMMING & ANALYSIS	**236**	**290**	**526**
PROJECT DEVELOPMENT & DOCUMENTATION	**398**	**402**	**800**
PROJECT MANAGEMENT	**315**	**201**	**516**
PROJECT PLANNING & DESIGN	**473**	**631**	**1,104**
CSE			
CALIFORNIA SUPPLEMENTAL EXAMINATION	**645**	**499**	**1,144**

ENFORCEMENT ACTIVITY

COMPLAINTS

379	RECEIVED
0	CLOSED WITHOUT REFERRAL FOR INVESTIGATION
379	REFERRED FOR INVESTIGATION
0	PENDING

CITATIONS AND FINES

54	ISSUED
54	ISSUED WITH A FINE
0	WITHDRAWN
5	DISMISSED
152	AVERAGE NUMBER OF DAYS TO ISSUE A CITATION AND FINE

MOST COMMON VIOLATIONS

BPC section 5536(a) - Practice Without License or Holding Self Out as Architect
BPC section 5536.22(a) - Written Contract
BPC section 5583 - Fraud or Deceit
BPC section 5584 - Negligence or Willful Misconduct
BPC section 5600.05(a)(1) or (b) - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

TOTAL AMOUNT OF FINES

$36,000	ASSESSED
$1,000	REDUCED
$37,112	COLLECTED

AGENDA ITEM P.1: UPDATE ON SEPTEMBER 5, 2019 AND NOVEMBER 8, 2019 LATC MEETINGS

The LATC held a teleconference meeting on September 5, 2019, to discuss the Council of Landscape Architectural Registration Board (CLARB) board elections and resolutions, in preparation for the 2019 CLARB Annual Meeting that was held on September 26-28, 2019. The LATC met on November 8, 2019, in Sacramento where presentations were given by Department of Consumer Affairs (DCA) staff from the Budget Office and the Office of Professional Examination Services (OPES). LATC Program Manager, Trish Rodriguez, will provide an update on the meetings.

Action Requested

None

Attachment(s)

1. LATC September 5, 2019 Notice of Teleconference Meeting
2. LATC November 8, 2019 Notice of Meeting

LATC Members

Marq Truscott, Chair
Andrew Bowden, Vice Chair
Susan M. Landry
Patricia M. Trauth
Jon S. Wreschinsky

NOTICE OF TELECONFERENCE MEETING

Landscape Architects Technical Committee

September 5, 2019

The Landscape Architects Technical Committee (LATC) will hold a meeting via teleconference at the following locations:

Eugene Brucker Education Center
4100 Normal Street
B Wing, 3rd Floor, Room 3150
San Diego, CA 92103
(619) 725-7552

Campbell City Hall, Council Chambers
70 North 1st Street
Campbell, CA 95008
(408) 866-2182

Rick Engineering Company
5620 Friars Road
San Diego, CA 92110
(619) 291-0707

Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 575-7230

AGENDA

10:00 a.m. to 11:00 a.m.
(or until completion of business)

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

A. Call to Order – Roll Call – Establishment of a Quorum

B. Chair's Procedural Remarks and LATC Member Introductory Comments

(Continued)

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. Review and Possible Action on May 29, 2019 LATC Meeting Minutes

E. Council of Landscape Architectural Registration Boards (CLARB)
1. Review CLARB September 26-28, 2019 Annual Meeting Agenda
2. Review and Possible Action on 2019 CLARB Board of Directors and Committee on Nominations Elections Ballot
3. Review and Possible Action on Recommended Positions on CLARB Resolutions:
   a. Resolution #1 *General Updates, Voting & Meetings, Leadership Advisory Council and Board of Directors' Structure and Process*
   b. Resolution #2 *Eligibility Requirements to Serve on the Board of Directors*
   c. Resolution #3 *CLARB Bylaws 2015, Article V – Membership; Section 3, Organizational Structure*

F. Review of Future LATC Meeting Dates

G. 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 a physical location.

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(Continued)

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).

NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS
Marq Truscott, Chair
Andy C. N. Bowden, Vice Chair
Susan M. Landry
Jon S. Wreschinsky
Patricia M. Trauth

November 8, 2019

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

Department of Consumer Affairs
Hearing Room
1747 North Market Blvd.
Sacramento, CA 95834
(916) 575-7230 (LATC)

The Landscape Architects Technical Committee (LATC) will hold a meeting, as noted above.

Agenda
9:30 a.m. – 2:00 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)

E. Review and Possible Action on September 5, 2019 LATC Meeting Minutes

F. Program Manager's Report
   1. Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs
   2. Discuss and Possible Action on Annual Enforcement Report

(Continued)

G. Review and Discuss 2019 Legislation

H. Discuss and Possible Action on LATC Budget Items
   1. Presentation by DCA, Budget Office Regarding LATC Annual Update
   2. Review and Possible Action on Potential Initial Landscape License Fee Decrease

I. Occupational Analysis of Landscape Architect Profession
   1. Presentation by DCA, Office of Professional Examination Services (OPES) Regarding Occupational Analysis and Linkage Study to Update California Supplemental Examination
   2. Review and Possible Action to Approve Fiscal Year 2019-20 Intra-Departmental Contract with OPES for Occupational Analysis

J. Discuss and Possible Action on LATC Member Administrative Manual

K. Review and Discuss Requirements of Landscape Architects for Qualified Stormwater Pollution Prevention Plan Developer (QSD) Certification

L. Discuss and Possible Action on New LATC Logo

M. Election of 2020 LATC Officers

N. Review of Future LATC Meeting Dates

O. 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.

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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).

AGENDA ITEM P.2: REVIEW AND POSSIBLE ACTION TO APPROVE PROPOSED AMENDMENTS TO THE LATC MEMBER ADMINISTRATIVE MANUAL

Summary

The LATC met on November 8, 2019, in Sacramento where it discussed and approved updates to the Landscape Architects Technical Committee Member Administrative Manual. In 2018, the Board and LATC updated their respective Member Administrative Manuals which were required attachments to their respective Sunset Review Reports submitted to the Legislature on December 1, 2018. At its June 2019 meeting, the Board approved additional amendments to the Manual some of which were recommended by its Executive Committee and Legal Counsel. The updates made to the LATC Manual were modeled after the Board's.

During the LATC meeting, Committee members approved additional updates to the LATC Administrative Manual, including language regarding the term limits of Committee members and non-substantive technical edits for relevant statutory citations. Specifically, the Committee approved language explaining that members are appointed to four-year terms, and no member shall serve for more than two consecutive terms.

Attached is a copy of the approved LATC Administrative Manual with amendments shown in strikethrough and underlining.

Action Requested

The Board is asked to review and take possible action on the proposed amendments to the Landscape Architects Technical Committee Member Administrative Manual.

Attachment(s)

1. Landscape Architects Technical Committee Member Administrative Manual (Proposed Amendments 11/8/2019)

Landscape Architects Technical Committee Member Administrative Manual

Approved by Board 9/12/18
(Proposed Amendments 11/8/19)

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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 Landscape Architects Technical Committee (LATC) was statutorily established under the jurisdiction of the Board pursuant to the enactment of Assembly Bill 1546 (Chapter 475, statutes of 1997), which became effective January 1, 1998. It replaces the former Board of Landscape Architects, which was abolished through the enactment of Senate Bill 2036 (Chapter 908, statutes of 1994) on July 1, 1997.

The LATC consists of five technical experts who are licensed to practice landscape architecture in this state. Under the provisions of section 5621(b) of the Business and Professions (B&P) Code, the Governor

has the authority to appoint three of the members. The remaining two members are appointed by the Senate Committee on Rules and the Speaker of the Assembly. Committee members are appointed for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of their successor or until one year shall have elapsed, whichever first occurs. No member shall serve for more than two consecutive terms. Like the Board members, Committee members fill non-salaried positions but are paid $100 per day for each meeting day and are reimbursed travel expenses. The Committee 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.

The LATC's purpose is to act in an advisory capacity to the Board on examinations, regulations, and other matters pertaining to the practice of landscape architecture in California.

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

Delegated Authority

(B&P Code Sections 5620 & 5622)

B&P Code sections 5620 and 5622 set forth the duties of the Board and the LATC. On May 14, 1998, the Board unanimously voted to empower the LATC, to the fullest extent authorized by law, to exercise all duties, powers, purposes, responsibilities and jurisdiction relative to administration of the LATC as set forth in Chapter 3.5 of Division 3 of the B&P Code (commencing with section 5615), with the following exceptions:

The Committee shall:

- Make recommendations concerning proposed regulatory or statutory changes and submit them to the Board for review and final approval.
- Make recommendations concerning budget

augmentations and submit them to the Board for review and final approval.

- Develop a Strategic Plan for the LATC and submit it to the Board for review and final approval.
- Make recommendations involving disciplining a landscape architect or taking action against a person who has violated this chapter to the Board for review and final approval.

Mission

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

Vision

The LATC will champion for consumer protection and a safer built environment for the people of California

Values

Consumer Protection
Innovation
Communication
Integrity
Leadership

General Rules of Conduct

All Committee members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times.

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

a fair and impartial manner.

- Members' actions shall serve to uphold the principle that the LATC's primary mission is to protect the public.
- Members shall not use their positions on the LATC for personal or financial gain.

Abbreviations

ASLA	American Society of Landscape
B&P	Business and Professions Code
CLARB	Council of Landscape Architectural Registration Boards
DCA	Department of Consumer Affairs
EO	Executive Officer
Gov.	Government Code
LARE	Landscape Architect Registration Examination
SAM	State Administrative Manual

Chapter 2 LATC 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 LATC may accept public comment on an item not on the agenda, provided that the LATC takes no action or does not discuss the item at the same meeting. The LATC may refer the item to the next Strategic Planning session and/or place the matter on the agenda of a future meeting. The LATC cannot prohibit public criticism of the LATC's policies or services. The LATC chair may set reasonable time limitations for public comment.

Due to the need for the LATC to maintain fairness and neutrality when performing its adjudicative function, the LATC 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 11126, 11126.1)

Any general discussion of exams shall be held in public. The LATC may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination.

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 LATC chair should announce in open session the general nature of the item(s) to be discussed.

Frequency of Meetings

(B&P Code Section 101.7)

The LATC shall meet at least two times each calendar year 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 LATC 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 LATC 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.

Committee Member Attendance at LATC and

Members shall attend each meeting of the LATC. If a member is unable to attend he/she must contact the LATC chair or vice chair and ask to be excused

Board Meetings

(Board/LATC Policy)

from the meeting for a specific reason. Should a member miss two consecutive meetings, the Board president or LATC chair may notify the Director of the DCA.

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 LATC may send a representative to Board meetings as deemed appropriate by the chair or vice chair.

Member Participation

(Board/LATC Policy)

The LATC chair 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 LATC. In such a case, the chair may recommend to the Board 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 LATC member must be physically present at every noticed location. LATC 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 LATC by electronic means without an LATC member present.

Special Meetings

(Gov. Code Section

A special meeting may be called at any time by the LATC chair or in his or her absence the vice

11125.4)

chair or by a majority of the members of the LATC and held with 48 hours' notice in specified situations (e.g., consideration of proposed legislation). At the commencement of any special meeting, the LATC 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 LATC or that immediate action is required to protect the public interest." The finding shall be adopted by two-thirds vote of the LATC 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 LATC 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 LATC to meet in the event of emergency, such as a work stoppage or crippling disaster.] Emergency meetings require a one-hour notice.

Quorum

Three of the members of the LATC constitute a quorum of the LATC for the transaction of business. The concurrence of three members of the LATC present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the LATC.

Agenda Items

(Board/LATC Policy)

The LATC chair, with the assistance of the LATC program manager, shall prepare the agenda and tentative meeting timeframe. Any LATC member may submit items for an LATC meeting agenda to the program manager 20 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 LATC meetings) shall be sent to persons on the LATC'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.

Record of Meetings

(Board/LATC Policy; B&P Section 5626; Gov. Code Sections 11123(c),11126.1)

The minutes are a summary, not a transcript, of each LATC meeting. They shall be prepared by LATC staff and submitted for review by LATC members before the next LATC meeting. The minutes must contain a record of how each member present voted for each item on which a vote was taken. LATC minutes shall be approved at the next scheduled meeting of the LATC. 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. Secret ballots and proxy votes are prohibited. A majority of the committee vote is determined by the votes actually cast. Abstentions are recorded, but not counted, unless a law provides otherwise.

Options for LATC 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

The meeting may be audio/video recorded and/or broadcast live via the Internet. Recordings shall be disposed of upon LATC approval of the minutes. If

(Board/LATC Policy) 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)

LATC members shall have LATC chair approval for all travel except for regularly scheduled LATC, Board and subcommittee meetings to which the LATC member is assigned.

Travel Arrangements

(Board/LATC Policy)

LATC members are encouraged to coordinate with the LATC staff for any LATC-related travel arrangements, including air or train transportation, car rental, and lodging accommodations through Cal Travel Store's online booking tool, Concur.

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

In advance of LATC and Board meetings, the LATC staff 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, subds. (b)(1), (2))

For out-of-state travel, LATC 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 Committee is prohibited from requiring or approving a travel request for 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

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

Rules governing reimbursement of travel expenses for LATC members are the same as for management level state staff. LATC 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 LATC staff. All expenses shall be claimed on the appropriate travel expense claim forms. The staff maintain these forms and complete them as needed. The staff complete travel expense reimbursements in CalATERS Global and maintain copies of these reports and submitted receipts. It is advisable for LATC 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, LATC members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the Director and are provided to LATC members on at least an annual basis by the staff.

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 LATC members is also regulated by section 103.

In relevant part, this section provides for the payment of salary per diem for LATC members **"for**

each day actually spent in the discharge of official duties," and provides that the LATC member **"shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."**

(Board/LATC 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 LATC members except for attendance in official Board or committee meetings, unless a substantial official service is performed by the LATC 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 LATC chair. The LATC program manager shall be notified of the event and approval shall be obtained from the LATC chair prior to LATC 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 LATC member to leave early from a meeting, the LATC chair 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 LATC specified work, LATC members will be compensated for actual time spent performing work authorized by the LATC chair. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; CLARB committee work; and travel time on non-meeting days (out-of-state). That work does not include preparation time for LATC or subcommittee meetings. LATC members cannot claim salary per diem for time spent traveling to and from a Board or committee meeting.

Chapter 4 Other Policies/Procedures

LATC Member Disciplinary Actions

(Board/LATC Policy; Gov. Code Section 11125.4)

An LATC 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 LATC 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 member of a board or other licensing entity in DCA who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Resignation of LATC Members

(Gov. Code Section 1750)

In the event that it becomes necessary for an LATC 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, LATC chair, and the EO.

Officers of the LATC

(Board/LATC Policy)

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

Election of Officers

(Board/LATC Policy)

The LATC 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 LATC member is running per office. An officer may be re-elected and serve for more than one term.

Officer Vacancies

(Board/LATC Policy)

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

Task Force or Subcommittee Appointments

(Board/LATC Policy)

The LATC chair shall establish task force groups or special subcommittees as he or she deems necessary. The composition of the task forces or special subcommittees and the appointment of the members shall be determined by the LATC chair in consultation with the vice chair and LATC program manager. When task forces or special subcommittees include the appointment of non-LATC members, all impacted parties should be considered.

Attendance at Task Force or Subcommittee Meetings

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

If an LATC member wishes to attend a meeting of a task force or special subcommittee in an official capacity of which he/she is not a member, that LATC member shall obtain permission from the LATC chair to attend and shall notify the task force or subcommittee chair and LATC program manager. LATC members who are not members of the task force or subcommittee that is meeting cannot vote during the task force or subcommittee meeting and may attend only as observers. If there is a quorum of the LATC at a task force or subcommittee meeting, LATC members who are not members of the task force or subcommittee must sit in the audience and cannot participate in task force or subcommittee deliberations.

Task forces and subcommittees operate at the direction of the LATC to fulfill specific goals in the Strategic Plan. Task force and subcommittee chairs shall lead actions toward such goals without undue influence on the part of LATC officers or members.

Board and LATC Staff

(DCA Reference Manual)

Employees of the Board and LATC, 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 LATC delegate all authority and responsibility for management of the civil service staff to the LATC program manager. LATC members shall not intervene or become involved in specific day-to-day personnel transactions or matters.

Program Manager Evaluation

(Board/LATC Policy)

LATC members shall provide input regarding the performance of the LATC program manager on an annual basis. The LATC chair shall disseminate a performance appraisal form to all LATC members who shall complete the form and return it to the chair who will, in turn, submit it to the EO.

LATC Administration

(DCA Reference Manual)

LATC members should be concerned primarily with formulating decisions on LATC policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for LATC 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 LATC program manager and EO.

Consistent with the budget and Strategic Plan, requests by individual LATC members that are not directly associated with the LATC's goals or have an impact on staff workload, as determined by the chair and program manager, may be declined. In the event the request is by the chair, the vice chair shall review the request.

LATC Budget

(Board/LATC Policy)

The vice chair shall serve as the LATC's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the LATC. Staff will conduct an annual budget briefing with the LATC with the assistance of the LATC vice chair. The EO, LATC program manager, 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 LATC 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 LATC 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 LATC 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 LATC program manager or the LATC'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 LATC members to file annual financial disclosure statements by submitting a Form 700 – Statement of Economic Interest. New LATC 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 LATC member leaves office.

LATC 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 a member of the LATC 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 adjudicate disciplinary matters involving the practice of architecture and landscape architecture and are prohibited from an ex parte communication with Board enforcement staff individuals involved in disciplinary proceedings while those matters are pending. In addition, Committee members shall not participate in any ex parte communication with Board members, enforcement staff, or individuals involved in pending disciplinary proceedings.

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 or Committee 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 Committee 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 Committee 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/LATC Policy)

All communications relating to any LATC action or policy to any individual or organization including CLARB, ASLA, or a representative of the media shall be made only by the LATC chair, his/her designee, or the LATC program manager. Any LATC member who is contacted by any of the above should immediately inform the LATC chair or LATC program manager of the contact. All correspondence shall be issued on the LATC's standard letterhead and will be created and disseminated by the LATC office.

LATC members shall not act on behalf of the LATC without approval and consensus, including but not limited to meeting or interacting with other professional organizations, governmental entities, educational institutions, landscape architectural associations, intern associations, etc. All actions on behalf of the LATC shall be documented and communicated to the LATC program manager. The LATC program manager will then convey such information to the LATC via the monthly report or by other means, as determined necessary.

Legislation

In the event time constraints preclude Board and

(Board/LATC Policy)

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

Contact with Candidates

(Board/LATC Policy)

LATC members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the LATC program manager.

Gifts from Candidates

(Board/LATC Policy)

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

Request for Records Access

(Board/LATC Policy)

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

Business Cards

(Board/LATC Policy)

Business cards will be provided to each LATC member upon request with the LATC's name, address, telephone, fax number, and website address. A LATC 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/LATC Policy)

Only correspondence that is transmitted directly by the LATC office may be printed or written on LATC letterhead stationery. Any correspondence from a LATC member requiring the use of LATC stationary or the LATC's logo should be transmitted to the LATC office for finalization and distribution.

Chapter 5 Training

Once a LATC member is appointed, the LATC staff will send an email containing a list of all the

required trainings, their due dates, and instructions about their completion. LATC members should send the certificate of completion or signature page to the LATC staff who maintain LATC members' records. For additional information, LATC members may refer to DCA's online Board Member Resource Center which may be found at: dca.boardmembers.ca.gov

LATC Member Orientation

(B&P Code Section 453)

Newly appointed and reappointed LATC 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, LATC 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)

LATC 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

Landscape Architects Technical Committee (LATC)
Committee Member Position Description

The LATC exists to regulate the practice of landscape architecture in the interest and for the protection of the public health, safety, and welfare. The LATC is comprised of five landscape architects. Each member of the LATC is responsible first and foremost for public protection.

The LATC manages its responsibilities by delegating to subcommittees and task forces as needed and its staff, thereby enabling the LATC to more effectively fulfill its mission. The LATC employs a program manager to exercise the powers and perform the duties delegated by the LATC. The program manger manages the LATC's staff (currently five positions). With direction from the LATC and the Strategic Plan, the LATC staff implement the LATC's examination, licensing, enforcement, and administration programs.

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

- Assist the Board in the examination of candidates for landscape architecture licensure and, after investigation, evaluate and make recommendations regarding potential violations of the Landscape Architects Practice Act.
- Investigate, assist, and make recommendations to the Board regarding the regulation of landscape architects in this state.
- Perform duties and functions that have been delegated to it by the Board pursuant to B&P Code section 5620.
- Send a representative to all meetings of the full Board to report on the LATC's activities.

Individual LATC member responsibilities include:

- Attendance at LATC meetings. (The LATC 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 LATC meeting includes a Strategic Planning session.)
- Participation on LATC subcommittees and task forces. (Time commitment for committees and task forces vary.)
- LATC members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in LATC business. Such readings include the LATC Member Administrative Manual, Sunset Review Report, Board and committee packets, recent studies and reports, and related material.
- Acting as a representative of the LATC to communicate information to the professional and educational communities.
- Possible participation in the Council of Landscape Architectural Registration Boards (CLARB) meetings. (CLARB meets once per year. Meetings are

usually three days, and up to two days travel time may be required, depending on meeting location.)

- Possible participation as a CLARB officer or director. (The LATC has a goal of exercising more influence on CLARB by encouraging its members to participate at officer levels of the organization.)

APPENDIX B

DCA Incompatible Work Activities (OHR 14-01)

AGENDA ITEM R: REVIEW OF FUTURE BOARD MEETING DATES

Summary

A schedule of planned meetings and events for 2020 are provided to the Board.

Date	Event	Location
February 5	Landscape Architects Technical Committee (LATC) Meeting	UC Davis
February (week of 2/24)	Board Meeting	Sacramento
March 5-6	National Council of Architectural Registration Boards (NCARB) Regional Meeting	Cambridge, MA
May 27	LATC Meeting	Southern CA
June (week of 6/1 or 6/8)	Board Meeting	TBD
June 18-20	NCARB Annual Business Meeting	Austin, TX
September (week of 9/7)	Board Meeting	TBD
December (week of 11/30)	Board Meeting	TBD