



MEETING MINUTES CALIFORNIA ARCHITECTS BOARD

February 28, 2020
Sacramento

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

On February 28, 2020, Board President, Tian Feng, called the meeting to order at 10:34 a.m. and Secretary, Nilza Serrano, called roll.

Board Members Present

Tian Feng, President
Denise Campos, Vice President Nilza Serrano, Secretary Malcolm "Brett"
Gladstone Pasqual Gutierrez
Sylvia Kwan Ebony Lewis
Robert C. Pearman, Jr. Charles "Sonny" Ward, III

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

Guests Present

Andrew C. N. Bowden, Landscape Architects Technical Committee (LATC)
Member Mark Christian, Director of Government Relations, American Institute of
Architects, California (AIA California)
Kimberly Kirchmeyer, Director, Department of Consumer Affairs (DCA)
L. Kirk Miller, FAIA

Staff Present

Laura Zuniga, Executive Officer (EO)
Vickie Mayer, Assistant Executive Officer
Marccus Reinhardt, Program Manager Examination/Licensing
Trish Rodriguez, LATC Program Manager
Ryan Greenlaw, Attorney III, DCA
Gabrial Nessar, Administration Analyst
Tara Welch, Attorney III, DCA
Matt Woodcheke, Information Officer, DCA

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

Mr. Feng announced that 1) the meeting is being webcast, 2) Andrew Bowden, LATC member, is in attendance, and 3) Ms. Kirchmeyer, Director of DCA would be providing an update on DCA activities.

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

Ms. Kirchmeyer introduced herself as the new Director and shared her professional background and the role of DCA. She advised her initial focus is on the following areas: 1) client services and satisfaction and that every DCA employee plays a critical role in providing efficient, quality services to the boards and bureaus so they in turn can provide the best experience to licensees and the public; 2) working smarter together within DCA and that with more creativity and collaboration between the various boards and bureaus and with great teams, tools, and technology, she is confident that DCA could revamp the way business is conducted ; and 3) using data and technology to better inform decision making so action plans are developed to reduce licensing and enforcement timelines and provide measurable achievements.

She advised she is working on improving regulatory processes and timelines; budgetary and fiscal resources and reports; decreasing time to investigate complaints; and implementing passed legislation throughout DCA. In the future, she will be meeting with individual boards but not until her six executive office vacancies are filled. Ms. Kirchmeyer stated that the American with Disabilities Act (ADA) requirements of the websites have also taken a significant amount of time.

Ms. Kirchmeyer explained that Cherwell (an online system) will track regulations as they move throughout the process and would like to implement it no later than June. Ms. Kirchmeyer updated the members on the gubernatorial appointment of Ms. Lourdes Castro Ramirez as Secretary of the Business, Consumer Services and Housing Agency (BCSH) on January 22, 2020 and thanked previous Secretary Podesta for her support and guidance.

Mr. Feng inquired about the multi-media requirements for ADA compliance and whether the Board is receiving assistance. Ms. Kirchmeyer shared that external resources will be contracted to support this work. She advised that boards had been asked to review their websites to assess whether information was still current or if it could be deleted.

Robert Pearman stated he looks forward to the Board's regulatory approval process and legislative regulations and timelines being improved upon.

Ms. Serrano complimented the work the Board staff continue to provide. Ms. Kirchmeyer said the biggest compliment is when she does not hear about the Board, except for good accomplishments which she is aware of.

**G.* PRESENTATION ON LOCAL BUILDING APPROVAL PROCESS –
ROXANNA RECINOS-SERNA, CBO, CASp, DEPUTY CHIEF BUILDING
OFFICIAL, CITY OF SACRAMENTO**

Roxanna Recinos-Serna reviewed her professional background, then described her current role as Deputy Chief Building Official of Sacramento. Her responsibilities include assisting the Chief Building Official, assigning and supervising staff, and overseeing the building permit section. There are approximately 20 staff members and 25 building inspectors. They also hire consultants when necessary.

The Building Division is part of the City of Sacramento Community Development Department which is comprised of building, planning, code compliance and animal care divisions. They regulate construction and development to safeguard and ensure the health and safety of the public.

A building permit is required for residential additions, remodels, alterations, and the installation of some appliances and accessory structures such as swimming pools, a gazebo, or attached garage. For commercial work, a permit is almost always required.

Ms. Recinos-Serna explained the permitting process and indicated that for some small projects such as a re-roof, permits may be issued over the counter on the same day of the request, while others may require additional time for review. She discussed the resubmittal process and the assessment of fees as well as who writes building codes and how often they change. For example, there are new state laws covering Accessory Dwelling Units (ADU).

She explained the statistics and performance measures from the Sacramento Building Department. In 2019 they had a total of 130 projects issued with a valuation of 1 million dollars or greater out of 1.6 billion dollars total construction. Recent innovations to the department include all master plans now being submitted electronically. In addition, a drone program is in process and will be used for inspections, the plan-check process can now be completed electronically, and there is a new pre-approval system for architects.

Ms. Recinos-Serna described her typical day at work, coordinating and participating in the plan-check process and taking phone calls from applicants, developers, and the public. They also gather information and do research for our elected officials.

Brett Gladstone asked if the presenter had any ideas about educating architects about ADUs. Ms. Recinos-Serna said they are putting together an informational bulletin about the review and permitting of plans for ADUs.

Denise Campos asked how the Sacramento Building Department compares to other departments across the state. Ms. Recinos-Serna responded that it is typical in structure except that some Community Development Departments

include a housing department, and most do not include animal control.

The presenter was asked about the role of the Planning Department in seismic retrofitting. Ms. Recinos-Serna stated that it is the role of the Building Division.

The presenter was asked about the back-up system for building inspectors in the case of emergencies after a natural disaster. Ms. Recinos-Serna explained that in the case of earthquakes and fires, building departments can bring in inspectors from neighboring jurisdictions or from California Building Officials (CALBO).

Sylvia Kwan asked about collaboration between the building and the planning departments. Ms. Recinos-Serna discussed the different aspects of setback distances that each division must address.

Mr. Feng asked whether the Sacramento Building Department has any special requirements for interior designers seeking permits. The presenter stated that they follow the same standard as for other professional design projects. As long as the renovations are non-structural, they will accept the plans from an interior designer if they are otherwise compliant.

Pasqual Gutierrez asked about the average time it takes for designs to go through the plan-checking process. The presenter responded that it depends on the valuation of the project, and that there is an expedited path available for an additional fee.

Ms. Recinos-Serna was thanked for her presentation.

F.* PRESENTATION OF OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD TO L. KIRK MILLER

Mr. Feng informed the other members of the many contributions to the Board's mission made by L. Kirk Miller over the past two decades and presented Mr. Miller with the 2019 Octavius Morgan Award. Mr. Miller addressed the Board and thanked members and staff for their respective contributions to the profession.

D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mark Christian, AIA, directed his comment to Board member Mr. Gladstone regarding ADUs, and that AIA has a resource, Plus1House.org which provides answers to frequently asked questions. He also mentioned that the Safety Assessment Program (SAP) organized through the Office of Emergency Services (OES) utilizes volunteers of architects and engineers to provide professional and certified building inspectors to assist local governments in safety evaluation of their environment in the aftermath of a disaster. This certification program is recognized throughout the United States when a declared state of emergency has occurred.

Mr. Feng stated that a one-day class is offered and encouraged all architect members attend the training.

E. REVIEW AND POSSIBLE ACTION ON DECEMBER 11, 2019 BOARD MEETING MINUTES

Mr. Feng asked for comments concerning the minutes of the December 11, 2019 Board meeting.

- **Nilza Serrano moved to approve the December 11, 2019 Board meeting minutes.**

Denise Campos seconded the motion.

There were no comments from the public.

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

K. REVIEW AND POSSIBLE ACTION ON REVISED EXECUTIVE OFFICER (EO) DUTY STATEMENT

Laura Zuniga presented the proposed revisions to the EO Duty Statement on page 3 to include the new fingerprint requirement. She explained that all duty statements of Board staff, including the EO's, who will have access to criminal offender records must be revised to include a fingerprint requirement in order to perform a criminal record check on the employee. She advised that the same language will be added to affected staff's duty statements. Tara Welch offered a change to the proposed language to delete the parentheses around "CORI" the second time it is mentioned in the proposed paragraph.

- **Sylvia Kwan moved to approve the revised EO Duty Statement with the recommended edit to page 3.**

Nilza Serrano seconded the motion.

There were no comments from the public.

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

I. 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 December 11, 2019 Closed Session Minutes**
- 2. Deliberate and Vote on Disciplinary Matters**
- 3. Adjourn Closed Session**

J. RECONVENE OPEN SESSION

The Board reconvened in Open Session.

H. PRESENTATION BY DCA BUDGET OFFICE REGARDING BOARD ANNUAL BUDGET UPDATE

Paul McDermott, Budget Analyst with the DCA Budget Office provided an overview of the Board's budget and fund condition. He provided an explanation of the budget cycle that begins at the start of the fiscal year in July. Mr. McDermott said during this time, there are budget drills, employee compensation, budget change proposals, and significant monetary revenues and expenditures to analyze that culminates in a new budget in January. He advised there are two documents provided monthly to the Board: 1) analysis of fund condition; and 2) expenditure projections. He highlighted that the Board is fiscally responsible, the fund condition looks positive and he does not expect any surprises.

Ms. Campos inquired if departments are audited and if so, what would trigger an audit. Mr. McDermott stated he would follow-up with an email response to her question through Ms. Zuniga.

Mr. Pearman asked if through the new collection agency contract the Board's budget is being positively affected. Mr. McDermott responded that he did not see a significant impact to the Board's fund.

L. DISCUSS AND POSSIBLE ACTION ON PROPOSED ADOPTION OF CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 2, ARTICLE 5, SECTION 135 (PRESENTMENT AND ADVERTISING REQUIREMENTS)

Lead Enforcement Analyst Michael Sganga presented a report on the Board's proposed regulations to require architects to include their license number in advertising.

He advised the Board's Strategic Plan and the concerns of licensees led to efforts to restrict advertisements of unlicensed individuals offering architectural services or identifying themselves as architects or architectural firms. He indicated the

issue was determined to be especially prevalent on company websites, social media platforms like LinkedIn, Yelp, Facebook, Houzz and Manta, and job sites like Craigslist.

Mr. Sganga advised the Board's Regulatory and Enforcement Committee (REC) met last August and looked at several solutions including: 1) citing and fining people who are miscategorized on those sites; 2) sending a demand letter to the companies who run the sites; and 3) asking architects to identify themselves in advertising by license number to distinguish themselves from unlicensed designers.

He mentioned that Board staff continue to enforce Business and Professions Code (BPC) section 5536 against individuals who actively post misleading advertising, but those subjects are often not in control of which category the website uses to classify them.

Mr. Sganga explained that staff has sent letters to the platform companies with little effect because the Board does not have jurisdiction to demand that they change their categorization procedures.

He said the Board discussed the benefits of asking architects to use their license number in advertising at their September 2019 meeting, and staff was asked to develop proposed regulatory language and solicit input from licensees.

For regulatory language, staff started with the enabling law, BPC section 137 which allows any agency within DCA to promulgate regulations requiring licensees to include their license numbers in advertising, soliciting or other presentments to the public.

He advised staff also examined similar laws and regulations in effect at the Department of Insurance; Board of Behavioral Science; Contractors State License Board (CSLB); Department of Real Estate; Board of Professional Engineers, Land Surveyors and Geologists; and the pending regulation the Board approved for the LATC. Mr. Sganga drew the members' attention to the resulting proposed regulatory language attached to Agenda Item L in the meeting packet as CCR, title 16, section 135.

He advised Board staff also sent a survey to all licensees by email and collected responses for two weeks last November. They received input from more than 1,500 architects and the response was overwhelmingly positive with 66% reacting positively or very positively to the proposed regulation. Of those who objected, staff asked what their major concerns were and tried to incorporate those concerns into the proposed language, specifically as to how it would apply to large firms.

With regard to how it would be enforced in general, staff emphasized that the proposal is designed to identify unlicensed practice and advertising, not to punish licensed architects who fail to comply.

The Board was asked to review and discuss the proposed regulation and delegate authority to the EO to adopt the regulation subject to public comment.

A Board member asked if the EO should reach out to DCA and determine the possibility of legislation that would address the problem with the websites. Ms. Zuniga responded that CSLB experiences the same problem and that it might be something that all the boards could address together with DCA. Ms. Kwan recognized that social media platforms cannot even be forced to regulate blatantly false political content, so it is unlikely that they would recognize our licensing issues as a priority.

Ms. Serrano stated that, as a consumer advocate, it is a great idea. Other professions must do it and it provides a great added value to consumers.

Ebony Lewis recognized that many people do not understand that the word architect is a protected term, so it would be good for the public in general.

Sonny Ward asked if there is a list of professions that require license numbers in advertising. Mr. Sganga replied that the Department of Insurance; Board of Behavioral Science; CSLB; Department of Real Estate; Board of Professional Engineers, Land Surveyors and Geologists; and the LATC currently do.

Ms. Lewis stated that it would benefit consumers to be able to see that an architect is licensed but she does not see how we can really regulate this. She asked about the ramifications for architects who are found to be advertising without their license number. Mr. Sganga answered that there would likely be a graduated response, but that the purpose of the proposed regulation is to help identify unlicensed individuals, not to punish architects.

Mr. Gutierrez acknowledged that the Board does exist to protect the consumer, but that the consumer already has the ability to check licensure on the Board website. He also expressed great concern for larger firms because it would be impractical to change their office signs and letterhead. Every time the architect in management control changed, there would have to be a wholesale change in stationery. He wholly supports that the license number should be on solicitations to prospective clients as well as on contract proposals. He doesn't want to have to hand a business card to someone with a different person's license number on it.

Ms. Kwan stated her understanding that the proposed regulation does not include business cards and stationery, only public presentations and advertisements. Mr. Sganga pointed out that the regulation specifies cards and letterhead, but that the number on the card should be the individual architect's number, not someone else's.

Ms. Serrano stated that people do not generally print out hundreds of copies of their letterhead anymore; they just add the letterhead to their word processing so it can be easily changed.

Ms. Welch directed the members to LATC regulation CCR section 2671 which does not include office signs or websites, so the list could be refined.

Mr. Christian stated that AIA California does not take a position on this issue yet, although some concerns have been raised. How would a national firm advertise in a national publication without violating the law? Would an architect have to include their license in an advertisement in their child's local high school football program, subjecting them to an administrative penalty? While he trusts today's staff when they say they are not targeting architects, Mr. Christian is afraid of what a different staff in 10 years might do. This is just creating a technical violation that will impact architects. Contractors have this requirement, but contractors and architects in many ways are different. Fraud committed by unlicensed contractors is a much greater problem than that committed by unlicensed architects.

Mr. Christian believes the average client of an architect is a sophisticated individual and is not hiring an architect for the first time. They are in the development business. They may be hiring an architect for the first time to design a residence, but that is not a first-time home buyer. It is different from when somebody hires a contractor to fix a fence or to trim branches off a tree.

Mr. Christian advised that AIA California completely supports the attempt to protect consumers and go after people if they are not licensed. If architects in California are required to fill out a Business Entity Reporting Form, there is already a database at the Board that lists all the businesses that provide architectural services. If a firm that puts out an advertisement is in that database, the Board already knows that the business is complying, so the regulation is not necessary.

Ms. Serrano reiterated that the Board is tasked to protect the public. The typical consumer is a person, not a hospital, not someone who is going to build a prison or big infrastructure. Those organizations that hire architects have the staff and resources to do the research and investigation. The typical consumer does not. We as a Board need to move forward to protect those consumers.

Mr. Feng believes that the purpose is right, but that the implementation would be too challenging, and might not even be needed. It would take tremendous resources away from the organization and might be impossible. Since we already have LATC practicing this method, we can look to them to see if it is protecting the public. He believes we should collect data and analyze the degree to which it improves protection of our consumers. His recommendation is to defer the item to the Communications Committee and REC and continue the conversation at a future meeting. Ms. Zuniga pointed out that the REC already took up this issue, but that it could be sent back for further consideration. Mr. Feng believes it would

benefit from the input of the Communications Committee as well. Mr. Gutierrez wants the committees to provide data to show why this is necessary.

Ms. Lewis stated that the reason this came up was because of concerns over false advertising of architectural services on social media and the internet and the intent was to address these concerns by letting consumers know who was licensed or not.

Mr. Gutierrez stated that this particular concern was raised in the absence of knowledge that there is a tab on the Board website labeled License Verification. Ms. Zuniga stated that most consumers do not know to go to the Board's website, and this is one more way to get consumers to think about licensure and that they can look up more information. A Board member pointed out that it is no different from the contractors in that you can look it up, but the law says you must put the number on advertising. We have to try to help the consumers find the information that they might not be able to otherwise.

Mr. Pearman stated that, as the chairman of the REC, he does not mind taking it back to wait for feedback from AIA.

Mr. Christian said that any position would have to be adopted by their board of directors, which convenes on March 13. He will see if he can get it on the agenda for discussion.

Mr. Bowden stated that the intent of their regulation was never to put license numbers on the side of a building in downtown Los Angeles, but to act as a deterrent to unlicensed people who would advertise their services. Also, consumers will realize that real landscape architects have a license number associated with their name.

Mr. Ward expressed his belief that there is a difference between architecture and landscape architecture because the architects' board has existed longer. Also, whereas someone can pretend to be a landscape designer, there is no possibility of someone calling themselves an architectural designer. He would like to see data about the number of complaints before and after the advent of new media. Mr. Bowden replied that the state of California has licensed landscape architects since 1953. Landscape architects were identified as a profession in 1899. Mr. Ward clarified that the point of his comment was that it is much easier to identify unlicensed activity among landscape architects because of the profession. It is easier for people to hold themselves out as a landscape designer.

Ms. Serrano took a final opportunity to remind the Board of their mandate to protect the consumer, even if it is a little cumbersome for the architects.

The issue was sent back to the REC and Communications Committee to find data to answer the question of how such a regulation would increase consumer protection.

M. REVIEW AND POSSIBLE ACTION ON MODIFIED PROPOSED REGULATORY LANGUAGE FOR CCR, TITLE 16, DIVISION 2, ARTICLE 2, SECTIONS 110 SUBSTANTIAL RELATIONSHIP CRITERIA AND 110.1 CRITERIA FOR REHABILITATION

Ms. Welch presented proposed modifications to pending language in regulations regarding substantial relationship and rehabilitation criteria. These modifications were suggested following concerns that were raised by Office of Administrative Law (OAL) in reference to similar regulations proposed by the Veterinary Medical Board.

The proposed revisions to CCR section 110 would clarify reference to the Architects Practice Act provision that allows the Board to suspend or revoke a license.

The proposed revisions to CCR section 110.1 would clarify the distinction between the two steps involved in denial of a license described under subsections (a)(1) and (a)(2).

Mr. Gladstone pointed out that the reference in the proposed language for CCR section 110.1(a)(2) to “subsection (c)(1)” should be “subsection (a)(1).” Ms. Welch agreed.

Ms. Kwan stated that the new language makes a stronger distinction between people who have completed probation and become good citizens again versus those that have not.

The same modification is proposed for subsection (b) which applies to the suspension or revocation of a license. In addition, it includes violations of the practice act among the rehabilitation criteria to be considered. This is a more equitable analysis.

Mr. Gladstone asked for clarification of the term “reinstatement” in the unchanged language under CCR section 110.1 subsection (c). Ms. Welch stated that reinstatement means following license revocation or surrender and not modification of probation.

- **Nilza Serrano moved to approve the Modified Proposed Regulatory Language for CCR Sections 110 and 110.1 including the change from “subsection (c)(1)” to “subsection (a)(1)” and authorize the EO to make any technical or nonsubstantive changes to the rulemaking package; notice the proposed text for a 15-day comment period and, if no adverse comments are received during the 15-day comment period and no hearing is requested, adopt the proposed regulatory changes as modified.**

Ebony Lewis seconded the motion.

There were no comments from the public.

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

N. UPDATE ON JANUARY 23, 2020 PROFESSIONAL QUALIFICATIONS COMMITTEE MEETING

Mr. Gutierrez summarized the 2019-2021 Strategic Plan objectives and other agenda items discussed by the Professional Qualifications Committee (PQC) at its January 23, 2020 meeting. He provided an overview of the resultant outcomes.

Ms. Kwan commented on the objective related to mandatory continuing education (CE) and complimented the PQC for deciding to wait until the conclusion of the National Council of Architectural Registration Boards (NCARB) practice analysis (PA) before presenting a proposal for consideration. She opined that the empirical data collected during the PA will lend greater persuasiveness for arguments promoting a more well-rounded approach for CE.

O. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT

1. Update on February 5, 2020 LATC Meeting

Ms. Rodriguez announced that the LATC held its meeting on February 5, 2020 at Southwestern College in Chula Vista and presented the Committee's recommendations for Strategic Plan objectives to the Board.

2. Review and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2611 Abandonment of Application and 2616 Application for Licensure Following Examination, and Adoption of Section 2611.5 Retention of Candidate Files

Ms. Rodriguez explained that during the February LATC meeting, the Committee discussed the regulatory proposals as presented in the meeting materials regarding CCR sections 2611 (Abandonment of Application), 2611.5 (Retention of Candidate Files), and 2616 (Application for Licensure Following Examination). She explained that while staff were updating the LATC's retention schedule, it was determined that the abandonment of an application needed to be further defined in regulation. She added that the proposed amendments to CCR section 2611 clearly identify when an application is deemed to be abandoned and continued that the proposal to adopt CCR section 2611.5 outlines the retention process of candidate files, as recommended by DCA Legal Counsel to ensure continued maintenance of candidate records. She concluded that the proposal to amend CCR section 2616 includes minor clarifying language and that the Committee

recommended to the Board all of the proposed changes presented.

Mr. Feng stated that because the LATC is a subcommittee of the Board he recommended the processes for both programs to align where possible. Ms. Zuniga concurred that staff attempt to align wherever possible between the Board and LATC, understanding that there are differences. She offered to review the Board's regulations in this area to determine whether additional regulations or clarifications are needed.

- **Nilza Serrano moved to approve the proposed regulatory changes as modified, direct the EO to take all steps necessary to initiate the rulemaking process, authorize the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and if no adverse comments are received during that 45-day comment period and no hearing is requested, adopt the proposed regulatory changes as modified.**

Robert Pearman seconded the motion.

There were no comments from the public.

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

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

Ms. Welch explained that this item mirrors the previous conversation under Agenda Item M regarding the Board's Substantial Relationship and Rehabilitation Criteria. She clarified that this proposal would apply the relevant Landscape Architects Practice Act provisions regarding rehabilitation criteria.

Ms. Welch recommended that the Board approve the provided Modified Proposed Regulatory Language for CCR sections 2655 (Substantial Relationship Criteria) and 2656 (Criteria for Rehabilitation) to address the same OAL concerns that were raised by the Veterinary Medicine Board's regulatory package.

- **Ebony Lewis moved to approve the modified text for a 15-day comment period and if there are no adverse comments received during that 15-day public comment period, delegate to the EO the authority to adopt the proposed regulatory changes as modified, and also delegate to the EO the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.**

Nilza Serrano seconded the motion.

There were no comments from the public.

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

4.* Review and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 5659 Regarding Local Jurisdiction Acceptance of Landscape Architecture Documents

Ms. Rodriguez explained that LATC has a Strategic Plan objective to “Educate the different jurisdictional agencies (state and local) about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations.” She added that when researching how to go about educating the different jurisdictions, staff determined that language could be added to BPC section 5659 (Inclusion of License Number – Requirement) specifying that “plans, specifications, and other instruments of service shall not be rejected from the filing with a local jurisdiction on the grounds that the plans, specifications, or other instruments of service were prepared by, signed, dated, and sealed or stamped by a licensed landscape architect, as specified under this section.” She added that the LATC recommended Board approval of the new language to help address issues licensees have had with the acceptance of the landscape architecture stamp. Ms. Welch explained that after the LATC approved a similar proposal to amend BPC section 5659, she made slight revisions to the language to appropriately respond to the issue at hand.

Ms. Kwan asked if local jurisdictions have denied plans stamped by a landscape architect even though the plans were within the licensee’s scope of practice. Mr. Bowden confirmed and explained that some building officials require a civil engineer or an architect to sign off on landscape architecture plans. He added that the intention of this change is to ensure that building officials realize that if a landscape architect is operating within their scope of practice then the building official should accept their plans.

Mr. Gladstone stated that the proposal approved by the LATC seemed enough. Ms. Welch explained that the version approved by the LATC could potentially create an opening for local jurisdictions to create additional grounds to reject plans submitted by a landscape architect such that they are still denying documents even though they should accept them because they are being presented by licensed professionals. Mr. Gladstone offered to draft an alternative proposal retaining some of the initial language approved by LATC. Mr. Pearman opined that the revised proposal helps emphasize that building officials cannot reject plans signed by a landscape architect if the submitted plans are within the discipline of landscape architecture. He asked if staff are concerned that other professions under BPC section 460 will want to

make a similar change to their statutes. Ms. Welch responded that if other professions can demonstrate a problem that is like what landscape architects are experiencing then perhaps the legislature should determine if those professionals need this type of protection as well.

Mr. Feng announced that the Board would move on to the next item temporarily while Mr. Gladstone prepares an alternate proposal to amend BPC section 5659.

Ms. Rodriguez added that aside from amending BPC section 5659, the LATC also discussed the possibility of incorporating additional information in the Board's *Building Official Information Guide* in order to fulfil this Strategic Plan objective.

Agenda item continued after item O.5.

5. Review and Possible Action on Legislative Proposal to Implement Fingerprint Requirement

Ms. Zuniga explained that this item was intended as a verbal update on the legislative proposal to implement a fingerprint requirement. She explained that the Board-approved statutory language to allow LATC to implement the fingerprint requirement was inadvertently omitted from the Sunset Bill last year; however, the Senate Business and Professions Committee will introduce the language in an omnibus bill this year and attempt to avoid any delay in implementation.

4. Review and Possible Action on Legislative Proposal to Amend Business and Professions Code Section 5659 Regarding Local Jurisdiction Acceptance of Landscape Architecture Documents (Continued)

Mr. Gladstone explained that after consideration he is convinced that the current proposal, drafted by DCA Legal Counsel, to amend BPC section 5659 is sufficient.

- **Sonny Ward moved to recommend this legislative proposal to the legislature for enactment.**

Nilza Serrano seconded the motion.

There were no comments from the public.

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

P. NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)

1. Review of the 2020 NCARB Regional Summit Agenda

Ms. Zuniga presented this agenda item. She informed the Board members that Mr. Feng, Mses. Serrano and Campos, and herself would be attending the NCARB Regional Summit and Ms. Kwan would be attending as an officer of the Western Council of Architectural Registration Boards (WCARB) on March 6-7 in Cambridge, Massachusetts. She referred members to the agenda in the Board's meeting packet.

2. Consider and Take Action on Candidates for 2020 NCARB Region VI Officers and Directors

Ms. Zuniga advised that during the Regional Summit the 2020 elections of officers and directors of the NCARB and Region VI will be held. She explained that Region VI Executive Committee has seven positions, with three open positions that will be voted upon at the Regional Summit, as well as the Region VI Regional Director and that Executive Committee members are elected for a term of two years—three members to be elected in odd numbered years. She referred the members to the election packet contained in the meeting materials. She stated that Mr. Feng is a candidate for committee member.

Ms. Kwan explained that California is a member of Region VI, highlighted candidates applying for committee member positions, and provided information on NCARBs voting process.

Ms. Serrano encouraged NCARB to increase diversity amongst NCARB candidates that are architects.

The Board agreed that those members attending the Regional Summit may take appropriate voting action for the elected positions.

3. Discuss and Possible Action on NCARB Resolutions:

a. 2020-A NCARB Certification Guidelines Amendment – Qualifications for Education Alternative

Ms. Zuniga and Mr. Feng summarized and explained the resolution for members. Ms. Zuniga said the resolution relates to proposed changes in the processes NCARB uses to recognize educational alternatives. Mr. Feng explained the essence of the changes is that NCARB will undertake responsibility to review the specific curriculum for nontraditional candidates. He said the focus will be upon the courses completed rather than the degree earned for nontraditional education.

Mr. Gutierrez clarified the resolution applies to those seeking NCARB certification. He added the resolution preserves the multiple paths used by California candidates.

- **Robert Pearman moved to support the resolution.**
- **Denise Campos seconded the motion.**

There were no comments from the public.

Members Campos, Gladstone, Gutierrez, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. The motion passed 8-0. Nilza Serrano was absent for the vote.

b. 2020-B Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing)

Ms. Zuniga explained the current resolution calls for the sunseting of an existing one from nearly 20 years ago (NCARB Resolution 2000-1) regarding the opposition to interior design licensing. She said the thinking in the profession has changed and NCARB would like to eliminate the prior resolution.

Ms. Kwan commented that opposition to interior design licensing is no longer universal and seems outdated. Mr. Feng asked for comment from Mr. Christian who was representing AIA California at the meeting. Mr. Christian advised that AIA California has historically opposed a practice act for interior design. He reminded members that the Board and CALBO also historically opposed a practice act; however, he said each of the organizations support certification for interior designers.

Ms. Zuniga advised members that opposing NCARB Resolution 2020-B would indicate the Board's opposition to licensure for interior designers. She added that many states license interior designers and have multidisciplinary boards; citing for example the Nevada board whose chair is an interior designer.

- **Denise Campos moved to support the resolution.**
- **Ebony Lewis seconded the motion.**

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

c. 2020-C Amendment and Restatement of the *NCARB Legislative Guidelines and Model Law/Model Regulations*

Ms. Zuniga advised that the resolution was forwarded as a handout because the final draft of the revised NCARB Model Law/Model Regulations (Model Law) was received after the meeting materials were distributed to members.

Mr. Gutierrez explained that the related NCARB task force has been working for the past four years to modernize and update the Model Law relative to contemporary practice. He said with the release of the initial revised Model Law there was confusion surrounding the resolution and whether approval meant adoption of it. Mr. Gutierrez clarified that approval by an NCARB Member Board (MB) is not adoption of Model Law and that an MB may adopt the Model Law or adapt it, so there would be no conflict with existing jurisdictional laws or regulations.

Members discussed the revised Model Law and any potential impact upon California statutes and regulations. Mr. Gutierrez said the PQC recommended the Board send NCARB a letter of support for the resolution because it is prohibited by travel restrictions from attending events held in states considered to have discriminatory laws; the NCARB 2020 Annual Business Meeting is being held in Texas – one such prohibited state.

- **Nilza Serrano moved to send NCARB a letter of support for Resolution 2020-C.**

Ebony Lewis seconded the motion.

There were no comments from the public.

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

Q. EO'S REPORT – UPDATE ON BOARD'S ADMINISTRATION / MANGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS

Ms. Zuniga summarized the report and stated that she attended an NCARB orientation and is attending an education summit with NCARB and AIA Los Angeles emerging professionals and another event at Woodbury University. She discussed that the business modernization system planning is going well. Two publications were recently promoted: 1) *Building Official Information Guide* and 2) Board's newsletter. Ms. Campos reiterated that she would like staff to continue promoting on social media sites.

Ms. Serrano shared concern regarding Architect Registration Examination low pass rates among California candidates and questioned whether it was an educational problem and how California candidates can improve upon the pass rates. Mr. Gutierrez explained that California does have 22,000 plus licensees and the state has an excess number of architects to serve consumers and historically the pass rates have remained consistent. Ms. Serrano expressed it was her opinion the state needs to increase diversity within the profession of women and people of color.

Mr. Ward advised he discussed with NCARB whether more research was available. He stated the demographic data is available but not queried.

Ms. Zuniga briefly discussed the Board's California Supplemental Examination statistics, enforcement cases and increased complaints, use of subject matter experts, and LATC updates.

R. REVIEW OF FUTURE BOARD MEETING DATES

Board members reviewed a schedule of planned meetings and events for 2020. Mr. Feng inquired if Board members would have a conflict of changing/swapping geographical locations in September and December. There was no dissension amongst the Board.

S. ADJOURNMENT

The meeting adjourned at 2:33 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.*