



### Board Members

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

## NOTICE OF TELECONFERENCE MEETING

**February 26, 2021**

**The California Architects Board (Board) will meet by teleconference at**

**10:00 a.m., on Friday, February 26, 2021**

**NOTE:** Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, this meeting will be held by teleconference with no physical public locations.

### The Board May Take Action on Any Agenda Item

**Important Notice to the Public: The Board will hold a public meeting via WebEx Events. To participate in the WebEx meeting, please log on to this website the day of the meeting:**

To join this meeting, please click on, or copy and paste into a URL field, the link below:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=effbb7ff5ef7cccd2419fea1da393d6cc>

Event Number: 146 394 6570

Password: CAB02262021

Phone: (415) 655-0001

Access Code: 146-394-6570

Instructions to connect to the meeting can be found at the end of this agenda.

Due to potential technical difficulties, please consider submitting written comments by February 19, 2021, to [cab@dca.ca.gov](mailto:cab@dca.ca.gov) for consideration.

### **AGENDA**

**10:00 a.m. to 2:00 p.m.**

*(Continued)*

(or until completion of business)

Action may be taken on any item listed below.

- 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) – Carrie Holmes, Deputy Director, Board and Bureau Relations, 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. Review and Possible Action on December 11, 2020, Board Meeting Minutes
- F. Presentation of Octavius Morgan Distinguished Service Award to Yvone Hobbs and David Higginson
- G. Pandemic Impact to Architecture Education - Renee Chow, Chair of Architecture at UC Berkeley College of Environmental Design. Followed by discussion.
- H. Discussion on Board Members' Outreach to Architectural-Related Professions and Organizations
- I. Presentation by DCA Budget Office Regarding Board Annual Budget Update – Paul McDermott, Budget Analyst
- J. Update and Discussion of National Council of Architectural Registration Boards (NCARB):
  - 1. Update and discussion of committee meetings
  - 2. Review and discussion of the 2021 NCARB Regional Summit Agenda
  - 3. Review, discussion and possible action on the May 2021 NCARB Special Meeting and Resolution 2021-01 *NCARB Bylaws* Amendment - Remote Meetings
- K. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- L. Review of Future Board Meeting Dates

M. Adjournment – Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

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](http://www.cab.ca.gov). Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if adjournment is the only item that occurs after a closed session.

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)).

This meeting is being held via WebEx Events. The meeting is accessible to the individuals with disabilities. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

**Person:** Drew Liston

**Telephone:** (916) 575-7202

**Email:** [drew.liston@dca.ca.gov](mailto:drew.liston@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).

# HOW TO – Join – DCA WebEx Event



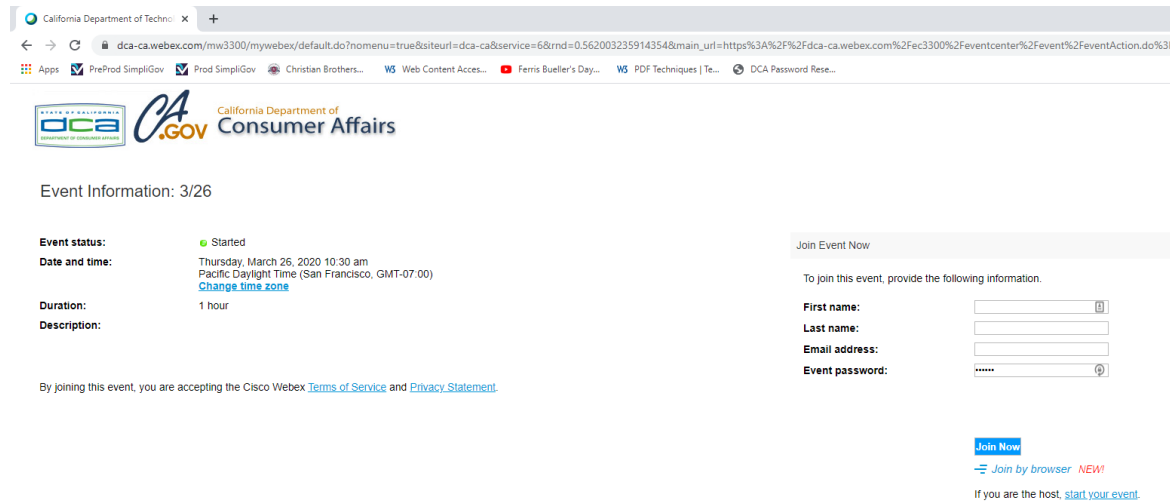
The following contains instructions to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

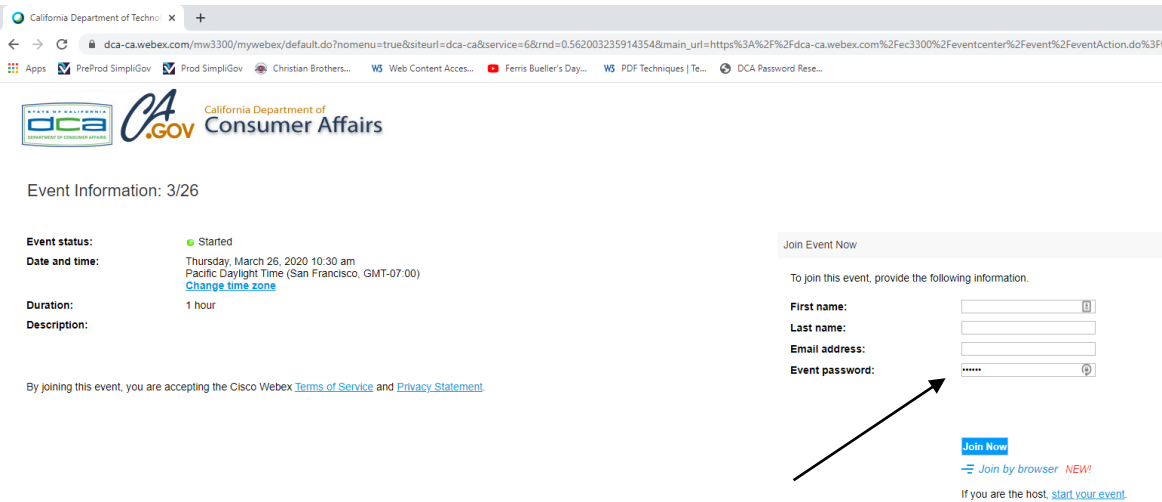
Example link:

<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.  
NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

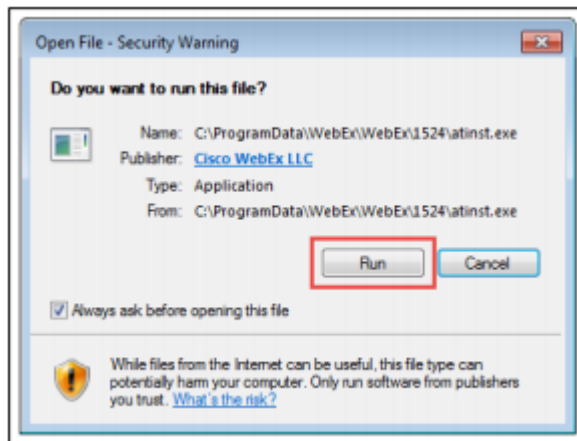
# HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



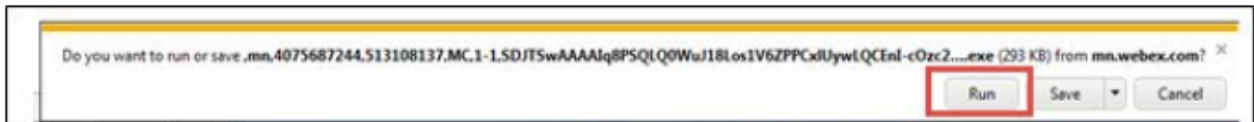
Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

## Starting Webex...



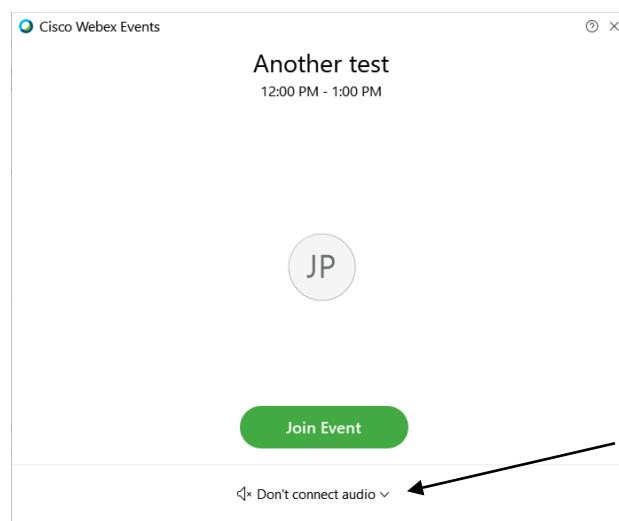
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



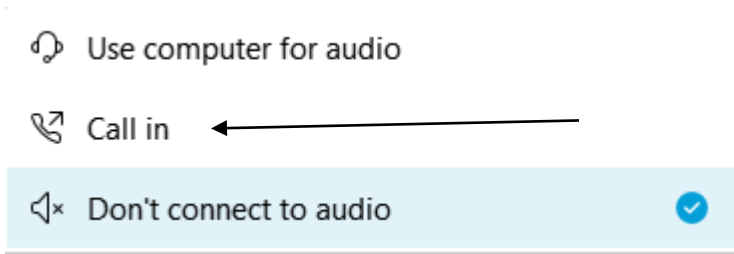
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

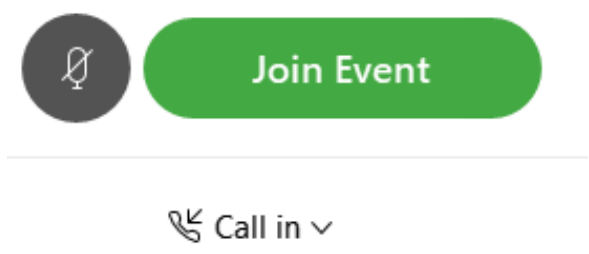


8. When the audio menu appears click 'Call in'.

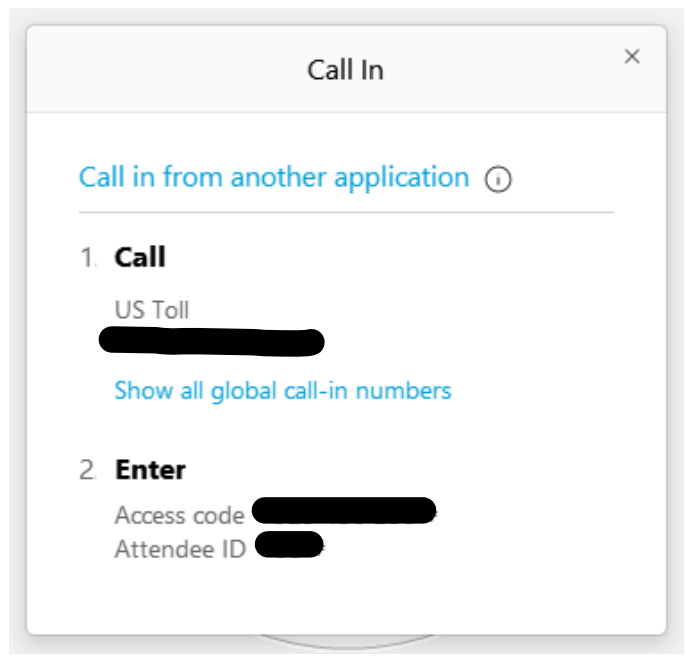
# HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

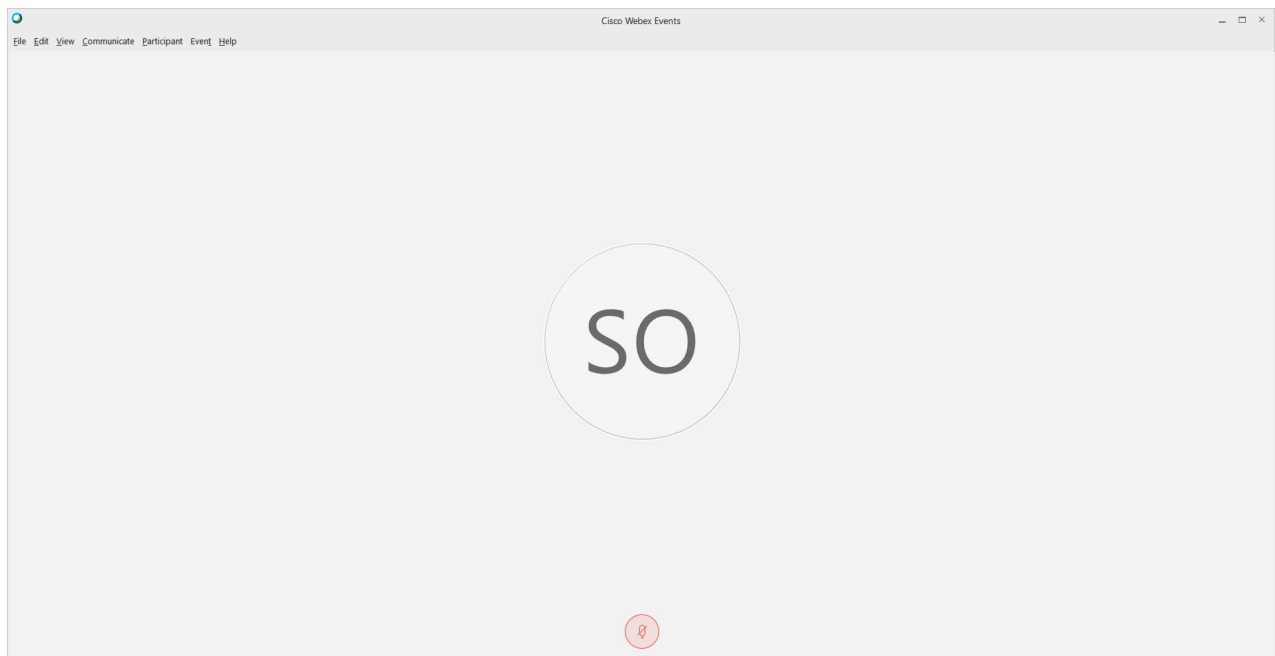


NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.

# HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

Congratulations!



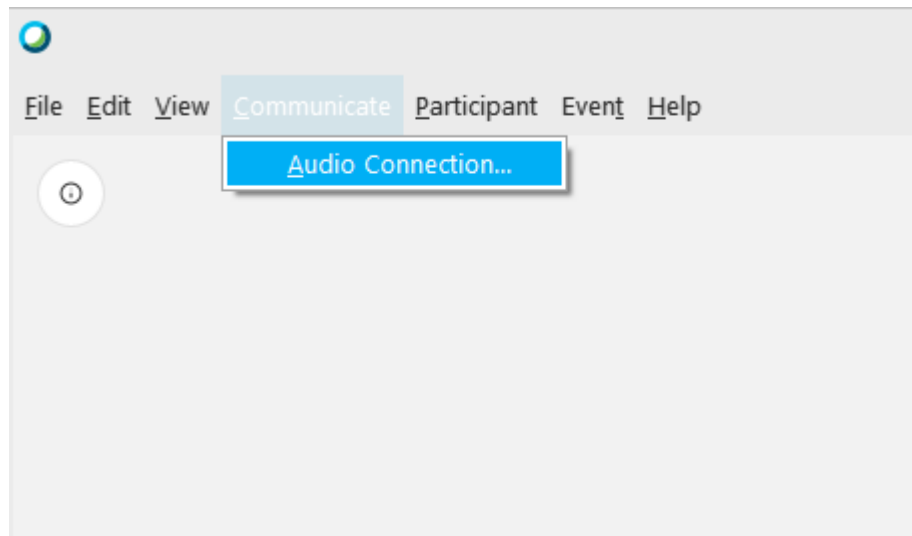
NOTE: Your audio line is muted and can only be unmuted by the event host.

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

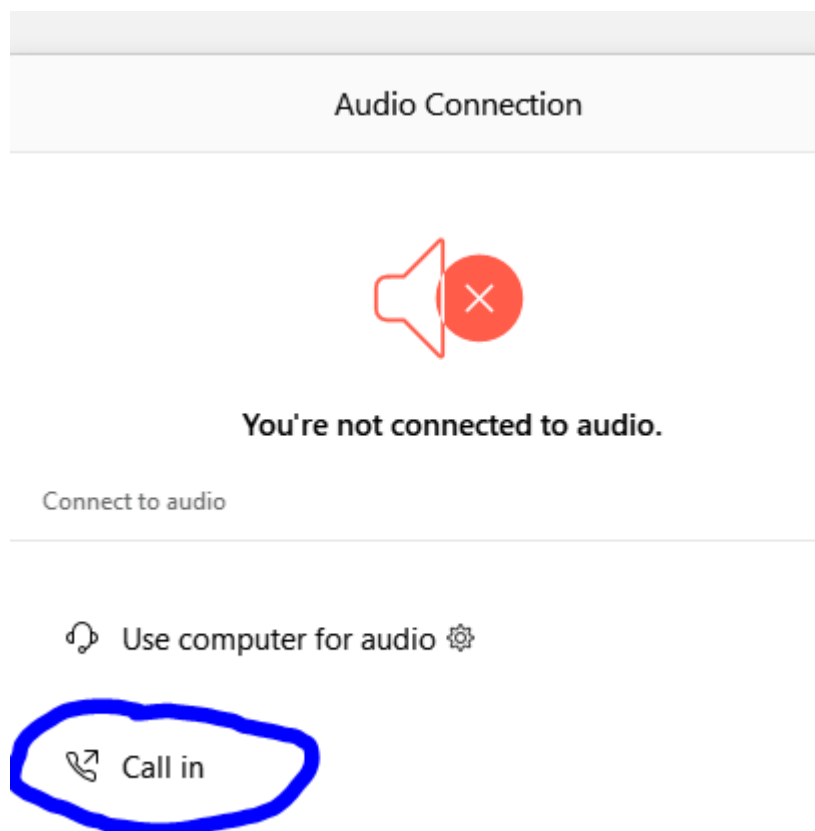
Select 'Communicate' and 'Audio Connection' from top left of your screen.



# HOW TO – Join – DCA WebEx Event



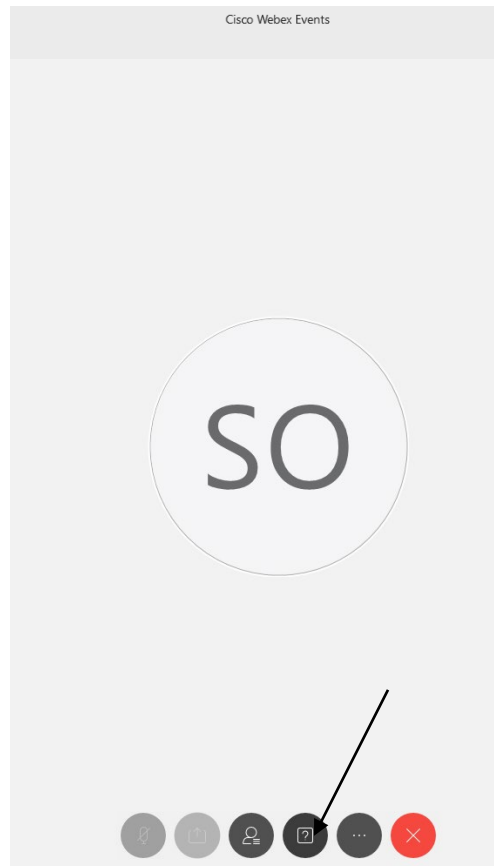
The 'Call In' information can be displayed by selecting 'Call in' then 'View'



You will then be presented the dial in information for you to call in from any phone.

## Participating During a Public Comment Period

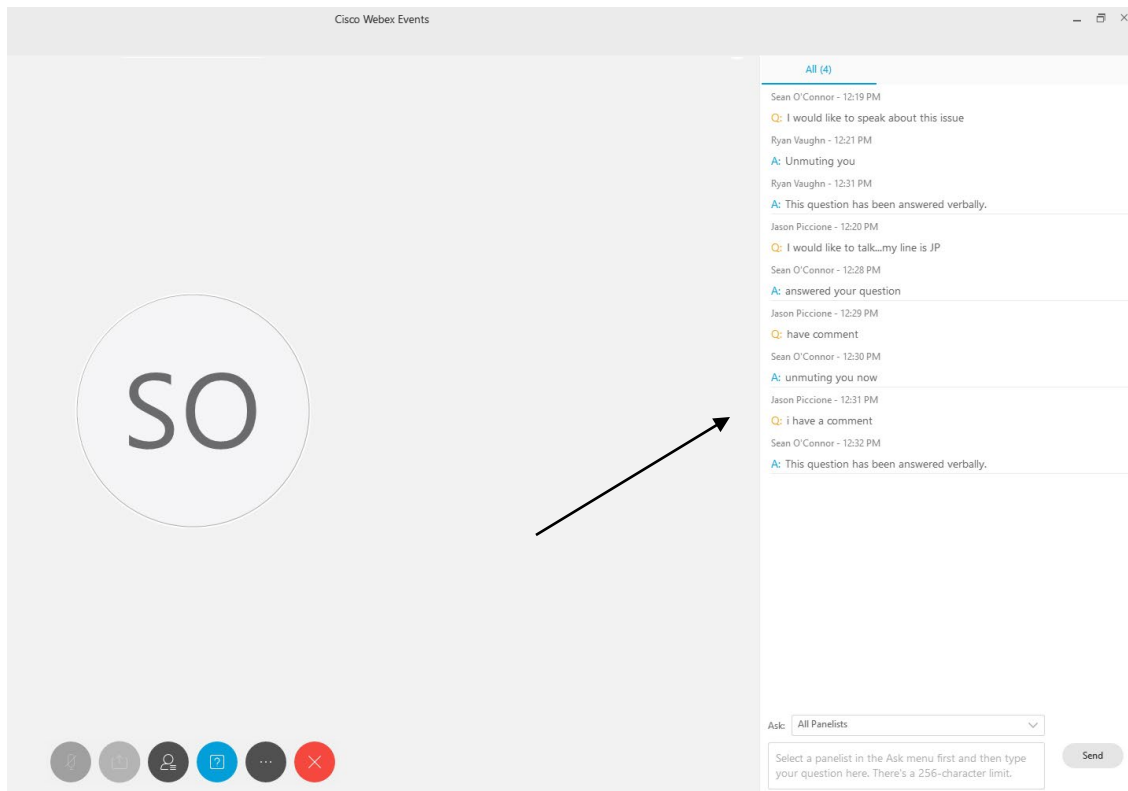
At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.

# HOW TO – Join – DCA WebEx Event



To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

NOTE: Your line will be muted at the end of the allotted public comment duration. You will be notified when you have 10 seconds remaining.

## **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**

Tian Feng

Malcolm Gladstone

Pasqual V. Gutierrez

Sylvia Kwan

Ebony Lewis

Robert C. Pearman, Jr.

Ronald A. Jones

Nilza Serrano

Charles Ward, III

**AGENDA ITEM E: REVIEW AND POSSIBLE ACTION ON DECEMBER 11, 2020  
BOARD MEETING MINUTES**

**Summary**

The Board is asked to review and take possible action on the minutes of the December 11, 2020 Board meeting.

**Action Requested**

Approval of the December 11, 2020 Board Meeting Minutes.

**Attachment(s)**

December 11, 2020 Board Meeting Minutes (Draft)

**DRAFT**

**MEETING MINUTES  
CALIFORNIA  
ARCHITECTS BOARD**

December 11, 2020  
Teleconference Meeting

Some of the Agenda Items were taken out of order, and are reported in the order they were presented during the meeting

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

On December 11, 2020, Board President, Tian Feng, called the meeting to order at 10:01 a.m. and Nilza Serrano, Board Secretary, called roll.

**Board Members Present**

Tian Feng, President  
Nilza Serrano, Secretary  
Malcolm “Brett” Gladstone (joined late)  
Pasqual Gutierrez  
Ronald A. Jones  
Ebony Lewis  
Robert C. Pearman, Jr.  
Charles “Sonny” Ward, III

**Board Members Excused**

Sylvia Kwan

Six members of the Board present constitute a quorum. Seven members were present during roll call; a quorum was established.

**Guests Present**

Michael Armstrong, Chief Executive Officer, National Council of Architectural  
Registration Boards (NCARB)  
Josh Batkin, President of Council Relations, NCARB  
Scarleth Bodan  
Andrew Bowden, Landscape Architects Technical Committee (LATC) Member  
Frank Bostrom, American Institute of Architects California (AIA CA)  
Robert Chase  
Mark Christian, Director of Government Relations, AIA CA

Brett Dougherty  
Harry Falconer, Vice President of Experience and Education, NCARB  
Jeremy Fretts  
Aubrey Jacobson  
Stephanie Landregan, Director for the Landscape Architecture Program and the Horticulture and Gardening Program, University of California at Los Angeles (UCLA)  
William (Bill) Leddy, Chair for the Committee on the Environment and Vice-President for Climate Action, AIA California  
Rona Rothenberg  
Nicki Dennis Stephens  
Jon Wreschinsky, LATC member  
Leslie Zheng

**California Architects Board Staff Present**

Laura Zuniga, Executive Officer  
Idris Ahmed, Enforcement Analyst  
Blake Clark, LATC Exam Coordinator  
Jane Kreidler, Program Manager, Administration Unit  
Drew Liston, Board Liaison  
Annamarie Lyda, Enforcement Technician  
Kim McDaniel, Administration Analyst  
Jasmine Newman, Enforcement Analyst  
Marccus Reinhardt, Program Manager, Examination/Licensing  
Trish Rodriguez, LATC Program Manager  
Michael Sganga, Enforcement Analyst  
Stacy Townsend, LATC Enforcement Analyst

**DCA Staff Present**

Karen Halbo, Regulatory Counsel, Attorney III  
Carrie Holmes, Deputy Director of Board and Bureau Relations  
Nicole Le, Chief, Office of Human Resources  
Jae Lee, Office of Professional Examination Services  
Bryce Penny, Office of Public Affairs  
Ryan Perez, Organizational Improvement Office  
Tara Welch, Board Counsel, Attorney III

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

Mr. Feng announced the meeting is being webcast pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020 and recognized LATC members, including Andrew Bowden for his attendance. Mr. Feng also advised the Board of voting requirements.

This Agenda Item was reopened later in the meeting (before Agenda Item O) at which time the Board expressed their appreciation for Tara Welch, Board Counsel, who has been reassigned and will no longer be working with the Board. The Board wished Ms. Welch well in her new position.

Pasqual Gutierrez expressed appreciation for Vickie Mayer's (former Assistant Executive Officer) service to the Board and acknowledged the longevity of her career with the State of California. Mr. Feng recognized Ms. Mayer's notable contributions which included ensuring continuity with Board leadership.

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

Carrie Holmes, DCA's Deputy Director for Board and Bureau Relations provided the following update:

- Overview of Board appointment process
- Efficient and effective investigations are a priority, and DCA Executive Leadership are working with an experienced retired annuitant to reduce timeframes and improve the quality of investigations.
- Due to COVID-19, since December 7, 2020, state offices are closed to the public. DCA Boards and Bureaus continue to provide licensing, enforcement, and customer service though many services are provided by staff remotely.
- DCA continues to partner with the Governor's office and the Business, Consumer Services and Housing Agency on awareness and enforcement of public health measures.
- Economic impacts of COVID-19 include:
  - a. In April, DCA limited expenditures in hiring to those necessary to support core functions and emergency response, and
  - b. In November, DCA Boards and Bureaus began planning for a 5% permanent budget reduction to begin in fiscal year 2021-22. Ms. Holmes expressed gratitude to the Board and staff for their continued service during these challenges.
- DCA Board and Bureau Relations held three virtual brown bag trainings to support the Board's executive leadership.
- Board member orientation trainings were held remotely and new training for Board Presidents will be launched in 2021.



## **D. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

William (Bill) Leddy, representing AIA CA, expressed the organization's commitment to its Continuing Education (CE) proposal requiring five credits every two years in Zero Carbon Design.

## **E. ELECTION OF 2020 BOARD OFFICERS**

Robert Pearman presented the recommended slate of officers for 2021 as follows:

Tian Feng – President  
Nilza Serrano – Vice President  
Robert Pearman – Secretary

- **Charles Ward moved to elect Tian Feng for President, Nilza Serrano for Vice President, and Robert Pearman for Secretary for 2021.**

**Ebony Lewis seconded the motion.**

There were no comments from the public.

**Members, Gutierrez, Jones, Lewis, Pearman, Serrano, and Ward, and President Feng voted in favor of the motion. Members Gladstone and Kwan were absent at the time of the vote. The motion passed 7-0.**

## **F. DISCUSS AND POSSIBLE ACTION ON RECOMMENDATION REGARDING 2020 OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD**

Mr. Feng explained the nature of the Octavius Morgan Distinguished Service Award and nomination requirement. He shared the contributions of nominees Dave Higginson and Yvone Hobbs, including their significant contributions toward the development and implementation of the California Supplemental Examination.

**Robert Pearman moved to award Dave Higginson and Yvone Hobbs the Octavius Morgan Distinguished Service Award for 2020 and to use Board member personal funds to pay for the cost of the award.**

**Charles Ward, III, seconded the motion.**

There were no comments from the public.

**Members Gutierrez, Jones, Lewis, Pearman, Serrano, Ward, and President Feng voted in favor of the motion. Members Gladstone and Kwan were absent at the time of the vote. The motion passed 7-0.**

## **G. REVIEW AND POSSIBLE ACTION ON SEPTEMBER 18, 2020 BOARD MEETING MINUTES**

At the last Board meeting, there was discussion about reporting disciplinary actions to NCARB. Laura Zuniga clarified that California does not include administrative citations in the disciplinary actions reported for the NCARB Disciplinary database. Currently, the minutes read that “California does not report very much because actions are not considered disciplinary.”

Tara Welch recommended modifying the minutes on page 2 under Staff Present, to add “Regulatory Counsel” after the comma after Karen Halbo and “Board Counsel” after the comma after Tara Welch.

**Nilza Serrano moved to approve the September 18, 2020 Board Meeting Minutes with the proposed changes.**

**Charles Ward, III, seconded the motion.**

There were no comments from the public.

**Members Gutierrez, Jones, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. Members Gladstone and Kwan were absent at the time of the vote. The motion passed 7-0.**

## **H. PROFESSIONAL QUALIFICATIONS COMMITTEE (PQC) REPORT**

Mr. Feng provided an overview regarding the Board’s working on CE for licensees for several years; and that at the last Board meeting in September 2020, AIA CA presented its CE Initiative. Mr. Feng acknowledged AIA CA and NCARB attendees.

### **1. Update from October 30, 2020 PQC Meeting**

Mr. Gutierrez, PQC Chair, stated there were only two items on the October 30, 2020 meeting: approval of meeting meetings and to engage with AIA CA on their proposed five CE’s for Zero Net Carbon Design.

After much discussion, the PQC voted to support the AIA proposal within the context of the strategic plan objectives as assigned to the Committee.

### **2. Discussion and Possible Action on Continuing Education Requirements**

Public Comment on the PQC report and proposed CE requirements are as follows:

Mr. Leddy, AIA CA, summarized its proposal to add five additional CE units in Zero Energy Design to be required every two years for licensure, and that AIA CA will make courses available free to all architects, drawing from an extensive network of experts to ensure quality course providers. Mr. Leddy expressed that AIA CA believes this

proposal is an opportunity to bring the entire profession up to speed very quickly since the codes and regulatory landscape are rapidly changing.

Mr. Feng requested specific information about the CE topics. Mr. Leddy shared that AIA CA CE course offerings build upon Title 24 elements and provided the example that for their first course they are considering discussing energy use intensity – the amount of energy a building uses per square foot on an annual basis. Mr. Leddy shared topics for three additional courses: exterior of buildings; management of building energy load; and renewable energy - combination of on-site and grid-based renewable energy. He also stated that AIA CA believes these topics are the most important to get started with to prepare the profession for the rapidly changing regulatory landscape and to reduce carbon emissions.

Mr. Pearman shared concern regarding compliance for the current mandatory American with Disabilities Act (ADA) CE requirement and inquired about the existence of carbon energy programs in other states and compliance. Mr. Leddy shared other states have health, safety, and welfare (HSW) learning units as part of licensure which would include some of AIA CA's aspects, but to his knowledge there is no specific program in zero carbon design.

Mark Christian, AIA CA, shared that Texas requires 24 hours of CE every two years and at least two of those must be in sustainable or efficient design.

President Feng asked Harry Falconer, NCARB's Vice President of Experience and Education, to speak about CE. Mr. Falconer shared that NCARB's model provides for 12 hours of CE in HSW which includes sustainable energy and net zero design. Mr. Falconer said that NCARB has an interest in consistency across jurisdictions. He expressed one concern for consideration—when requiring CE in specific areas, the possibility for education in different areas is reduced and forces architects in a certain direction because of the CE requirements.

Mr. Feng inquired about NCARB's CE subjects. Mr. Falconer shared that NCARB has developed CE Guidelines that are broken down into the six practice areas of the Architectural Experience Program (AXP) and six divisions of the ARE: Impact, Adaptation, Mitigation of Changing Climate, Energy Efficiency, and Positive Energy Design, and Sustainability are among the acceptable topics related to climate change. Mr. Falconer clarified that NCARB provides broad categories for CE and that net zero impact is included among the many options. NCARB recommends 12 HSW hours of CE per year.

Mr. Leddy expressed that AIA CA feels that the climate of urgency requires immediate action to reduce carbon, and without action the other CE topics as well as the health, safety, and welfare of the public may be impacted by climate destabilization.

Mr. Feng shared the CE discussion will continue with the PQC and that soon the Committee may develop a clearer action item to move forward.

Mr. Gutierrez clarified that the proposed initiative is an opportunity for California to lead the nation in the deceleration of carbon emissions. He shared that the PQC did discuss the merits of prescriptive and non-prescriptive subjects for mandatory CE and reiterated that any mandatory CE will be required by all California architects. He requested that AIA CA's proposed initiative include a wider spectrum of learning objectives.

Mr. Feng indicated that he would like a motion to support AIA CA's proposal while CAB produces a more comprehensive plan.

Mr. Gutierrez shared that the issue of carbon emissions is an emergency item that the Board should be heavily involved with and take the lead. He recommended Board members read AIA CA's White Paper, *The Business Case for Climate Action*.

Ms. Zuniga shared that if the Board does not want to vote on AIA CA's proposal right now and if AIA CA is going to move forward, it will require legislation that will come to the Board next year and the Board could take a position on the legislation at that time. She shared that if the Board wants to continue to develop its own CE proposal, it may be challenging to present two separate and different CE proposals to the Legislature.

Mr. Ward, a PQC member, shared that the Committee was supportive and sought input regarding a possible motion.

Mr. Feng shared that the Board could adopt the PQC motion.

Mr. Ward shared that the PQC had in-depth discussion that the AIA CA proposal should not conflict with current requirements. He also shared that the PQC discussed whether a CE proposal should be specific on carbon work and the Committee agreed that this topic should be isolated as an important issue.

Mr. Gutierrez encouraged AIA CA to move forward with the zero-carbon design learning program and not wait for mandatory CE regulation to do so.

**Pasqual Gutierrez motioned that the Board endorse the content of the AIA CA zero carbon design learning program as part of a climate action sustainable and resilient design CE requirement.**

A request was made to gain access to the PQC motion which Mr. Gutierrez read aloud. The PQC motion is, "The Board support the AIA CA proposal within the context of the strategic plan objective assigned to the Committee."

Ms. Welch inquired about the term "endorsement" in the motion and indicated that Boards typically do not endorse a CE program unless statutorily included. She cautioned that they have only heard from one CE provider and should be careful not to appear to be selecting one CE provider who is potentially receiving financial benefit from this endorsement over other CE providers.

**Pasqual Gutierrez offered an amended motion that the Board support the AIA CA zero carbon design learning program as part of a climate action sustainable and resilient design CE requirement.**

Mr. Ward suggested that the amended motion was not completely responsive to Ms. Welch's observations and that reference to AIA CA may need to be dropped from the motion.

Ms. Welch commented that the amended motion could be interpreted for support of the AIA CA content to be the CE requirement. Ms. Welch suggested modifying the amended motion because it may be interpreted that the Board is recommending AIA CA's content to be included as the statutory CE requirement. Ms. Welch suggested the motion include "The Board supports AIA CA's commitment to establish the learning program."

**Pasqual Gutierrez amended the motion to: The Board supports AIA CA's commitment to establish a carbon emissions learning program as part of a CE requirement.**

**Ebony Lewis seconded the motion.**

Public Comment.

Mr. Leddy clarified that AIA CA has offered to provide some of the initial courses for free so there would be no concerns around economic hardship for architects, and that they are not in the business of making money by offering CE.

**Members Gladstone, Gutierrez, Jones, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. Member Kwan was absent at the time of the vote. The motion passed 8-0.**

The Agenda Items were taken out of order and Item K on the agenda was presented next.

## **K. UPDATE AND DISCUSSION ON NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) ISSUES**

Mr. Feng shared that NCARB will provide an overview of their Initiatives.

- 1. Committee Meetings Update.** No updates were provided.
- 2. Discussion on NCARB's Commitment to Diversity, Remote Proctoring, and Legislative Trends – Mike Armstrong, Chief Executive Officer, NCARB**

Mr. Armstrong shared that Josh Batkin, President of Council Relations was on the call attending the virtual meeting and thanked Board members who volunteer with NCARB. Mr. Armstrong provided the following update:

- Met with CAB Executive Committee and discussed NCARB efforts around diversity, equity and inclusion.
- Launching option to take the ARE online on Monday. This launch was preceded by live webinars, direct candidate communications, blog information, and other outreach. Registrants of the online ARE will be provided a \$50 rebate to pay for a web camera.
- NCARB has developed a CE tracking software that could allow a state licensing board to monitor compliance among licensees.
- NCARB is exploring additional CE including the topics of ethics, diversity, equity and inclusion, as well as training for supervisors.
- New taskforces established include: 1) Incidental Practice, and 2) Responsible Charge/Responsible Control.
- NCARB 2021 Annual Meeting is scheduled for the third weekend in June in Los Angeles.

Mr. Batkin shared that NCARB has developed new alliances and now offers enhanced support for states to pursue legislation and regulations. Additionally, in February 2021, NCARB will issue an announcement for volunteers.

The Agenda Items were taken out of order and Item I on the agenda was presented next.

## **I. REGULATORY AND ENFORCEMENT COMMITTEE (REC) REPORT**

### **1. Update from November 5, 2020 REC Meeting**

REC Chairman Mr. Pearman introduced Michael Sganga, Lead Enforcement Analyst, who provided a review of items discussed at the November 5, 2020 REC Committee Meeting.

### **2. Discussion and Possible Action on Business Entity Report Form (BERF)**

Mr. Sganga reported that staff created an updated version of the BERF, including more information about architects' responsibility within a business entity through which they provide professional services, and a requirement to sign the form under penalty of perjury. Ms. Welch, Board counsel explained that the Informational Bulletin introducing the new BERF was edited after creation of the Board packet to remove a reference to management control.

A member inquired about and distribution of the revised BERF and Jasmine Newman, Enforcement Analyst, indicated that the form would be ready for

distribution as soon as the ADA-compliant copy became available. She indicated that licensed architects will be notified by email when the new form becomes available on the Board's website. No further action was requested of the Board.

**3. Discussion and Possible Action on Proposed Adoption of California Code of Regulations (CCR), Title 16, Division 2, Article 5, Section 135, Presentment and Advertising Requirements**

Mr. Sganga proposed a revised version, and the adoption of CCR, title 16, section 135, entitled Presentments and Advertising Requirements, which would require the inclusion of license numbers in advertising by architects. The language of the regulation was revised in response to previous Board comments to clarify its application to large firms. Mr. Gutierrez complimented the Committee for this revision. Ms. Welch recommended removing the word "either" after "(2)", and removing the last sentence starting with "Advertisements..."

**4. Discussion and Possible Action on Proposed Amendments to CCR, Title 16, Division 2, Article 8, Section 152, Citations**

Mr. Sganga shared the proposed revisions to CCR 152, entitled Citations, to add four more Practice Act violations under class A, including BPC § 5536.1, 5536.4, 5536.5, and CCR 134. Ms. Welch recommended minor changes including striking the words "Business and Professions Code" from the second line, adding "s" to "section" in line 3, "of the code" after "5536.5" and "title 16," before "134" in line 4.

**5. Discussion and Possible Action on Proposed Amendments to CCR, Title 16, Division 2, Article 9, Section 160, Rules of Professional Conduct**

Mr. Sganga presented proposed revisions to CCR 160, entitled Rules of Professional Conduct, to re-order two paragraphs and add headings to the definitions of Competence, Standard of Care, and Timely Response to the Board.

Mr. Ward asked the REC Chair Mr. Pearman whether the Committee found anything particularly controversial in the proposed regulatory changes and the reasons for the proposed changes. Mr. Pearman explained that the advertising regulation had been discussed many times before and the REC did not consider it controversial in its present form. Mr. Sganga explained that the advertising regulation was proposed in response to requests from many stakeholders to enforce the Practice Act more strictly regarding online advertising. He added that the changes to CCR 152 were proposed in response to the identification of Practice Act violations by unlicensed people which could not be enforced under the current regulation. He further added that changes to CCR 160 were proposed in response to difficulty reconciling the language used in citations with the headings in the current regulation.

**Charles Ward III made a motion to approve all three regulatory changes, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, to make any technical or non-substantive changes to the rulemaking packet, notice the proposed text for a 45-day comment period, and if no hearing is requested during the 45-day period, to adopt the regulatory changes as modified.**

**Mr. Feng seconded the motion.**

Public Comment.

Mark Christian from AIA CA spoke in support of the proposed changes to CCR 160 as modified.

Scarleth Bodan, an unlicensed designer, spoke about her concerns gaining the work experience required for licensure.

**Members Gladstone, Gutierrez, Jones, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion. Member Kwan was absent at the time of the vote. The motion passed 8-0.**

The meeting recessed and went into Closed Session. The remaining Agenda Items immediately followed Closed Session.

The Open Session recessed at 12:34 p.m.

**P. 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:**

**Review and Take Action on September 18, 2020 Closed Session Minutes**

**Deliberate and Vote on Disciplinary Matters**

**Perform Annual Evaluation of its Executive Officer**

**Adjourn Closed Session**

**Q. RECONVENE OPEN SESSION**

The Board reconvened in Open Session at 1:55 p.m. with the following members present:

Tian Feng, President  
Nilza Serrano, Secretary  
Malcolm "Brett" Gladstone  
Pasqual Gutierrez



Ronald A. Jones  
Robert C. Pearman, Jr  
Charles “Sonny” Ward, III

**J. UPDATE AND POSSIBLE ACTION ON LEGISLATION REGARDING:**

**1. Assembly Bill (AB) 2113 (Low, Chapter 186, Statutes of 2020) Refugees, Asylees, and Special Immigrant Visa Holders: Professional Licensing: Initial Licensure Process**

Ms. Zuniga presented that AB 2113 requires a board within DCA to expedite and authorizes it to assist the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted asylum, or have a special immigrant visa. The bill authorizes boards to adopt regulations to implement its provision. DCA is assisting boards with implementation.

**2. Senate Bill (SB) 878 (Jones, Chapter 131, Statutes of 2020) Department of Consumer Affairs: License: Application: Processing Timeframes**

Ms. Zuniga shared that beginning July 1, 2021, this bill requires each board within DCA that issues licenses to prominently display on its internet website, on at least a quarterly basis, either the current average timeframes for processing initial and renewal license applications or the combined current average timeframe for processing both initial and renewal license applications.

**3. SB 1474 (Committee on Business, Professions and Economic Development, Chapter 312, Statutes of 2020) Business and Professions**

Ms. Zuniga presented that SB 1474, as it pertains to CAB and LATC, further defines the procedure for the holder of a retired license to reinstate that license to active status and delays, until January 1, 2022, the fingerprint requirement for LATC.

**L. UPDATE ON IMPLEMENTATION OF APPLICANT FINGERPRINTING REQUIREMENTS TO SB 608 (GLAZER, CHAPTER 376, STATUTES OF 2019) ARCHITECTS AND LANDSCAPE ARCHITECTS**

Ms. Zuniga presented an update on SB 608 which requires the Board and LATC to begin fingerprinting new applicants for licensure, beginning January 1, 2021. SB 608 contains language to further define the implementation for the Board but did not add similar language to LATC’s statute. The fingerprint requirement for LATC is delayed for one year until January 1, 2022.

Ms. Zuniga shared that outreach to consumers and the public include posting a Frequently Asked Questions document on the website and a new webpage, posting information on social media, and sending communication to candidates who are in the

testing process. In addition, fingerprinting information was added to the letter that PSI test centers send to candidates who will test for the California Supplemental Exam.

## **M. EXECUTIVE OFFICER'S REPORT – UPDATE ON ADMINISTRATION / MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS**

Ms. Zuniga summarized the Executive Officer's Report and shared highlights including:

- The PQC and REC held meetings since the last Board meeting in September 2020.
- Vickie Mayer, former Assistant Executive Officer, retired at the end of October.
- Board staff continue to track and report COVID-related activities to DCA
- Most staff continue to telework part-time
- Coleen Galvan, Communications Analyst, continues to be on loan for contact tracing

This Agenda Item was reopened later in the meeting (before Agenda Item O) and Ms. Zuniga reported that the online submission of CE became operational this month.

There were no comments from the public.

## **N. LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC) REPORT**

### **1. Update from December 2, 2020 LATC Meeting**

Trish Rodriguez announced that LATC held its meeting December 2, 2020 and presented highlights. She informed members that in October the Governor appointed Pamela Brief as a member of the LATC.

Ms. Rodriguez provided an update on LATC's regulations packages:

- A request for assistance to move regulations through the process and to the Office of Administrative Law (OAL) for initial notice was sent to DCA and staff are working on this.
- Since LATC's meeting December 2, 2020 meeting, the regulatory packages for section 2655, Substantial Relationship Criteria, and section 2656 Criteria for Rehabilitation, were approved by OAL.
- Reducing barriers by expanding pathways to licensure, sections 2615, Form of Examinations, and sections 2620, Education and Training Credits, are on an expedited path to publish the initial notice with OAL by the end of December.

Ms. Rodriguez mentioned that the DCA Budget Office presented an annual budget update and that the fund condition is solid and is expected to remain so for the current fiscal year.

Ms. Rodriguez advised that the Office of Professional Examination Services (OPES) presented the results of the Occupational Analysis which will be posted on the DCA website.

**2. Discussion and Possible Action on Proposed Amendments to CCR, Title 16, Division 26, Article 1, Sections 2630, Citations and 2630.2, Appeal of Citations**

To align with the Board, staff proposed amending CCR, title 16, section 2630.2 to change the regulation title to correspond with the Board's appeal of citations regulation (CCR, title 16, § 152.5) and include language allowing a respondent to request a formal administrative hearing within 30 days of the affirmation or modification of a citation following an informal conference, as well as allowing the EO to appoint a designee to hold the informal conference in the event of a conflict of interest. Also, language was added to clarify that another informal conference cannot be requested for a citation that has been affirmed or modified following an informal conference. In addition, the proposal makes minor and technical revisions.

Ronald Jones moved to approve the proposed regulatory changes, as modified, direct the Executive Officer to take all steps necessary to initiate the rulemaking process, authorize the Executive Officer 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.

Robert Pearman seconded the motion.

There were no comments from the public.

Members Gladstone, Gutierrez, Jones, Pearman, Serrano, Ward, and President Feng voted in favor of the motion. Motion passed 7-0. Members Kwan and Lewis were absent for the vote.

**3. Discussion and Possible Action on University of California, Los Angeles (UCLA) Extension Certificate Program Self-Evaluation Report and Curriculum Approval LATC reviews and CAB approves landscape architecture extension certificate programs that meet specific standards pursuant to the California Code of Regulations. LATC last conducted a review of the UCLA Extension Certificate Program (Program) in 2013. At that time, the Program was approved through December 31, 2020.**

In June 2020, the Program submitted a Self-Evaluation Report (SER) to the LATC for the 2013-2020 academic years. An LATC subcommittee reviewed the SER and prepared a report and recommendation for Board approval. The Board is asked to

consider LATC's recommendation and take possible action to approve the Program through December 31, 2025.

Pasqual Gutierrez moved to approve the Program for five years.

Nilza Serrano seconded the motion.

Public comment.

Stephanie Landregan, Director for the Landscape Architecture Program and the Horticulture and Gardening Program, UCLA, shared that the program is unique and has been able to continue to teach and graduate students during the pandemic. Members Gladstone, Gutierrez, Jones, Pearman, Serrano, Ward, and President Feng voted in favor of the motion. Motion passed 7-0. Members Kwan and Lewis were absent for the vote.

Ms. Rodriguez provided an update on CE and the online tutorial, two LATC strategic plan objectives. LATC determined that more research on CE is needed, no motion was made, and the topic will be discussed at the next LATC meeting. Three video tutorials were approved by LATC and will be posted on the website by the end of December.

Ms. Rodriguez shared that LATC decided to continue with the current logo because the various logos developed were not representative of the landscape architect profession.

Ms. Rodriguez announced the 2021 LATC officers: Jon Wreschinsky will continue to serve as Chair and Susan Landry as the Vice Chair.

Ms. Rodriguez shared that the 2021 LATC meeting dates are April 29<sup>th</sup>, August 4<sup>th</sup>, and November 5<sup>th</sup>.

Mr. Feng suggested that LATC present the online video tutorials to the Board and/or the Communications Committee.

## **O. REVIEW OF FUTURE BOARD MEETING DATES**

Ms. Zuniga presented that the Board may continue to meet via WebEx as there is a declared state of emergency.

## **P. ADJOURNMENT**

The meeting adjourned at 4:20 p.m.

## **AGENDA ITEM F: PRESENTATION OF OCTAVIUS MORGAN DISTINGUISHED SERVICE AWARD TO YVONE HOBBS AND DAVID HIGGINSON**

### **Summary**

Named after the first president of the California Architects Board, the Octavius Morgan Distinguished Service Award recognizes individuals who have over the years significantly contributed to the Board's mission through their volunteerism. The Board annually selects award recipients. Nominations are accepted from Board members and staff.

The Board relies on volunteers to assist in developing the California Supplemental Examination and to serve on many of its committees. The Board, at its December 11, 2020, meeting selected Dave Higginson and Yvone Hobbs.

Board President, Tian Feng will present the awards to Mr. Higginson and Ms. Hobbs at today's meeting.

### **Action Requested**

None

### **Attachment(s)**

None

## **AGENDA ITEM G: PANDEMIC IMPACT TO ARCHITECTURE EDUCATION**

### **Summary**

The COVID-19 pandemic will have a lasting impact on the architect profession including education and training. Renee Chow, Chair of Architecture at the UC Berkeley College of Environmental Design, will present on this topic which will be followed by discussion.

### **Action Requested**

None

### **Attachment(s)**

None

## **AGENDA ITEM H: DISCUSSION ON BOARD MEMBERS' OUTREACH TO ARCHITECTURAL-RELATED PROFESSIONS AND ORGANIZATIONS**

### **Summary**

The Board will revisit the Liaison Program. Under this program, Board members conducted outreach to selected schools and organizations and regularly reported their efforts during Board meetings.

### **Action Requested**

None

### **Attachment(s)**

None

**AGENDA ITEM I: PRESENTATION BY DCA BUDGET OFFICE REGARDING  
BOARD ANNUAL BUDGET UPDATE**

**Summary**

Paul McDermott, Budget Analyst with the Department of Consumer Affairs' Budget Office, will provide an overview of the Board's budget and fund condition.

**Action Requested**

None

**Attachment(s)**

None



## **AGENDA ITEM J: UPDATE AND DISCUSSION OF NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)**

### **Summary**

Update and Discussion of National Council of Architectural Registration Boards (NCARB):

1. Update and discussion of committee meetings
2. Review and discussion of the 2021 NCARB Regional Summit Agenda
3. Review, discussion and possible action on the May 2021 NCARB Special Meeting and Resolution 2021-01 *NCARB Bylaws* Amendment - Remote Meetings

### **Action Requested**

None

### **Attachment(s)**

1. NCARB 2021 Regional Summit Agenda
2. NCARB Special Meeting and Resolution 2021-01 *NCARB Bylaws* Amendment - Remote Meetings



February 8, 2021

Dear Member Board Members and Executives:

On behalf of the Regional Leadership Committee, we are pleased to invite you to the 2021 Regional Summit that will be held virtually on the afternoon of March 4-5, 2021. As the second largest gathering of NCARB members, the annual Regional Summit is planned and executed by your regional representatives on the Regional Leadership Committee. The RLC has incorporated feedback from past virtual events to create an agenda that is engaging, informative, and allows for collaboration within and across regions.

This 2021 Regional Summit's agenda has been carefully planned to highlight key areas of significance for your board—such as Justice, Equity, Diversity, Inclusion—as well as offer more opportunities for engagement and collaboration both within individual regions and between regions. In addition, attendees at the Regional Summit will preview draft resolutions to be voted on at the 2021 NCARB Annual Business Meeting and hear from candidates for the FY22 NCARB Board of Directors, enabling each region to be better prepared to represent its members as we shape the future of architectural regulation.

All Member Board Members and Executives, as well as board staff, are encouraged to attend this important meeting to provide perspectives from your jurisdiction that influence the direction of regional and national policy.

To attend the event, please register by [clicking here](#).

**We look forward to your participation at the 2021 Regional Summit!**

Please contact your regional executive director if you have additional questions:

- Region 1 - Dawne Broadfield [necarb1@gmail.com](mailto:necarb1@gmail.com)
- Region 2 - Judy Belcher [ncarbr2@gmail.com](mailto:ncarbr2@gmail.com)
- Region 3 - Jenny Owen [exec@scncarb.org](mailto:exec@scncarb.org)
- Region 4 - Glenda Loving [ncarb4@gmail.com](mailto:ncarb4@gmail.com)
- Region 5 - Stacy Krumwiede [stacy@scgnd.com](mailto:stacy@scgnd.com)
- Region 6 - Gina Spaulding [region6wcarb@gmail.com](mailto:region6wcarb@gmail.com)



NCARB

# REGIONAL SUMMIT

## AGENDA

### **Thursday, March 4**

12:30 p.m.	Optional Networking
1:00 – 1:15 p.m.	Meeting Opens
1:15 – 1:25 p.m.	NCARB leadership remarks
1:25 – 1:50 p.m.	Presentation of Resolutions
1:50 – 2:00 p.m.	Discussion of a NCARB Special Meeting
2:00 – 2:15p.m.	Break
2:15 – 2:55 p.m.	Leadership Townhall/Candidates Forum
3:00 – 4:30 p.m.	Regional Meetings

### **Friday, March 5**

1:00 – 2:00 p.m.	Presentation on Justice, Equity, Diversity, Inclusion
2:00 – 2:15 p.m.	Break
2:15 – 3:00 p.m.	Breakout Discussions (Led by Regional Chairs with attendees from different regions)
3:00 - 3:15 p.m.	Break
3:15 – 4:30 p.m.	Regional Meetings

***Adjourn after regional meetings conclude.***

***Please note all times listed are Eastern Time zone.***

Region 1:  
New England

Region 2:  
Mid Atlantic

Region 3:  
Southern

Region 4:  
Mid Central

Region 5:  
Central States

Region 6:  
Western

**AGENDA ITEM J.3: REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE MAY 2021 NCARB SPECIAL MEETING AND RESOLUTION 2021-01 NCARB BYLAWS AMENDMENT - REMOTE MEETINGS**

February 1, 2021

Dear Member Board Members, Member Board Executives, and Regional Officers,

The NCARB Board of Directors has called a Special Meeting on **May 12-14, 2021**, for the sole purpose of considering and voting on Resolution 2021-01, which, if passed, would update the *NCARB Bylaws* to allow the Council to conduct official business in remote and hybrid meetings. Please be advised that all official actions for this special meeting will occur in writing during these dates.

Recent events have highlighted more than ever the need for NCARB services and processes to be adaptable for unforeseen circumstances—including the governing structure outlined in the *NCARB Bylaws*. Iowa law, under which the Council is incorporated, permits member meetings to be conducted by telephone and/or video-based meeting tools only if specifically authorized by the articles of incorporation (articles) or bylaws of an organization. Currently, neither NCARB's Articles nor its *Bylaws* include such an authorizing provision. Resolution 2021-01 creates that option.

**Adding this section to the *Bylaws* does not change the Board of Directors preference for in-person meetings as the standard approach to conduct membership business.** In-person Annual Business Meetings and other special meetings of the Council offer invaluable opportunities to share information, connect, and hear from the membership beyond just what the *Bylaws* require. However, the need to be able to conduct the Council's most basic business each fiscal year, which includes voting on resolutions and electing the Board of Directors is essential to keeping the Council running no matter the circumstances.

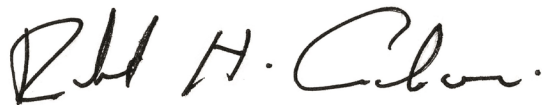
The Board is asking the membership to take action on this resolution ahead of the 2021 Annual Business Meeting (ABM) so that the ABM can fully include all delegates and participants. At this time, the ABM is expected to be conducted as a hybrid meeting, blending in-person and virtual attendees, to accommodate those who will not yet be allowed to or are ready to travel. To accomplish this, the vote is being scheduled so the requested change can be in place prior to consideration of other resolutions and elections at the Annual Business Meeting.

Having this provision in place will allow the Council to take advantage of electronic tools to make voting, potential amendments, or other actions a more seamless and efficient experience for the membership.

We hope that you will take the time to review and discuss this resolution with your fellow board members. More information on how this special meeting will be conducted will be available closer to the dates.

If you have any questions, please feel free to contact the Council Relations team at [\*\*council-relations@ncarb.org\*\*](mailto:council-relations@ncarb.org).

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Calvani". The signature is fluid and cursive, with a period at the end.

Robert M. Calvani, FAIA, NCARB  
NCARB President/Chair of the Board

**MEMORANDUM**

**TO:** Member Board Members, Member Board Executives, and Regional Officers

**FROM:** Kenneth R. Van Tine, AIA, NCARB, LEED AP, NCARB Secretary

**DATE:** February 1, 2021

**SUBJECT:** Resolution 2021-01

At the January NCARB Board of Directors meeting, the Board decided to call a special meeting of the Council so that it can consider and vote on Resolution 2021-01 ahead of the Annual Business Meeting in June. The special meeting will be May 12-14, 2021.

**Resolution 2021-01**

This resolution would update the *NCARB Bylaws* to allow for remote meetings. Iowa law, under which the Council is incorporated, permits member meetings to be conducted by telephone and/or video-based meeting tools only if specifically authorized by the articles of incorporation (articles) or bylaws of an organization. Currently, neither NCARB's Articles nor its *Bylaws* include such an authorizing provision.

Passing this resolution ahead of the Annual Business Meeting would allow the organization to more efficiently conduct its business in June, where up to eight additional resolutions may be considered. The other draft resolutions have been released under a separate cover and will be discussed further at the April Board of Directors meeting. If the Board approves them in April, they will be put on the Annual Business Meeting agenda for Member Board discussion and vote.

We hope that you will take the time to review and discuss Resolution 2021-01 with your fellow board members. We look forward to receiving your feedback and answering questions during the upcoming Regional Summit.

In the interim, please feel free to contact Vice President of Council Relations Josh Batkin at [jbatkin@ncarb.org](mailto:jbatkin@ncarb.org) if you have any questions or would like to discuss the resolution further.

# 2021 Special Meeting and Resolution 2021-01

- Order of Business
- Resolution 2021-01



Kenneth R. Van Tine, AIA, NCARB, LEED AP  
NCARB Secretary

**National Council of Architectural Registration Boards**

1401 H Street NW, Suite 500, Washington, DC 20005

Tel: 202/879-0520 | Fax: 202/783-0290

## **2021 Special Meeting Agenda For Resolution 2021-01 May 12-14, 2021**

### **Monday, May 10, 2021**

5 p.m. ET: Voting Delegate Meeting led by the Credentials Committee

### **Wednesday, May 12, 2021**

9 a.m. ET: Call to Order by President Robert M. Calvani (issued via email)

9:15 a.m. ET: Resolution 2021-01 moved by First Vice President/President-elect Alfred Vidaurri, Jr. (issued via email)

- Will include a call for a second from the membership. Second will need to be received by reply email.

3 p.m.-End ET: Resolution 2021-01 Town Meeting

- For discussions, questions and debate on the original resolution and any proposed amendment(s).

Voting Opens.

- Voting on any amendments and the final resolution will take place via emailed ballot. Amendment and voting procedures for this meeting will be released at a future date.

### **Friday, May 14, 2021**

4 p.m. ET: Voting Window Closes.

6 p.m.: Secretary Ken Van Tine releases results to membership (by email)

[More information on how to register for and participate in the meeting, voting procedures, and identifying voting delegates to follow at a future date.]



## RESOLUTION 2021-01

Supported by the NCARB Board of Directors 14-0.

**TITLE:** *NCARB Bylaws* Amendment - Remote Meetings

**SUBMITTED BY:** Council Board of Directors

**WHEREAS**, the Board of Directors of the Council has determined upon careful consideration that it is advisable and in the best interest of the Council to amend the *NCARB Bylaws* to allow Council business to be conducted via telephone and/or video-based meeting tools; and

**WHEREAS**, Iowa law, under which the Council is incorporated, permits member meetings to be conducted by telephone and/or video-based meeting tools only if specifically authorized by an organization's articles or bylaws; and

**WHEREAS**, pursuant to Article XIV of the *NCARB Bylaws*, the *Bylaws* may be amended at a special meeting or the Annual Business Meeting of the Council by resolution approved by the affirmative vote of not less than two-thirds of the Member Boards (37 votes); and

**WHEREAS**, pursuant to Iowa law, the *Bylaws* may instead be amended by written or electronic ballot approved by the affirmative vote of not less than two-thirds of the Member Boards (37 votes); and

**WHEREAS**, prior to implementing the changes to the *NCARB Bylaws*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

**NOW, THEREFORE, IT IS HEREBY:**

**RESOLVED**, that Article V–NCARB Meetings of the *NCARB Bylaws* be amended to insert a new Section 3 to read as follows:

“Section 3. Remote Meetings. The Annual Business Meeting and any Special Meetings may be held as a Remote Meeting. The Bylaws provisions which govern calling and providing notice for, and the procedures and conduct of business of, the Annual Business Meeting or special meetings, as applicable, shall apply to Remote Meetings. Holding a Remote Meeting does not preclude allowing participants to gather in a designated location during such meeting.”

**FURTHER RESOLVED**, that the sections following the insertion in Article V be renumbered;

**FURTHER RESOLVED**, that the following definition for “Remote Meeting” be inserted in Article II of the *NCARB Bylaws* after the definition of “Registration” and before the definition of “Voting Delegate”:

“Remote Meeting” shall mean any Annual Business Meeting or any Special Meeting held by telephone or video conference technology or other electronic communications technology that allows all participants to hear and participate in the proceedings and to vote, pose questions, and make comments.”

**FURTHER RESOLVED**, that upon the approval of the changes by a two-thirds majority of the Council Member Boards, such changes will become effective immediately.

**FINANCIAL IMPACT:**

- No financial impact.

**SPONSORS’ STATEMENT OF SUPPORT:**

Recent events have highlighted more than ever the need for NCARB services and processes to be adaptable for unforeseen circumstances—including the governing structure outlined in the *NCARB Bylaws*.

Iowa law, under which the Council is incorporated, permits member meetings to be conducted by telephone and/or video-based meeting tools only if specifically authorized by the articles of incorporation (articles) or bylaws of an organization. Currently, neither NCARB’s Articles nor its *Bylaws* include such an authorizing provision. This resolution creates that option.

Adding this section to the *Bylaws* does not change the Board of Directors preference for in-person meetings as the standard approach to conduct membership business. In-person Annual Business Meetings and other special meetings of the Council offer invaluable opportunities to share, connect with, and hear from the membership beyond just what the *Bylaws* require. However, the need to be able to conduct the Council’s most basic business each fiscal year, which includes voting on resolutions, electing the Board of Directors, and sharing year-end reports from the president and treasurer, is essential to keeping the Council running no matter the circumstances. The intent of this resolution is to maximize participation in NCARB meetings, whether in-person or virtual, regardless of circumstances such as attendance limitations that may impact the health, safety, and welfare of our membership.

**ADVOCATES:**

- 2020-2021 NCARB Board of Directors
  - Robert M Calvani, FAIA, NCARB, President/Chair of the Board
  - Alfred Vidaurri Jr., FAIA, NCARB AICP, First Vice President/President-elect
  - Bayliss Ward, NCARB AIA, Second Vice President
  - Jon Alan Baker, FAIA, NCARB, LEED AP, Treasurer
  - Kenneth R. Van Tine, AIA, NCARB, LEED AP, Secretary
  - Terry L. Allers, FAIA, NCARB, Hon. FCARM, Past President
  - Janet L. Hansen, AIA, NCARB, LEED AP, Director, Region 1
  - Philip M. Leinbach, NCARB, AIA, REFP, CSI, Director, Region 2
  - Robert W. McKinney, Ed.D, AIA, NCARB, Director, Region 3
  - John P. Rademacher, AIA, NCARB, Director, Region 4

- David W. Hornbeek, AIA, NCARB, Director, Region 5
- Edward Marley, NCARB, AIA, LEED AP, Director, Region 6
- Gary Ey, CDT, Public Director
- Katherine E. Hilligas, Member Board Executive Director
- Policy Advisory Committee
  - Chair: Richard H. McNeel, AIA, NCARB, IIDA, LEED AP, Region 3 Chair, Mississippi Member Board Member
  - Jennifer R. Arbuckle, NCARB, AIA, LEED AP, Region 1 Chair
  - Melarie Gonzales, New Mexico Member Board Executive
  - Lenora A. Isom, NCARB, Region 5 Chair, Nebraska Member Board Member
  - Sylvia P. Kwan, FAIA, LEED AP, Region 6 Chair, California Member Board Member
  - George Miller, FAIA, NCARB, Region 2 Chair, New York Member Board Member
  - Margaret Sturgis-Graff Parsons, AIA, NCARB, ALEP, LEED AP BD+C, Region 4 Chair, Minnesota Member Board Member
  - Kenneth R. Van Tine, AIA, NCARB, LEED AP, Board Liaison



## MEMORANDUM

<b>DATE</b>	February 1, 2021
<b>TO</b>	Board and Landscape Architects Technical Committee (LATC) Members
<b>FROM</b>	Laura Zuniga, Executive Officer
<b>SUBJECT</b>	<b>Executive Officer Report</b>

The following information is provided as an overview of Board activities and projects from November 1 through December 31, 2020.

### **Administrative/Management**

Board The Board met on December 11, 2020 via teleconference.

#### Committee Meetings

Professional Qualifications Committee (PQC) The next PQC is scheduled for March 26, 2021.

Regulatory and Enforcement Committee (REC) The Committee met on November 5, 2020 via teleconference and approved various revisions to present to the Board in December.

Communications Committee The next Communications Committee meeting is scheduled for March 25, 2021.

Budget The Board continues to provide monthly cost estimates for COVID-19-related activities to the Department of Consumer Affairs (DCA).

The Business Modernization project, estimated to commence by January 2021, has been deferred and DCA will pursue funding for Fiscal Year 21/22.

The Board and LATC implemented online credit card payments for license renewal applications in 2019. As of December 31, 2020, 6,250 Board and 1,435 LATC licensees have been renewed online.

COVID-19 Monthly attendance reporting to DCA continues. The Governor issued a Stay at Home Order on December 3, 2020 and directed all State offices to be closed to the public beginning December 7, 2020 for at least three weeks. The Stay at Home Order was extended through January 16, 2021. Most staff continue to telework, and Coleen Galvan's contact tracing assignment has been extended through June 2021.

Newsletter The last issue of the *California Architects* newsletter was distributed and posted on the Board's website on December 16, 2020.

Outreach Outreach efforts are limited due to the Board's communications analyst being reassigned to contact tracing. Board website additions and social media posts are regularly completed.

Personnel The Board welcomed two new employees in December 2020. Drew Liston was hired as the Board's liaison and started working on December 2; Patricia Munoz was hired as an Examination Technician and commenced employment December 21.

Regulatory Proposals Administration staff met with Karen Halbo, DCA Regulations Counsel, regarding the Board's current regulatory packages.

The Board's regulatory proposal to amend California Code of Regulations (CCR) Sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation) was completed on December 11, 2020.

**CCR Section 154 (*Disciplinary Guidelines*)** The Board's 2013 and 2014 Strategic Plans include an objective to review and update the Board's *Disciplinary Guidelines*. The REC recommended updates in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative from AIA CA 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 were 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 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 received and no hearing 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 and 110.1 including two options. The Board adopted the proposed recommended changes from CCR section 110 and option 1 of section 110.1 and approved the revised *Disciplinary Guidelines* at its February 27, 2019 meeting. The regulatory package was submitted to DCA Legal Affairs Division on September 19, 2019. Staff has addressed Legal Affairs Division's concerns and the package was approved by the DCA Budget Office on October 19, 2020.

**CCR Section 144 (Fees)** After discussing the fee associated with retiring an architectural license at its February, June and September 2019 meetings, the Board approved proposed regulatory language to amend CCR section 144 to set the fee at \$40 at its December 11, 2019 meeting. They delegated the authority to the EO to adopt the regulation, provided no adverse comments were received during the public comment period, and to make minor technical or non-substantive changes, if needed. The regulatory package was submitted to DCA Legal Affairs Division on December 19, 2019. DCA Legal Affairs Division is reviewing the package.

**CCR Section 165 (Continuing Education)** This is a regulatory proposal to establish requirements for continuing education courses and providers. Staff worked with DCA Legal Affairs Division to finalize the proposed regulatory language that was discussed at the June 5, 2020 Board meeting. The Board approved the proposed language and delegated authority to the EO for adoption of the regulation. Staff continues to work with DCA Legal Affairs Division to develop the regulatory package.

Social Media

Platform	Q3 Posts	Q4 Posts	Difference	Followers 10/31/20	Followers 12/31/2020	Difference
Twitter (launched in 2014)	59	27	-54%	1,356	1,356	0%
Instagram (launched in 2016)	52	27	+48%	956	1,003	+5.0%
Facebook (launched in 2017)	52	29	-44%	280	256	-8.6%

Q3 August – October, Q4 November – December

Website A new fingerprinting webpage was posted on December 16, 2020 to facilitate the fingerprinting process for new licensees. Social media graphics were created and posted to Twitter, Facebook and Instagram to inform consumers.

**Examination and Licensing Programs**

ARE Performance data for ARE 5.0 administrations to California candidates during the last quarter FY 20/21 and comparisons of performance with NCARB data for prior FYs are shown in the following tables.

**California Performance ARE 5.0  
(November 1–December 31, 2020)**

ARE Division	Divisions Administered	Pass		Fail	
		Total	Rate	Total	Rate
Construction & Evaluation	140	67	48%	73	52%
Practice Management	209	83	40%	126	60%
Programming & Analysis	152	58	38%	94	62%
Project Development & Documentation	178	90	51%	88	49%
Project Management	162	87	54%	75	46%
Project Planning & Design	186	73	39%	113	61%

**Multi-Year California and NCARB ARE 5.0 Performance Comparison  
(FY 2018/19 and FY 2019/20)**

ARE Division	FY 18/19 ARE 5.0			FY 19/20 ARE 5.0		
	CA Pass	National Pass	▲ %	CA Pass	National Pass	▲ %
Construction & Evaluation	64%	71%	-7%	61%	60%	+1%
Practice Management	45%	49%	-4%	45%	45%	0%
Programming & Analysis	45%	53%	-8%	43%	43%	0%
Project Development & Documentation	43%	50%	-7%	45%	43%	+2%
Project Management	57%	62%	-5%	54%	53%	+1%
Project Planning & Design	35%	43%	-8%	36%	34%	+2%

▲ % is the difference in California and NCARB performance.

Performance data for the CSE during the prior FY is displayed in the following table.

**CSE Performance by Candidate Type  
(November 1 – December 31, 2020)**

Candidate Type	Pass		Fail		TOTAL
	Total	Rate	Total	Rate	
Instate First-time	72	85%	13	15%	85
Instate Repeat	17	77%	5	23%	22
Reciprocity First-time	32	80%	8	20%	40
Reciprocity Repeat	3	75%	1	25%	4
Relicensure First-time	0	0%	0	0%	0
Relicensure Repeat	0	0%	0	0%	0
TOTAL	124	82%	27	18%	151

**Enforcement Program**

Enforcement Subject Matter Expert (SME) Program Since November 2019, the Board has been using a pool of qualified SMEs to provide case review, technical evaluation, and courtroom testimony. This new process has enabled a more efficient use of the Board’s resources. To date, the Board has a pool of 15 SMEs some of which have completed 18 expert opinion reports. Staff continue to assign cases on an ongoing basis as needed.

Enforcement Actions

Administrative Citations

**Katherine Diamond** (Los Angeles) – The Board issued a one-count citation that included a \$250 administrative fine to Katherine Diamond, architect license number C-13544, 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 Diamond certified false or misleading information on her 2019 License Renewal Application. Diamond paid the fine, satisfying the citation. The citation became final on November 2, 2020.



**Nachhattar Chandi** (Indio) – The Board issued a one-count citation that included a \$1,000 administrative fine to Nachhattar Chandi, dba Chandi Group USA, an unlicensed individual, for alleged violation of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that Chandi had changes made to an architect's plans for a commercial project in Jurupa Valley, California, without the consent or knowledge of the architect and then used the architect's stamp to submit the plans for permits. Chandi paid the fine, satisfying the citation. The citation became final on December 21, 2020.

**Lloyd L. Desbrisay** (Cold Spring, NY) – The Board issued a one-count modified citation that included a \$500 administrative fine to Lloyd L. Desbrisay, architect license number C-26487 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 Desbrisay certified false or misleading information on his 2019 License Renewal Application. Desbrisay paid the fine, satisfying the citation. The citation became final on December 31, 2020.

**Tommie Williams** (Carmichael) – The Board issued a one-count citation that included a \$1,500 administrative fine to Tommie Williams, dba The Williams Design Group, an unlicensed individual, for 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 action alleged that Williams entered into a contract to produce design construction documents for a residential project located in Fair Oaks, California. The contract included the statement, "ALL ARCHITECTURAL DESIGN AND ENGINEERING WILL BE COMPLETED ON OR BEFORE..." Further, Williams' business card stated, "Specializing in Architectural Design" and included the title "Architectural Designers." The citation became final on December 5, 2020.

## ENFORCEMENT PROGRAM UPDATE

<b><u>Enforcement Statistics</u></b>	<b><u>FY 20/21</u></b> <small>(as of 12/31/20)</small>	<b><u>FY19/20</u></b>	<b><u>FY18/19</u></b>
<b>Complaints</b>			
Received/Opened (Reopened):	105 (1)	428 (2)	310 (2)
Closed:	87	428	314
Average Days to Close:	146 days	132 days	188 days
Pending as of 12/31/20:	170	153	150
Average Age of Pending:	168 days	230 days	230 days
<b>Citations</b>			
Issued:	14	96	48
Pending:	4	20	32
Pending AG:	2	3	3
Final:	35	84	55
<b>Disciplinary Actions</b>			
Pending AG:	7	6	6
Pending DA:	0	0	1
Final:	0	2	1
<b>Continuing Education (\$5600.05)*</b>			
Received/Opened:	0	37	35
Closed:	0	30	24
Pending:	0	7	11
<b>Settlement Reports (\$5588)*</b>			
Received/Opened:	11	34	24
Closed:	2	25	15
Pending:	9	9	9

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

### Complaints Received

Type of Complaint Received	FY 20/21 (as of 12/31/20)	FY 19/20
Advertising	27.2%	33.4%
Continuing Education	0.0%	6.5%
Licensee	24.3%	29.6%
Settlement	10.7%	8.4%
Unlicensed	39.0%	22.1%

### Complaints Closed

Type of Closure	FY 20/21 (as of 12/31/20)	FY 19/20	FY 18/19
Cease/Desist Compliance	8	21	10
Citation Issued	14	94	43
Complaint Withdrawn	2	8	10
Insufficient Evidence	3	14	16
Letter of Advisement	30	123	120
No Jurisdiction	4	27	13
No Violation	19	95	74
Referred for Disciplinary Action	2	3	4
Other (i.e., Duplicate, Mediated, etc.)	6	99	30

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.

In FY 19/20, 84 citations with administrative fines became final with 71 violations of the Architects Practice Act (Act) and/or Board regulations. In FY 20/21 (as of December 31, 2020), 14 citations with administrative fines became final with 23 violations of the Act and/or Board regulations.

The most common violations that resulted in citation or discipline during the current and previous fiscal year are listed below.

<b>BPC or CCR Section</b>	<b>FY 20/21 (as of 12/31/20)</b>	<b>FY 19/20</b>
BPC § 5536(a) & (b), &/or CCR § 134 – Advertising and Unlicensed Practice	39.1%	45.5%
BPC § 5536.1(c) – Unauthorized Use of Stamp/License number	8.7%	1.8%
BPC § 5536.22(a) – Written Contract	13%	5.5%
BPC § 5584 – Negligence or Willful Misconduct	17.4%	5.5%
BPC § 5600.05(a)(1) &/or (b) – Failure to Complete CE &/or Misleading Information on License Renewal	17.4%	54.5%
CCR § 160(b)(2) – Failure to Respond to Board Investigation	4.3%	7.3%

## **AGENDA ITEM L: REVIEW OF FUTURE BOARD MEETING DATES**

### **Summary**

A schedule of planned meetings and events for 2021 are provided to the Board.

<u>Date</u>	<u>Event</u>	<u>Location</u>
June 11	Board Meeting	TBD
September 9-10	Board Meeting/Strategic Planning	TBD
December 10	Board Meeting	TBD