

CALIFORNIA ARCHITECTS BOARD

MEETING MINUTES

December 10, 2021
Teleconference Meeting

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

On December 10, 2021, Board President, Tian Feng, called the meeting to order at 10:03 a.m. and Secretary, Robert Pearman, called roll.

Board Members Present

Tian Feng, President
Nilza Serrano, Vice President
Robert Pearman, Jr., Secretary
Malcolm "Brett" Gladstone
Ronald Jones
Mitra Kanaani
Sylvia Kwan
Ebony Lewis
Charles "Sonny" Ward, III (joined after roll call)

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

Andy Bowden, LATC Member
Jon Wreschinsky, LATC Member
Mark Christian, AIA CA

Staff Present

Laura Zuniga, Executive Officer (EO)
Jane Kreidler, Manager, Administration Unit
Alicia Kroeger, Manager, Enforcement Unit
Marcqus Reinhardt, Manager, Examination/Licensing Unit
Idris Ahmed, Enforcement Analyst
Jesse Bruinsma, Continuing Education Analyst
Blake Clark, LATC Examination Coordinator
Darren Dumas, Examination/Licensing Analyst
Coleen Galvan, Communications Analyst
Drew Liston, Board Liaison
Kim McDaniel, Administration Analyst
Kourtney Nation, LATC Special Projects Analyst

Michael Sganga, Enforcement Analyst
Jasmine Steinwert, Enforcement Analyst
Stacy Townsend, LATC Enforcement Analyst

DCA Staff Present

Harmony DeFilippo, Budget Office
Karen Halbo, Regulatory Counsel, Attorney III
Brianna Miller, Board and Bureau Relations
Karen Munoz, Budget Office
Cesar Victoria, Office of Public Affairs
Tara Welch, Board Counsel, Attorney III

B. President's Procedural Remarks and Board Member Introductory Comments

Mr. Feng announced that 1) the meeting is being webcast and pursuant to the provisions of Governor Gavin Newsom's Executive N-08-21, dated June 11, 2021, a physical meeting location is not being provided, and 2) Jon Wreschinsky and Andy Bowden, LATC members, are in attendance.

There were no comments from the public.

C. Update on the Department of Consumer Affairs (DCA) – Brianna Miller, Board and Bureau Relations, DCA

Brianna Miller from DCA's Board and Bureau Relations, provided the following DCA update:

- Weekly COVID-19 testing began in October for state employees who haven't shown proof of vaccination. Board members are considered employees and must follow health and safety protocols if they plan to visit a DCA location or attend an in-person meeting.
- The ability to meet remotely continues until January 31, 2022, after which time meetings need to be in-person. If boards plan to hold in-person meetings, employees and Board/Committee members must follow health and safety protocol. Also, DCA's Board and Bureau Relations must be notified as soon as possible. DCA encourages boards to meet remotely and will send updates on meeting requirements.
- CAB has one Board member vacancy (public member) and those interested in serving as a Board member are encouraged to apply.
- Required Board Member Orientation Training is held in March, June and October of each year and can be reached through DCA's Learning Management System (LMS) on DCA's training portal.

- 2021 is a mandatory sexual harassment training year and all employees and Board/Committee members are required to complete the training. The training is accessed through LMS on DCA's training portal.

In response to an inquiry about why hybrid meetings must be held at the Headquarters 2 building, Ms. Miller indicated that HQ 2 is the only location that has technical capabilities at this time, but other meeting locations are being explored.

Laura Zuniga clarified that our next meeting is scheduled for February 25, 2022 and it will either be in-person or teleconference where we publicly notice the location that Board members call in from and the location must be accessible to the public.

There were no comments from the public.

D. Public Comment on Items Not on the Agenda

There were no comments from the public.

E. Election of 2022 Board Officers

President Tian Feng stated that the Elections Committee consisted of Ron Jones and Brett Gladstone. Mr. Jones explained the process and presented the recommended slate of officers for 2022:

Tian Feng, President
Sonny Ward, Vice President
Brett Gladstone, Secretary

Sylvia Kwan moved to elect Tian Feng for President, Sonny Ward for Vice President, and Brett Gladstone for Secretary.

Nilza Serrano seconded the motion.

There were no comments from the public.

Members, Gladstone, Kanaani, Kwan, Jones, Lewis, Pearman, Serrano, Ward, and President Feng voted in favor of the motion.

F. Discussion and Possible Action on Recommendation Regarding 2021 Octavius Morgan Distinguished Service Award

Mr. Feng read the handout on the Octavius Morgan Award nominee, former Board member, Pasqual Gutierrez.

Members provided comments of support for the nominee and his many contributions to the Board and profession of architecture. Ms. Kanaani singled out Mr. Gutierrez'

contribution to the Integrated Pathway to Architectural Licensure (IPAL) and credits him for its existence in California.

Nilza Serrano moved to approve the recommendation to award Pasqual Gutierrez the 2021 Octavius Morgan Distinguished Service Award and for Board member funds to be used to purchase the award.

Tian Feng seconded the motion.

Mr. Serrano confirmed that Ms. Zuniga will notify Board members of their share of the award's cost.

There were no comments from the public.

Members, Gladstone, Kanaani, Kwan, Jones, Lewis, Pearman, Serrano, and Ward, and President Feng voted in favor of the motion.

G. Review and Possible Action on September 10, 2021, Board Meeting Minutes

Ron Jones moved to approve the September 10, 2021, Board meeting minutes.

Nilza Serrano seconded the motion.

There were no comments from the public.

Members Gladstone, Jones, Kanaani, Kwan, Lewis, Pearman, Serrano, Ward and President Feng voted in favor of the motion.

Agenda item I. was discussed prior to Agenda item H.

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

1. Budget Update – Harmony DeFilippo, Budget Analyst

Harmony DeFilippo explained the current fund condition and mentioned that the Board currently has 7.5 months in reserve, which means that if the Board did not have incoming revenue, it could sustain itself for 7.5 months. If the Board spends the full appropriation, it will have a negative balance at the end of Fiscal Year 23/24. However, the Board usually has \$450,000 each year in reversion, and the projection is that the Board will revert approximately \$400,000 this fiscal year. If the Board continues to revert \$200-300,000, it will be solvent through FY 23/24. The Budget office will continue to monitor and provide monthly reports to Ms. Zuniga.

Ms. Kwan asked for an explanation for the negative balance and what the normal number of months are to keep in reserve. Karen Munoz, Budget Manager, assisted with the questions and said that when the months in reserve decline, more expenses are going out than revenue coming in. Fiscal years 22/23 and 23/24 do not show reversions; however, a \$400,000 reversion is shown in the current year. If revenues sustain at \$3.8 million and \$3.4 million, with the expenditures continuing, in the mid- \$400-\$500 million, the fund will maintain a downward trend.

Ms. Kwan asked if this naturally leads to a raise in renewal fees and the cost of becoming an architect. Ms. Zuniga said at some point, we need to look at renewal fees, and the statute currently has a cap of \$400. She mentioned that we are trying to be as conservative as possible with spending, and business modernization costs are taking a chunk of our budget. Additionally, the Assistant Executive Officer position will be held vacant for a longer period for salary savings purposes. Ms. Zuniga will provide budget updates at each board meeting.

Mr. Gladstone stated that the top line of numbers of prior year and current year under program expenditures is 16-17% higher; yet, in the notes section expenditure growth is projected at 3%. Ms. Munoz said that business modernization does increase expenditures. The 3% growth includes annual adjustments such as salary increases, employee compensation and retirement rate changes.

Public Comment

Mark Christian, American Institute of Architects CA (AIA CA), shared that they support the role of CAB and its ability to function fully funded. He mentioned that in 2009, CAB and AIA sponsored legislation to increase the cap to \$400. AIA CA is not opposed to increasing the fee and looks forward to working with CAB staff if a future fee increase is necessary.

2. Business Modernization

Ms. Zuniga shared that we are currently in stage 4 of 4 along with four other DCA programs. New software, InLumon, has been identified. The total projected cost is \$1.4 million for the Board, which puts pressure on our fund. Ms. Zuniga stated that business modernization has been added to the budget, and other costs increase such as personnel and pro rata. She explained that our system is antiquated causing the Board to be paper driven. The new system will allow licensees to apply, renew, and modify their licenses, and continuing education will be moved online. The automated process will assist staff and licensees.

Business Modernization has been in the works for many years and began when DCA originated a system called BreEZe. Ms. Kanaani asked if the new system

would include automation of the California Supplemental Exam, and Ms. Zuniga said the administration of the exam is separate because it is created in the Office of Professional Examination Services (OPES). Candidates are required to go into the test center to take the exam. She doesn't believe that DCA is looking at remote proctoring but will inquire.

Quarterly Report

Ms. Zuniga presented the quarterly report as follows:

- LATC met in August and will meet later this year to adopt its strategic plan. The Communications Committee met in September. The President will appoint new committees by the end of the year.
- Most staff continue to telework and DCA began testing staff who have not shown proof of vaccination in October.
- CSE Analyst, Rikki Parks, accepted a promotion in September, and we are recruiting to refill her position. A new Staff Services Manager I (Specialist) position was created to handle all of the regulations so they will be centralized and streamlined. Kimberly McDaniel, currently an AGPA in the Administration Unit, will be filling the position.
- Ms. Zuniga mentioned that Communications Analyst, Coleen Galvan, has been doing a good job posting on social media since her return from contact tracing.

Regulations Proposals. Our highest priority is the retired license fee, which is currently with the Legislative Affairs Division (LAD). We are making progress and have heard from interested licensees who would like to obtain a retired license.

We are also working on the regulations required for disability access continuing education and AB 1010 continuing education requirements regarding zero net carbon design (ZNCD).

Ms. Kwan asked about outside vendors who will provide ZNCD training and whether there is an approval process. Ms. Zuniga said we don't have authority to approve vendors, but the regulations will specify the CE content. Mr. Jones mentioned that AIA has agreed to provide courses without cost. Ms. Kwan mentioned that ADA CE courses have a certification that has wording that the course is approved for licensing renewal. Mr. Feng echoed Ms. Kwan's statement that the vendors indicate they are certified. Ms. Zuniga said we don't normally approve providers; however, if licensees have been audited for CE and approved, it may look as an informal approval. She will look into the subject. Ms. Zuniga

mentioned that current Board staff will absorb the workload for AB 1010, but we don't have the staff to approve providers.

Marcus Reinhardt, Exam and Licensing Manager, mentioned that we don't approve courses or providers but have a list of providers from whom we accepted coursework when auditing licensees for compliance with this CE requirement. The regulations will specify the content and further requirements such as an assessment and score. The providers would need to arrange their courses to meet regulations requirements.

Mr. Reinhardt stated there are a number of providers who are certified by the Board and the Enforcement Unit has asked them not to say they are approved by the Board. Ms. Kwan said that we may want to discuss this at a future board meeting. She said that since there's no budget for staff to do the certification, there are course providers who are saying they are approved. Mr. Feng said it will be an ongoing discussion between him and Ms. Zuniga. Ms. Zuniga stated the matter will be placed on the next Board agenda.

Ms. Zuniga continued her report and mentioned that licensing statistics have stayed consistent. Also, in the future, additional information will be provided about the types of enforcement cases that we process. Common violations stay the same. This information is also in our newsletter and online.

Mr. Feng asked how the newsletter is distributed because he doesn't receive it. Ms. Zuniga stated there is a list of subscribers that sign up to receive the newsletter, and she can send the newsletter to each Board member.

Mr. Feng addressed committees and committee assignments. He feels the committees need structure. He presented the idea of restructuring the committees before the end of the year with five members per committee: three active board members; one former board member and one public member. Mr. Feng said he would like to have at least two meetings per year and four maximum. Committee assignments should align with our strategic plan's three-year cycle. After three years, new members will be assigned. Ms. Zuniga suggested that we move this discussion to the Strategic Plan item.

There were no comments from the public.

H. Review and Approve Strategic Plan 2022-2024

The following edits and discussion ensued:

The Strategic Plan will cover 2022-2024. On page 2, the spelling of Robert Pearman's name is misspelled.

Professional Qualifications Committee (PQC). Mr. Pearman referred to Item 1.4 which reads, "Communicate to the public what the professional qualifications committee has suggested to the Board to promote the work the committee has done." Mr. Pearman related that we have had discussions about the Communications Committee being overburdened so it seems appropriate that PQC handles this item.

Regulatory and Enforcement Committee (REC).

Discussion began with Item 2.4, which reads, "Educate the public and practitioners regarding their roles when contracts are signed with a third party (contractor/developer)."

Ms. Kwan mentioned that the term "third party" is unclear. Mr. Jones reminded the Board members that the objective is to ensure that both the consumer and practitioner understands their roles when an architect signs with a general contractor to design a home. Mr. Feng offered that when an architect provides a service to a developer, the architect's concern is completing the project. It is important to educate the public and architects about the importance of understanding the written contract requirements before signing. Ms. Zuniga stated that we want to educate the public about their rights, and practitioners about their responsibilities, and Mr. Jones said that the rights and roles wording covers the intent.

Ms. Zuniga restated Item 2.4 will be revised to: Educate the public and practitioners regarding their rights and roles when contracts are signed.

Tara Welch, Board Counsel, said the Board can make a motion to adopt the strategic plan as modified. It was decided to approve the strategic plan today with changes.

Communications Committee. Ms. Zuniga said that much of this can be done easily, and any item with additional costs will be brought back to the Board. Ms. Kwan asked that "other" be removed in Item 3.5, which reads, "Spotlight other ethnicities/minorities in the profession to promote the profession."

Ms. Welch stated that item 3.5 does not capture the Board members' determination to increase diversity in the profession. Along with striking "other," a clearer statement could be "spotlight ethnicities/minorities to increase diversity in the profession."

Mr. Jones stated that we shouldn't overlook gender inclusion and the LBGT community. Mr. Feng said Item 3.5 is missing the reason why we are spotlighting, which is for diversity and inclusion. Ms. Zuniga shared that Mr. Jones made this

comment due to his experience in becoming an architect, and the lack of role models in the profession similar to himself. The thought is to spotlight those who are nontraditional to give young people the idea that they can become architects. Mr. Jones said the term “diverse communities” is all encompassing, and that we should challenge ourselves to include and pay homage to the broader community.

Mr. Jones mentioned working with partners such as AIA (which has a diversity committee) regarding newsletter articles. Mr. Feng suggested highlighting in CAB publications. Ms. Lewis recommended sending a survey to the architectural community asking them to nominate themselves to be featured in our communications pieces, thus generating a pool of people for the newsletter and social media. It could be a short clip with their photo, and it should be done once a month.

The revised wording of Item 3.5 is as follows: Publicize architects from diverse backgrounds to promote inclusion.

Ms. Serrano mentioned Item 3.3 does not require a licensed architect to create Alternate Dwelling Units, and we need legal clarification regarding how it affects CAB and licensees.

Ms. Zuniga revised Item 3.3 to: Develop communication regarding the requirements of Senate Bill 9 and its impact on the profession.

Ms. Zuniga said she will get an opinion from LAD and put on the agenda. Mr. Feng stated it will be placed on Communications Committee agenda.

Nilza Serrano moved to adopt the Strategic Plan for 2022-2024 as amended.

Ebony Lewis seconded the motion.

Public Comment: Glenn Gall commented regarding Senate Bill 9, and that it is one of several bills that have been codified. He stated that it’s already directly addressed by the Architects Practice Act, and it would be nice if all laws were addressed.

Ms. Serrano thanked him for his suggestion.

Members Gladstone, Jones, Kanaani, Kwan, Lewis, Pearman, Serrano, and President Feng voted in favor of the motion.

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

Ms. Zuniga mentioned that updates will be given by Mr. Feng, Ms. Kwan, and Ms. Serrano, who recently attended the recent Committee Summit held in Washington DC, when several NCARB committees met together.

Ms. Kwan is the liaison on the Exams Committee, which met with the Think and Rethink groups. The Think Tank has unlicensed members and Rethink Tank consists of new licensees. The Exams Committee also met with the Responsible Charge Committee that talks about specific processes about responsibilities before putting stamps on drawings. The next group meeting was with the Futures Task Force that projects and plans things 50 years into the future. Additionally, they met with the Diversity Collaborative, and the Licensing Advisory Forum. The Licensing Advisory Forum has a group of outside advisors such as the American Indian Architect Association, American Institute of Architects, American Institute of Architect Students, Association of Collegiate Schools of Architecture, National Architectural Accrediting Board, National Organization of Minority Architects, Society of American Registered Architects, and the Society for Design Administration. She reported the following:

1. People are worried about exam fees when they take it multiple times because it gets expensive.
2. Have a one-day day test because it forces people to take it seriously. Currently, the test is on a rolling clock and can be delayed due to busy lives.
3. Specializations. Take a general exam and then take specialized tests to receive additional certifications for special interests such as health care facilities, educational facilities, environment, etc.
4. Late career licensees. What to do about people who have been practicing 30 years and haven't gotten a license. How do we get them licensed?

Ms. Serrano mentioned that the Diversity Committee was initially created as a task force. The new leadership is pushing diversity, equity and inclusion (DEI) as part of NCARB's culture. They met with every committee to explain why DEI is important and why it would benefit NCARB as a whole--the profession needs to be relevant, especially for younger architects. Ms. Serrano believes it will become a permanent committee.

Mr. Feng said he virtually attended and is a member of the Futures Collaborative which is charged to understand the current trend of practices and to envision the future architecture of practice and regulatory landscape of architectural licensure.

Mr. Feng shared they talked about various approaches to licensure such as only education or examination requirements. His personal view is the experience

requirement should always exist, and he made the point that examination provides for reciprocity and a pathway for people without formal education.

Ms. Kwan mentioned the for-profit entity and spin-off of NCARB called Lineup. Lineup has developed propriety software for organizations that organizes volunteers.

There were no comments from the public.

K. LATC Report (Discuss and possible action regarding revisions to previously approved text to amend Title 16, Division 26, Article 1, Section 2630.2 (Appeal of Citations) and authorize rulemaking).

Stacy Townsend reported that to align with the Board, LATC amended its Appeal of Citations language. The Board approved the language last December, but LAD recommended changes. LATC would like the Board to adopt the revised changes and give authorization to initiate rulemaking.

Mr. Feng moved to approve and adopt the proposed regulatory text 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 nonsubstantive 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 text as modified and complete the rulemaking process.

Mr. Jones mentioned that LATC's advisory council has invested a lot of time in revision and he fully supports it.

Mr. Feng moved to approve and adopt the proposed regulatory text as modified.

Mr. Jones seconded the motion.

There were no comments from the public.

Members Gladstone, Jones, Kanaani, Kwan, Lewis, Pearman, Serrano, and President Feng voted in favor of the motion.

L. Review of Future Board Meeting Dates

Ms. Zuniga stated the next Board meeting is scheduled for February 25, 2022. Mr. Pearman has a conflict on that date so it will be rescheduled. Other future meeting dates are scheduled for May 20, September 9, and December 9, 2022, and can be changed if necessary.

The Open Session recessed at 12:24 p.m.

M. Closed Session - Pursuant to Government Code Sections 11126(a)(1) and (c)(3), the Board Will Meet in Closed Session to:

- 1. Perform the Annual Evaluation on the Executive Officer.**
- 2. Deliberate and Vote on Disciplinary Matters**

N. Reconvene Open Session

The Board reconvened Open Session at 2:54 p.m. with the following members present:

Tian Feng, President
Robert Pearman, Jr., Secretary
Malcolm "Brett" Gladstone
Ronald Jones
Mitra Kanaani
Sylvia Kwan

O. Adjournment

The meeting adjourned at 2:54 p.m.