

SUMMARY REPORT

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee

November 16, 2011
Sacramento, California
&
Various Teleconference Locations

LATC Members Present

Christine Anderson, Chair
David Allen Taylor, Jr. Vice Chair (via teleconference)
Stephanie Landregan (via teleconference)

Staff Present

Doug McCauley, Executive Officer, California Architects Board (Board)
Vickie Mayer, Assistant Executive Officer, Board
Norine Marks, Legal Counsel (substituting for Don Chang), Department of Consumer Affairs (DCA)
Trish Rodriguez, Program Manager, Landscape Architects Technical Committee (LATC)
Terri Villareal, Examination Coordinator, LATC
John Keidel, Enforcement Coordinator, LATC
Maryann Moya, Licensing and Administration Coordinator, LATC

Guests Present

J.C. Miller, Landscape Architecture Program Director, Department of Art and Design, University of California (UC), Berkeley Extension
Laura Morton, Vice President, Association of Professional Landscape Design (APLD) (via teleconference)
Jon Wreschinsky, President, California Council of American Society of Landscape Architects (via teleconference)

A. Call to Order – Roll Call – Establishment of a Quorum Chair's Remarks Public Comment Session

The LATC Chair Christine Anderson called the meeting to order at 9:40 a.m. and called the roll. Three members of the LATC were present, thus a quorum was established.

B. Approve July 19, 2011 LATC Meeting Summary Report

Stephanie Landregan noted a correction needed for the Summary Report for the July 19, 2011, LATC meeting. She noted Agenda Item G, Report on Council of Landscape Architectural Registration Boards (CLARB), should read exam sections “C and E” will be transferred to a computerized format instead of exam sections “B and D” will be transferred to a computerized format.

Laura Morton suggested a correction in the summary report under the “Guests Present” section to show Pamela Berstler as the Legislative Chair, California Chapter, Association of Professional Landscape Design.

- **David Taylor moved to approve the July 19, 2011, LATC Meeting Summary Report with noted edits.**

Stephanie Landregan seconded the motion.

The motion carried 3-0.

C. Program Manager’s Report

Trish Rodriguez presented the Program Manager’s Report. She stated the Committee had three staff vacancies from March 2011 to May 2011. She explained the Special Projects Coordinator position is vacant, and recruitment efforts will be focused on filling the position as soon as possible. She stated the Student Assistant position was vacated on September 15, 2011, and the workload of the position has been absorbed by staff. Ms. Rodriguez also noted that two LATC member positions remain vacant, to be appointed by the Governor.

Ms. Rodriguez reminded the Committee of Debbie Balaam’s presentation on the DCA BreZE project at the last LATC meeting. She explained DCA recently executed a contract to implement the BreZE system with Accenture. Ms. Rodriguez advised that DCA’s Office of Information Services has also implemented a freeze on legacy system modifications and workaround database systems due to their potential impact on BreZE.

Ms. Rodriguez provided an update on the Student Outreach Program. She explained landscape architect Jon Wreschinsky gave an outreach presentation for the LATC on October 26, 2011, at MiraCosta Community College. Ms. Rodriguez added that five schools in the regional area were invited to attend and approximately 22 students attended. She provided that a student outreach survey was conducted and a summary of the survey results was included in the meeting packet.

Ms. Rodriguez discussed the regulatory changes for California Code of Regulations (CCR) sections 2615, Form of Examination; and 2620, Education and Training Credits. She stated the rulemaking package was delivered to the DCA Legal Office on November 14, 2011. She also stated CCR section 2620.5, Requirements for Approved Extension Certificate Program would be discussed later in the meeting. Ms. Rodriguez explained that the proposed language to amend CCR section 2620.5 was previously approved by the Board in December 2010 and needs to be noticed with the Office of Administrative Law (OAL). She stated that she anticipated the package would be noticed and submitted to DCA’s Legal Office in the next couple of weeks.

Ms. Rodriguez advised that her two top priorities are filling staff vacancies and completing the regulatory package for CCR section 2620.5. She noted that the CCR section 2614 rulemaking package would be presented to the Committee to make a recommendation for Board approval later in the meeting. Ms. Rodriguez commented that the 2011/12 Strategic Plan has been posted to the LATC website as well as the upcoming LARE dates and transition information.

Ms. Rodriguez stated the LATC enforcement caseload statistics have been updated and the number of pending complaints has decreased 46% since September 2010.

Ms. Landregan asked when the regulatory changes to CCR section 2615 would become effective, now that the final rulemaking package is at the legal office. Ms. Rodriguez responded that the regulatory package is not at the OAL because it is still undergoing review and approval. She advised that the package is being expedited through the appropriate channels in order to meet the February 25, 2012 deadline. She noted the regulatory changes could go into effect in May 2012, if approved.

Ms. Landregan asked if an extension should be requested for the schools to provide an annual report. Ms. Anderson advised that we could not mandate an annual review if the regulatory changes have not become effective, and that we could only suggest that an annual review be provided by each extension program.

Ms. Anderson thanked Mr. Wreschinsky for providing the outreach presentation at MiraCosta Community College. She noted the information may have been useful to the participants earlier in their school careers. Doug McCauley suggested the LATC emulate the Board's practice by sending a communiqué to the schools each year in the Fall with a reminder about pathways to licensure. He also suggested sending a follow-up communiqué to the schools in April with another reminder about pathways to licensure.

Ms. Landregan requested that a breakdown of the number of students from each of the schools who attended the outreach program be included in future surveys. Mr. Wreschinsky noted that most of the students in attendance were from MiraCosta Community College. He stated there were three individuals who attended the presentation that may have been landscape designers who had questions regarding license requirements.

D. Update on Sunset Review Report – Senate Bill 543

Mr. McCauley shared that the Sunset Review process is complete. He noted Senate Bill 543 was signed by Governor Brown and becomes law on January 1, 2012. He advised that no issues were presented in the Senate Business, Professions and Economic Development Committee's final report for the LATC. Mr. McCauley further explained that one issue the LATC had to explain was regarding exam scores. He stated there were times when California's Landscape Architect Registration Examination (LARE) scores were lower than the rest of the nation; conversely, there were times when the scores were higher than the rest of the nation. Mr. McCauley explained that lower pass rates in California are due to California having greater flexibility in eligibility standards and multiple pathways into the profession than other states, which might result in scores that perform differently than the rest of country. He stated the Senate Business, Professions and Economic Development Committee was receptive to this response. Mr. McCauley explained the organizational structure model that the Board and the LATC developed for regulating their two professions is a model that other boards consider, as do other states. He

said it has proven to be a very effective way to structure our licensing systems. He noted that the Board for Professional Engineers and Land Surveyors recently took on the Board for Geologists and Geophysicists, and our structure is what they are considering.

E. Report on Council of Landscape Architectural Registration Boards (CLARB)

Ms. Anderson congratulated Ms. Landregan for being elected as CLARB Vice President. Ms. Anderson noted that she herself was elected as CLARB Region V Director. Ms. Anderson advised that she and Ms. Landregan attended the CLARB Board of Directors meeting during the prior week. She noted the importance of attending these meetings to obtain information on current CLARB issues.

Ms. Landregan noted that she told CLARB she would like to have additional opportunities to participate in the meetings for those that could not be there physically. She explained these issues were addressed by the CLARB Board of Directors, and action was taken to establish a committee to address this issue. She noted this was a direct result of the LATC asking CLARB to respond to the economic situation that is not just present in California but also in other states. Ms. Anderson asked if the committee would be formed between now and the spring meeting. Ms. Landregan responded she believed so, and the President will select the committee. She also stated CLARB's annual meeting will be held in San Francisco next year.

Ms. Anderson stated CLARB recently completed comprehensive research on the definition of "welfare." She explained CLARB is trying to deliver this research information to building officials and local jurisdictions, in addition to clients and others. She stated this would be good information to provide at the LATC strategic planning session for use in its Outreach Program. She explained it strongly enhances the understanding of the LATC's mission/mandate to protect the public's health, safety, and welfare.

Ms. Anderson discussed the upcoming LARE transition. She stated CLARB is changing the structure of the LARE from five sections to four sections. She noted CLARB's message to candidates is that the content of the LARE is not changing; the delivery of the LARE is changing. She stated sections C, D, and E will become sections 3 and 4. She noted candidates will have two opportunities to take two of the critical sections of the LARE between now and when the transition takes place in 2012.

Ms. Anderson discussed CLARB's advice to candidates who are already in the process of taking the LARE, to finish the remaining sections. She stated CLARB's advice to candidates who have not started taking the LARE is to take sections A and B in March 2012. She explained this is because sections A and B will transfer directly to sections 1 and 2 when the transition takes place. Ms. Anderson stated candidates should refer to the transition chart after the March 2012 examinations and take the appropriate sections as noted. She reiterated the importance of getting this message to the candidates.

Ms. Rodriguez stated that the LATC has included vital LARE information on the LATC website in an effort to provide this information to candidates. She also stated the last exam results identified pending candidates who still have sections to complete. She noted exam results for pending candidates included a notification of the upcoming LARE change.

Mr. Taylor asked if the graphic section of the new LARE is going to be administered via computer. He stated that his understanding is that the new graphic section will not use Computer-Aided Design software. Ms. Landregan responded that it is a drag-and-drop system with vignette sections. She noted all of elements that would normally be notations on a design will be on the computer. She explained the advantage to this is that more vignettes can be administered because there is no drawing time and a candidate's skill-set can be tested multiple times resulting in a better understanding of their true knowledge. She noted the new LARE graphic section also eliminates the subjective human factor involved in testing. She stated it is clear on the computer if a candidate has met the testing criteria and that scores can be quickly calculated and competencies can be tested more than twice. Ms. Landregan mentioned that the final score will be an average of the scores. She explained averaging the scores is beneficial to the candidates if they make an error(s) because it means candidates will not be as heavily penalized.

Ms. Anderson stated CLARB is launching a pilot of the new exam in June 2012. She noted that CLARB is launching the pilot so they can resolve any issues before they move to the full administration of the exam. Ms. Landregan explained the pilot is open to 18 unlicensed candidates who will be selected from across the country. She noted the scores the candidates receive will not count towards the actual test, but it will allow them to gain familiarization with the new format. She also noted CLARB will pay for the pilot exam for these 18 individuals.

Ms. Anderson stated CLARB is changing their testing vendor from Prometric Inc. to Pearson PLC. She stated the reason is that Pearson provides a better quality environment for the testing centers and it is more focused towards the needs of landscape architecture. She explained Pearson also has three levels of testing centers to administer the exam. She explained they will bring on other levels of testing centers as needed, which could affect candidates in outlying areas with limited access to the main testing centers. Ms. Landregan suggested Pearson should send the LATC a list of testing centers in California.

F. Review and Approve Proposed Amendments to California Code of Regulations, Title 16, Division 26, Section 2614 Examination Transition Plan and Make Recommendation to the Board

Ms. Rodriguez stated the proposed changes to CCR section 2614 include new language to allow credit to candidates for LARE sections previously passed once the LARE transitions from five sections to four in September 2012. She noted this proposed regulatory amendment will contain an expedited review so that it can be in place in time for the transition in September.

Ms. Landregan asked if an effective date is needed for this change. Vickie Mayer noted that the proposed regulatory language added the new transition plan to the end of CCR section 2614. She explained that this section had prior transition plans going back to LARE credit in 1992.

Ms. Mayer also explained once the language is approved by OAL, the effective date would be 30 days after it is filed with the Secretary of State office, unless we request that it be effective upon filing with the Secretary of State. She strongly encouraged the change be effective upon filing with the Secretary of State to shorten the process. She noted this will decrease the effective date by 30 days and candidates will be given credit for any previous sections they have passed according to the transition chart established by CLARB. She explained this pattern follows the Board's model in its regulations of allowing credit for exam sections that were previously passed.

Ms. Mayer explained once the LATC approves the proposed amendments, the LATC is recommending to the Board that they approve the package to proceed with the regulatory process. She noted the Board is meeting December 7, 2011, and one of their agenda items is to review and consider the LATC's recommendation. Ms. Mayer noted Ms. Rodriguez worked very hard to get this regulatory proposal done quickly.

- **Stephanie Landregan moved to approve the proposed amendments to CCR section 2614, Examination Transition Plan and recommend to the Board to proceed with the regulatory proposal with an effective date upon filing with the Secretary of State.**

David Taylor seconded the motion.

The motion carried 3-0.

Norine Marks suggested a second motion to allow staff to work with legal counsel to make any non-substantive changes to the regulatory package.

- **Stephanie Landregan moved to allow staff to work with legal counsel to make any non-substantive changes to the proposed amendments to CCR section 2614, Examination Transition Plan, if needed.**

David Taylor seconded the motion.

The motion carried 3-0.

G. University of California (UC) Extension Programs' Certification

Ms. Anderson explained both the UC Berkeley and University of California, Los Angeles (UCLA) landscape architecture extension program approvals were scheduled to expire in 2010. She stated at the July 28, 2011 LATC meeting, the approvals were extended to expire at a specified date in 2012. She noted both extension programs were sent letters with this information in August 2011. She explained a factor in setting the date in 2012 was the time needed for the extension programs to conduct their own self-evaluation report (SER). She noted after a subcommittee discussion and review of the programs between herself, Ms. Rodriguez, and Carmen Alexander, the former LATC Exam Coordinator, they decided training is required for those who are reviewing the extension programs to understand the needs of the LATC. She presented several issues for the LATC to consider: review of the timetable to ensure 2012 is still a valid time frame, and potentially give the extension programs specific dates to provide the LATC with all needed elements. She mentioned the need for the LATC to appoint another subcommittee and to discuss training items that need to be provided for the review committee that reviews both extension programs. Ms. Landregan asked what action the LATC needs to take if we are proposing to extend the time frame.

Mr. McCauley noted that before the LATC discusses this item further, legal counsel needs to first clarify Ms. Landregan's relationship with UCLA to address any potential conflicts of interest, and the rule of necessity for voting. Ms. Landregan stated she is the Program Director for the UCLA Extension Landscape Architecture Program. She stated her role is to run the Program and to fulfill the requirements that are set forth by the LATC; therefore, she has a vested monetary interest because she is paid by the Program. Ms. Marks noted that generally, with this kind of interest in the matter before the Committee, you would recuse yourself from any discussion and voting. She explained if there is a need to vote in order to take valid action

and you need that person to fulfill a quorum, and then the “rule of necessity” would allow the recused person to vote on that item.

Ms. Anderson invited discussion about the timetable and whether or not we need to consider an extension beyond 2012. Mr. Taylor asked if the SER process had begun in either of the programs. Ms. Landregan responded that the process had not begun for UCLA. J.C. Miller said the process had not begun for UC Berkeley.

Mr. Miller stated he is aware the SER is forthcoming and explained he has never participated in completing an SER so he would need a minimum of six months. He stated he has received additional funds for extra staffing.

Ms. Landregan stated she has also never performed an SER since she has been the Director. She noted the last time an SER was performed, it took approximately one year to complete. She explained this was due to the time involved in coordinating with the instructors and students, gathering the data, and identifying additional funds to be incorporated into the budget. Ms. Landregan mentioned she is prepared to update her budget to include funds for an SER, but it would be helpful to know a time frame to assist in the allocation of funds. Ms. Landregan discussed UCLA’s specific funding and hiring criteria in order to move forward. She noted that the UCLA landscape architecture extension program does not have guidelines from the LATC on how to conduct the SER.

Ms. Anderson noted that the initial background information has been collected which will be used for the upcoming SER, but the SER criteria and corresponding LATC review form have not been developed from this information. Mr. Taylor noted that since the SER criteria and corresponding review form have not been formally developed, the dates cannot be discussed. He asked if the LATC can formally add SER preparation to the agenda for the next LATC meeting. Ms. Rodriguez asked if this is something for the new subcommittee to examine. Ms. Anderson stated the new subcommittee should examine the work that will be done on the SER and place it on the LATC’s agenda for approval.

Ms. Anderson asked if we need to take any additional action or approve any new language for the SER procedures in addition to the language that was already approved for CCR section 2620.5. Ms. Landregan explained that legal counsel, Don Chang, made it clear at the last meeting the regulations state the LATC would prepare procedures and that we did not have to go into detail as to what those were. Ms. Anderson concurred and stated that staff was given the authorization to work with this information to ensure the details were taken care of. Ms. Anderson stated there is a time frame of approximately over a year for the SER to be completed. She noted from the LATC’s point of view, we need at least 30 days to prepare procedures and then a year from that point for the extension programs to respond.

Ms. Landregan stated she would like to discuss the sequence of events needed to start the SER process. She stated another subcommittee needs to be formed, the SER needs to be reviewed and revised for approval by the LATC, and it needs to be made public for comments. She noted after that, it would take a time frame of six months to one year for an SER to be completed. Ms. Landregan stated administrations have changed in both extension programs and that significant SER data has changed as a result. She also suggested the schools provide an annual update to monitor where they are currently in the process. Ms. Anderson stated she is concerned that we would be asking for an update on information that is already six years old.

Ms. Anderson suggested that the LATC request the schools to complete the SER and provide the annual update afterwards.

Ms. Rodriguez explained the LATC requires an annual update following the SER in the proposed regulatory changes to CCR section 2620.5. She questioned how we can impose the requirement on the schools since there is currently no regulatory requirement for the UC extension programs to do so. Ms. Landregan suggested that the LATC could ask the schools for a voluntary update including certain items such as changes to the instructors, curriculum, and administration.

Ms. Anderson asked if there is a time frame when the regulatory package would be approved. Ms. Rodriguez stated the package has not been noticed by OAL and staff is just starting with the regulatory process. She stated it may be a year out until completion and approval.

Mr. Miller stated the UC Berkeley Extension Certificate Program would be happy to give a voluntary report. He asked if the timing of the voluntary report can be considered in the relationship to the due date for the SER. Ms. Anderson suggested a tentative date for the SER in 2013. She stated the LATC should ask for a voluntary update during 2012 so we can keep apprised of their programs, keeping in mind the current baseline for an update is six years prior to the new date.

Ms. Mayer asked how the review criteria would be established. Ms. Anderson stated the LATC will work with staff and the new subcommittee to establish the criteria. Ms. Anderson stated they need to form a subcommittee and identify the metrics for the extension program to use as a guideline for future development.

Ms. Marks stated the regulations do not mention other procedures. She noted it appeared that the LATC is referring to a separate subcommittee to approve procedures and for that same subcommittee to review a SER and its contents. Mr. McCauley suggested that we send our communiqué to the schools requesting certain specified information to be returned to us on a specified date. He noted the subcommittee may do a site visit and lay out all the steps in conducting a review.

Ms. Mayer stated the new subcommittee could review the SER and develop review procedures while the regulation package is pending approval. Ms. Anderson noted she wants to provide the SER to the programs in anticipation of the regulation being approved and what would be implemented once it is approved.

Ms. Marks asked if the annual report is the same as the SER. Ms. Landregan responded the annual report is to keep LATC current on any important changes that may occur in the UC Extension programs. Ms. Marks stated she was unclear where the SER fits into the process since it is not specified in the existing or proposed regulations. Ms. Landregan stated the SER is vaguely mentioned in CCR section 2620 of the Landscape Architects Practice Act.

Ms. Mayer asked if LATC can recommend to the Board to proceed with the regulatory proposal to change the "February 26, 1990" date of the "Accreditation Standards for Programs in Landscape Architecture" shown in section 2620, to reflect the new date and new title of the current curriculum, even though this action is not on the meeting agenda. Ms. Marks responded it is not itemized on the agenda, but if practice has been to delegate staff to work with legal

counsel to make non-substantive changes, then the LATC could do so before the package is noticed. She explained that updating the publication in such a way is not greatly substantive, but the LATC should defer to a decision by Mr. Chang. Ms. Landregan recommended that subsection (b) of CCR section 2620 be changed to reflect the Landscape Architectural Accreditation Board (LAAB) standard of February 6, 2010. Ms. Anderson recommended we consult with Mr. Chang to clarify if such changes fall under the prior approval.

Ms. Anderson stated she would like to formulate a review development committee in January 2012 that will include licensed academics from the American Society of Landscape Architects (ASLA), potentially with experience from LAAB. She also noted she would like someone who has prior experience conducting the extension program reviews to be on the review development committee. She stated there were six people on the last review committee and at least one of those members should continue to be involved or participate in the next development and review process. She stated there were three separate people reviewing each of the extension programs in the last review. She explained it is important that the same members review both programs for both of the upcoming reviews. Ms. Landregan concurred, and stated one member should be from Northern California and another from Southern California. Mr. Taylor agreed, and stated there should be someone who has been involved in the LAAB program before. He recommended a review committee composed of five people reviewing both extension programs.

Ms. Rodriguez asked for clarification on what the next steps are to establish the review development committee. Ms. Landregan suggested Ms. Anderson appoint the review committees. Mr. Miller asked for the proposed timeline. Ms. Landregan recommended the extension programs provide an update of any changes in personnel, material buildings, or other critical factors in the credentialing process in 2012. Ms. Landregan recommended a voluntary update to the LATC in 2012 and the SER be completed by December 2013, unless the regulatory package is not approved a year prior. She proposed the SER to be required one year after the date of enactment of the changes in CCR section 2620.5.

- **Christine Anderson moved to ask the Extension Programs to prepare a voluntary update in March 2012 to identify and review substantive changes that are outlined in the criteria specified in CCR section 2620.5 proposed regulations.**

David Taylor seconded the motion.

The motion carried 2-0-1 (Stephanie Landregan abstained).

- **Christine Anderson moved to extend the Extension Programs' expiration date to December 31, 2013 in light of pending regulatory changes to CCR section 2620.5 and provided the changes have been approved by OAL.**

David Taylor seconded the motion.

The motion to carried 2-0-1 (Stephanie Landregan abstained.)

H. Review and Approve Complaint Disclosure Procedures

Ms. Rodriguez stated John Keidel, LATC's Enforcement Coordinator drafted the new LATC Public Information Disclosure Procedures contained in the meeting packet using the Board's approved procedures as a guide. She explained the development of the procedures is an objective in the LATC's 2010/11 Strategic Plan. She noted website disclosure guidelines

previously approved by the LATC were incorporated into the Public Information Disclosure Procedures and were reviewed by DCA's Legal Office.

Mr. Taylor asked how long citations and history are reported on the LATC's website. Ms. Mayer explained the public disclosure criteria for disciplinary actions, citations, and complaints are set by the LATC retention schedule. She stated the LATC previously voted to limit citation disclosure on the website for five years; however, citations are still disclosable according to the retention schedule. Ms. Mayer stated that staff will check if the complaint disclosure guidelines are shown on the LATC website, and that the Board may already have a similar section on their website to use as a model if it is not already on the LATC's site.

Ms. Morton asked if a citation is dismissed if it could include a statement whether it was dismissed with or without merit. Ms. Anderson explained we are allowed to disclose the decision for the citation; however, the decision does not specify if it is with or without merit, so we cannot include that information.

- **David Taylor moved to approve the Public Information Disclosure Procedures as presented in the meeting packet.**

Stephanie Landregan seconded the motion.

The motion carried 3-0.

I. Review Tentative Schedule and Confirm Future LATC Meeting Dates

Ms. Anderson noted the upcoming Board meeting scheduled for December 7 – 8, 2011 in San Diego and also the LATC Strategic Planning meeting in Berkeley on January 23 – 24, 2012. Mr. Taylor was identified to attend the Board meeting in December.

Ms. Anderson stated a Board meeting will be held in March 2012 with the location and date to be determined. She noted the LATC will discuss future LATC meeting dates at the Strategic Planning meeting in January 2012.

Ms. Landregan requested to add the ASLA annual meeting scheduled for September 28 - October 1, 2012 in Phoenix, AZ to the schedule of meeting dates.

Ms. Anderson shared that the CLARB Spring meeting is scheduled for February 24 – 25, 2012 in Coral Gables, FL and the annual meeting is scheduled September 13- 15, 2012 in San Francisco.

Adjourn

- **Stephanie Landregan moved to adjourn.**

DJ Taylor seconded the motion.

The motion carried 3-0.

The meeting adjourned at 12:51 p.m.