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## SUMMARY REPORT

### CALIFORNIA ARCHITECTS BOARD LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

Sunset Review Task Force Meeting  
August 15, 2002  
Sacramento, California

#### MEETING ATTENDED BY:

##### Sunset Review Task Force Members Present

Dennis Otsuji, Chair  
Richard Ciardella  
Linda Gates  
Tom Lockett  
David Mitchell  
Richard Zweifel

##### Staff Present

Doug McCauley, CAB Executive Officer  
Vickie Mayer, CAB Assistant Executive Officer  
Mona Maggio, LATC Program Manager  
Patricia Fay, Licensing Coordinator  
Mary Anderson, Examination Coordinator  
Erin Mynatt, Enforcement Coordinator  
Justin Sotelo, Enforcement Analyst

##### Guests Present

Cynthia Choy Ong, CAB Member  
Sandra Gonzalez, LATC Member  
Dong Chang Legal Counsel (arrived at 9:45 a.m.)  
William Roach, President-elect, American Society of Landscape Architects, Sierra Chapter  
(arrived at 8:45 a.m.)  
David Tatsumi, LATC Member

#### **A. Welcome and Introductions**

Sunset Review Task Force (SRTF) Chair Dennis Otsuji called the meeting to order at 8:15 a.m. Mr. Otsuji stated that the focus of today's meeting would be: 1) review Part I of the Sunset Review Report; 2) identify the status of SRTF assignments relating to Part II of the Sunset

Report; and 3) discuss and possibly approve suggested statutory changes to the LATC Practice Act.

Mr. Otsuji added that he would like to schedule a one-day SRTF Meeting to be held prior to the end of the year to review both Part I and II of the Sunset Report.

**B. Approval of February 7, 2002 Sunset Review Task Force Summary Report**

- ◆ **Linda Gates moved to approve the February 7, 2002 LATC Summary Report.**
- ◆ **Richard Zweifel seconded the motion.**
- **The motion carried 4-0-2.**

**C. Report on Sunset Review Task Force Assignments**

Ms. Maggio advised the SRTF that staff is continually working on both Part I and Part II of the Sunset Report and added that the copy of Part I which was emailed to the SRTF and LATC members on August 9, 2002 has been updated. Ms. Maggio distributed a copy of the most recent draft of Part I to the SRTF. Mr. Otsuji asked the SRTF to provide Ms. Maggio with their edits/comments at the end of today's meeting but provided an opportunity to share comments and ask questions during this time. Mr. Otsuji stated the first paragraph of Part I needs a clearer definition of landscape architecture; it might be too technical for the Joint Legislative Sunset Review Committee (JLSRC). Ms. Maggio explained that this paragraph is the law as written in the Landscape Architects Practice Act. Richard Ciradella stressed that it is vital to state the resources and actual collaborative efforts and joint studies shared between the Board and LATC. Suggestions provided: 1) complaint disclosure study; 2) judgement and settlement reporting; 3) the LATC utilizes the Board as a starting point when beginning a project/study on an issue. David Mitchell recommended that Staff add that the Strategic Plan is used as a tracking system of LATC accomplishments.

Doug McCauley advised the SRTF that Senate Bill 2025 which addressed the Sunset Review process and extends the sunset date for the Board and LATC for an additional year was on the consent calendar in the Senate Appropriations Committee. The bill must clear the Assembly floor and then the bill would be forwarded to the Governor for his review and signature. Mr. Ciradella suggested that the LATC and the California Architects Board (Board) schedule a strategy meeting with the Department of Consumer Affairs (DCA) Sunset Review Committee in October 2002. Mr. McCauley offered to review the Joint Legislative Sunset Review Committee's (JLSRC) hearing schedule and recommend one for the SRTF and LATC members to attend. This will allow individuals to attend the hearings of other boards and bureaus under DCA to acquire a more comprehensive understanding of the hearing process.

Mr. Mitchell reported that the California Chapter of the American Society of Landscape Architects (CCASSLA) would hold its spring meeting March 28-29, 2003 and added that this would be a good opportunity for the LATC to meet with the CCASSLA to discuss and strategize the issues for the upcoming JLSRC Hearings.

## **D. Suggested Statutory Changes to the Landscape Architects Practice Act**

Erin Mynatt presented this agenda item. Ms. Mynatt stated that the 2002 Strategic Plan directs the LATC and Staff to assess extent of unlicensed activity, review the current exemptions and recommend appropriate course of action and although the LATC has set a target date of June 2003, the approaching date of Sunset Review, the issue of clarification of exemptions and scope of practice is of great importance. Ms. Mynatt reminded the SRTF that in the JLSRC 1996 findings, it was noted that the Board of Landscape Architects had expressed difficulty in determining unlicensed activity under the Practice Act and that the multiple exemptions posed a difficulty in fairly determining what is exempt. In addition, the enforcement program has continually encountered consistent concerns and issues relating to the exemptions as currently stated in the Practice Act.

### **1. Discuss and Make Possible Recommendations to Amend Business and Professions Code Sections:**

#### ▪ 5640 Unlicensed Person Engaging in Practice-Sanctions

Ms. Mynatt stated that in developing the proposed amendment to Business and Professions Code (BPC) section 5640 she referenced the Council of Landscape Architectural Registration Boards (CLARB) Model Law and State of Florida Law (481.329,4). Don Chang clarified that the term "L.A." did not need to be included as it was covered in the statute under abbreviations. With minor edits, the SRTF agreed to recommend the amendment to BPC 5640 to the LATC.

#### ▪ 5641 Chapter Exceptions, Exemptions

Ms. Mynatt reported that she met with Mr. Otsuji and Mr. Chang for guidance in drafting an amendment that would serve as a starting point for this discussion. The SRTF reviewed the suggested language and recommended: 1) the statute not exempt titles but exempt actions; 2) define the term "garden designer"; and 3) reference in the statute that the exceptions/exemptions refers to single family residential projects. The SRTF agreed that this issue needs additional research and input from non-licensed individuals as well as licensees who primarily work in residential settings. The SRTF agreed to recommend to the LATC that a Task Force be appointed to work on the amendment to BPC 5641. The SRTF recommended that the Task Force be comprised of a minimum of five members, and include representation from a garden designer and one member from the LATC. Mr. Otsuji asked the SRTF to submit to him the names of individuals who might be interested in participating on the Exemptions/Exceptions Task Force.

#### ▪ 5641.5 Golf Course Architects Exempted and 5645 Irrigation Consultants Exempted

Ms. Mynatt explained that BPC 5641.5 and 5645 were included for the SRTF's review and discussion of any amendments that should be made to clarify the exemptions of Golf Course Architects and Irrigation Consultants. The SRTF agreed that at this time there are no issues with either statute.

- 5657 Business Address Change-Notice Requirement

Ms. Mynatt stated the proposed amendment further clarifies the required addresses of record, reconciles the statute and California Code of Regulation section 2604 and aligns the statute with the similar law for the Board. The SRTF directed Staff to work with Mr. Chang to finalize the language to amend the statute and agreed to recommend the amendment to BPC 5657 to the LATC.

- 5659 Inclusion of License Number-Requirement

Ms. Mynatt stated the proposed amendment clarifies the requirements for stamp, signature etc. on instruments of service (plans), and aligns the statute with the similar law for the Board. The SRTF directed Staff to work with Mr. Chang to finalize the language of the amendment and agreed to recommend the amendment to BPC 5659 to the LATC.

## **2. Discuss and Make Possible Recommendation to Amend the Landscape Architects Practice Act Relating to Unlicensed Landscape Architectural Practice in Political Subdivisions:**

Ms. Mynatt stated that drafting language for a proposed statute she referenced the California Board for Professional Engineers and Land Surveyors, Missouri State Law (327.421), and the Public Contract Code. The intent of the proposed statute is to require public entities to work with licensed landscape architects on public works projects. After discussion, the SRTF recommended that staff further research this proposal by: 1) determine the affected groups; 2) determine opposition groups; 3) contact Roy Hamburg as a resource for the engineers.

## **E. Discuss and Make Possible Recommendation Regarding Joint Legislative Sunset Review committee's 1996 Finding Relating to Professional Competence of Landscape Architects**

Ms. Mynatt presented this agenda item. Ms. Mynatt stated that the 2002 Strategic Plan directs the LATC and Staff to "Discuss issues of continued competency in landscape architectural practice to determine potential course of action." The LATC has set a target date of June 2004, however, with the approaching date of Sunset Review, the issue of continued competency needs to be addressed.

Ms. Mynatt advised the SRTF that in the Joint Legislative Sunset Review Committee's (JLSRC) 1996 Findings, it was noted that the Board of Landscape Architects had expressed an interest in exploring options of continuing education for its licensees, yet had not initiated a continuing education requirement for renewal of licensure. Also the Council of Landscape Architectural Registration Boards (CLARB) has established uniform continuing education standards. Additionally, numerous states are adopting continuing education requirements for licensees at the time of license renewal.

Ms. Mynatt concluded that because this was a major finding in the 1996 report, Staff requests the SRTF provide a recommendation as to how to address this concern in Part II of the Sunset Review Report. The SRTF suggested the following for input into Part II: 1) clarify that continuing education is one avenue to ascertain post licensure professional competency; 2) reference the Board's study on post licensure competency and that based on this study no trends were identified that would require mandatory continuing education at this time; 3) the

LATC tracks complaints to identify a pattern that may be remedied by continuing education; 4) the LATC uses communication vehicles such as its newsletter and Web site to update licensees of new issues; 5) the LATC supports continuing education but at this time does not have data to require it be mandatory.

**F. Review and Update Work Plan and Timeline**

The timeline was reviewed and updated by Staff and SRTF. Mr. Otsuji asked SRTF members to review assignment chart and get back to Staff on any unresolved issues for Part II and to leave their comments for Part I with Ms. Maggio today.

The next SRTF meeting is scheduled for October 11, 2002 in the Board's office in Sacramento.

The meeting adjourned at 11:30 a.m.