



SUMMARY REPORT
CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

December 14, 2001
Sacramento, California

Committee Members Present

Sandra Gonzalez, Chair departed at 11:00 a.m.
Linda Gates, Vice-Chair
David Tatsumi

Staff Present

Doug McCauley, CAB Executive Officer
Vickie Mayer, CAB Assistant Executive Officer
Mona Maggio, LATC Program Manager
Mary Anderson, Examination Coordinator
Justin Sotelo, Enforcement Coordinator
Patricia Fay, Licensing Coordinator
Don Chang, Legal Counsel

Guests Present

Dennis Otsuji, LATC Sunset Review Task Force Chair
Rick Ciardella, LATC Sunset Review Task Force Member
Tom Lockett, LATC Sunset Review Task Force Member
Dave Mitchell, LATC Sunset Review Task Force Member
Richard Zweifel, LATC Education Subcommittee Chair
Heather Clendenin, UC Berkeley Extension Certificate Program Director
Alexis Slafer, UCLA Extension Certificate Program Director

Call to Order - Roll Call - Establishment of a Quorum

Chair Sandra Gonzalez called the meeting to order at 8:30 a.m. and Mona Maggio, Landscape Architects Technical Committee (LATC) Program Manager called the roll.

Closed Session - Discussion of the California Landscape Architects Licensing Examination
[Closed Session Pursuant to Government Code Section 11126(c)(1)]

Closed Session pursuant to Government Code Section 11126 (c)(1).

Chair's Remarks

Ms. Gonzalez indicated that there are four agenda items that would require action by the LATC at today's meeting. And there is one item, Agenda Item J that she request be tabled until after Sunset Review

Public Comment Session

There were no public comments.

Review of the October 25-26, 2001 Summary Report

The October 25-26, 2001 LATC meeting summary report was reviewed and approved.

- ◆ **Linda Gates moved to approve the October 25-26, 2001 Landscape Architects Technical Committee Summary Report.**
- ◆ **David Tatsumi seconded the motion.**
- ◆ **The motion carried unanimously.**

Program Manager's Report

Mona Maggio reported that a Budget Change Proposal (BCP) to augment the expenditure authority to cover the cost of purchasing and administering the Landscape Architect Registration Examination (LARE) had been approved by the Department of Finance (DOF). Although \$70,000 for fiscal year 2002/03 and ongoing had been requested, only \$52,000 was approved. Ms. Maggio stated that the LATC will have to redirect \$18,000 from another line item to cover the cost of purchasing the LARE.

Ms. Maggio indicated that there are still two vacancies (Governor's appointments) on the LATC.

Ms. Maggio reported that as part of the Communication Plan a licensee roster will be distributed to Building Officials as part of an outreach program coordinated through the California Architects Board. Ms. Maggio stated that rosters are scheduled to be mailed in December 2001. She added that as part of the LATC Communication plan, Staff drafted a cover letter and would distribute the consumer guides to California chapters of the National Association of Residential Property Managers, members of the California Building Industry Association, and members of the California Association of Realtors in December 2001.

Ms. Maggio announced that LATC member David Tatsumi accepted an invitation to serve on CLARB's Model Law Committee. She reported that Mr. Tatsumi will attend the Committee meeting on January 4 – 5, 2002 in Washington D.C. The key issues for discussion at this year's meeting include scope of practice and prerequisites for the Landscape Architect Registration Examination (LARE). Mr. Tatsumi asked LATC members for issues that he could present on behalf of the LATC. Ms. Maggio informed the LATC that the Elections for Directors for

Regions I, III and V will be held at the 2002 Spring Regional Meeting scheduled for March 1 – 3, 2002 in Cincinnati, Ohio.

Ms. Maggio deferred reporting on the Market Conditions Assessment, as this topic would be discussed under Agenda Item G.

Ms. Maggio announced that the Fall 2001 Newsletter was mailed on November 6, 2001 to examination candidates, current and delinquent licensees, CLARB member boards and the LATC's interested parties' list. She stated that the Winter 2002 Newsletter is expected to be mailed in early February 2002.

Ms. Maggio informed the LATC that Justin Sotelo had accepted a part time Graduate Student Assistant position with the Central Valley Regional Water Quality Control Board, Storm Water Unit, effective December 5, 2001. However, Mr. Sotelo was notified that due to a lack of funding the hiring offer was rescinded. Ms. Maggio shared that Mr. Sotelo expressed a desire to continue his employment as a staff services analyst at a reduced time base. Ms. Maggio was pleased to announce that effective January 1, 2002 Mr. Sotelo would work three-fifths time. Ms. Maggio advised the LATC that staff would request an exemption from the hiring freeze based on staff size and workload needs to fill the vacant the student assistant position and a staff services analyst position.

Ms. Maggio reported that the LATC's 2002 Strategic Planning session would be held in conjunction with the LATC meeting scheduled for February 7-8, 2002 at the University of California, Los Angeles and that Daniel Iacofano, of Moore Iacofano Goltsman, Inc., would facilitate the strategic planning session. She also reported that staff would attend a strategic planning preparation meeting with Mr. Iacofano on January 7, 2002.

Ms. Maggio gave a brief overview of the Sunset Review Task Force that was appointed at the August 17, 2001 LATC meeting. Dennis Otsuji was selected as Chair, and Linda Gates, Rick Ciardella, Tom Lockett, Dave Mitchell, Niles Nordquist, and Richard Zweifel were appointed as Task Force members. The group met on September 4, 2001 in Danville and reviewed the 1995 Sunset Review Report (prepared by the former Board of Landscape Architects) and the 1996 Joint Legislative Sunset Review Committee Findings and Recommendations Report. Task Force member assignments and timelines were established at this meeting. The Task Force met again on October 25, 2001 at California State Polytechnic University, Pomona to discuss the status of assignments and to review the Work Plan and timelines. Mr. Otsuji directed the Task Force members to submit assignment updates to staff by November 26, 2001. Mr. Otsuji presented a Task Force status report to the LATC at its October 26, 2001 meeting. The Task Force is scheduled to meet on December 14, 2001 in conjunction with the LATC's meeting in Sacramento. A copy of the October 25, 2001 Sunset Review Task Force Summary Report was handed out during the December 14, 2001 meeting.

Ms. Maggio reported that at the October 25, 2001, Sunset Review Task Force Meeting, the Task Force discussed Business and Professions Code section 5678.5, Board Receipt of Report on Insurer's Settlement or Arbitration Award and section 5679.5, Report to Board on Settlement or Arbitration Award; Compliance with section by Counsel. Ms. Maggio further stated that staff informed the Task Force that neither insurance companies who provide professional liability insurance to licensees nor licensees were complying with the reporting requirements to the Board on any settlement or arbitration awards in excess of \$5,000. Ms. Maggio announced that On

November 28, 2001 letters were mailed to 11 insurance companies reminding them of the reporting requirements under Business and Professions Code section 5678.5 and to report any settlement or arbitration award within the last five years to the LATC.

Additionally, the Task Force had requested staff to research adding a reminder to the license renewal notice advising licensees of the reporting requirements of Business and Professions Code sections 5678.5 and 5679.5. Ms. Maggio informed the LATC that Staff had met with personnel from the Department of Consumer Affairs to discuss the criteria for adding information to the license renewal notice and that based on that discussion Staff would be drafting language to add under the Reminder section on the license renewal notice. She added that the language would require approval by DCA's Legal Office before it could be added to the renewal notice.

Ms. Maggio reported that current licensee listings were posted to the LATC's Web site on October 30, 2001 and November 29, 2001. She stated that the Fall 2001 Newsletter was posted on November 13, 2001.

Ms. Maggio reported that on November 16, 2001, 39 candidates reviewed their failed graphic performance sections from the June 2001 Landscape Architect Registration Examination (LARE). She informed the LATC that the review sessions were held at the LATC's office in Sacramento and at the University of California, Los Angeles (UCLA) Extension Certificate Program in Westwood. She shared that most candidates commented that the reviews were helpful in identifying the detail CLARB is looking for in each vignette.

She stated that 180 have applied for Sections C and/or E of the LARE, which would be administered on December 3-4, 2001 at the Riverside Convention Center in southern California and the Sacramento California Exposition and State Fair facilities in northern California.

Ms. Maggio announced that the proposed regulations to amend California Code of Regulations sections 2620.5, Requirements for an Approved Extension Certificate Program; 2649, Fees; and 2671, License Number Required in Public Presentments and Advertising were sent to the State and Consumer Services Agency on July 17, 2001. The regulations were approved by Agency on August 7, 2001 and forwarded to the Department of Finance (DOF). She stated that once approved by DOF, the rulemaking file will be returned to DCA's Director for final review and approval before being forwarded to the Office of Administrative Law.

Ms. Maggio gave an overview of the case pending at the Office of the Attorney General stating that on July 9, 2001, an informal conference, involving citation number 01-04, was held at the Board's office. In attendance were Executive Officer, Doug McCauley; Former LATC Program Manager, Gretchen Kjose; Enforcement Coordinator, Justin Sotelo; respondent; and respondent's Attorney. The Informal Conference Decision affirmed the Citation as issued on August 8, 2001, requiring the respondent to pay an administrative fine in the amount of \$1,000. Upon receipt of the Informal Conference Decision, the respondent confirmed a request for a formal administrative hearing. On September 18, 2001, the case was forwarded to the Office of the Attorney General for assignment and scheduling of a hearing with the Office of Administrative Hearings. On November 6, 2001, enforcement staff received notification that the administrative hearing is scheduled for March 4, 2002 in Oakland.

Market Conditions Assessment

The LATC reviewed and discussed the “final” draft of the Market Conditions Assessment report submitted by Fraser Communications. After much deliberation, it was the consensus of the LATC that the report was 1) inadequate in its present format; 2) there are still inconsistencies and redundant statements in the report; 3) the summary is insufficient; 4) and overall lacks detail; and 4) that further attempts on the LATC’s behalf to assist Ms. Fraser in preparing a quality product would be futile.

The LATC directed staff to contact DCA’s Contract Unit to determine options for 1) terminating the current contract with Fraser Communications; 2) completing phase two (licensee survey) and phase three (dialogue with landscape architecture educators) of the Market Conditions Assessment.

And re-exam what the purpose of the Market Conditions Assessment was and is it still a viable tool that we should see to completion. Staff will report their findings at the February 7, 2002 LATC meeting.

Ms. Gonzales asked if all the LATC had received and read the report entitled the final report. She opened the discussion to all present to discuss thoughts as to where to go from here, do we go forward or not with this MCA. Ms. Gonzalez stated that the LATC had a long discussion with Ms. Renee Fraser about the inconsistencies, grammatical errors and problems with the report at the October 25, 2001 meeting. Ms. Gonzalez stated that she does not believe that everything that was discussed with Ms. Fraser during the October 2001 meeting was brought forth in this final draft. Mr. Zweifel said that he persevered through a few more pages this time, but he just does not feel this is a quality product. There is good information that was gathered from the volunteers, who participated in the focus groups sessions, and he sees this as a serious and profound lack on the part of the consultant to put the information together in a meaningful way. Mr. Zweifel found misstatements and conclusions that did not make much sense, and he felt there was very little effort on the part of the consultant even after the last meeting with her to go back through the first draft of the report and add clarity to the report. Fundamental types of things, redundancies section after section. Mr. Zweifel stated what is frustrating is that there is good information that came out of the focus groups but this consultant was not able to put this communication together in a way that made sense.

Mr. Otsuji stated that we gathered a very quality group of people to volunteer in the focus groups and unfortunately the consultant did not make very good use of this resource. He further stated there is a lot of information in the report, it’s the way it’s put together, and how the consultant used the group, not asking the right follow-up questions or failing to follow through with some of the groups the way they answered the questions.

Mr. Tatsumi added that it is his opinion that the consultant just does not get it, she does not understand the profession and no matter how many opportunities we give her to revise it or how much input we give the report keeps coming back as an iteration of the same thing. Another frustration is that it took a lot of time and effort on everyone’s part to get these groups together and for the focus group participants to take time away from their own businesses to participate.

Ms. Gates added that this is not working. Normally in this type of study we would identify the objective, why are we doing this? Then the collected material is formatted in such a way that we

have a use for it. We've gone around and around and it is Ms. Gates opinion that this consultant is not able to provide the LATC with the report it had hoped for. Ms. Gates asked, what options are available to the LATC now?

Ms. Vickie Mayer asked if it was the consensus of the LATC that the report was inadequate. The vote was unanimous. Ms. Mayer suggested that when staff meets with Daniel Iacofano on January 7, 2001, we explain our dilemma and see if he can salvage what Ms. Fraser has prepared and pick up where she left off and if so we could possibly amend his current contract with the LATC. Ms. Mayer advised the LATC that to start all over, we would have to incur the costs that we've already spent which is approximately \$19,000. And that there is a little over \$13,000 left on the contract.

Ms. Mayer also stated that staff would have to check and see if there would be any ramifications for ending the contract with Fraser Communications. She informed the LATC that Ms. Fraser has called Ms. Maggio inquiring if she could proceed with the next phase of the MCA.

Ms. Mayer asked the LATC what was the original intent of the MCA, was it to help with the Sunset Review? Responses from the LATC were that yes it was to assist with the Sunset Review Report and also assist with an occupational analysis should the LATC choose to conduct one.

Ms. Gates stated that we need to re-exam what we were trying to get out of the MCA in the first place, are our goals the same as when we started and what are our options in terminating the contract and Daniel Iacofano picking it up.

Ms. Maggio read from the contract scope of work that the MCA was a critical part of the implementation of the LATC Strategic Plan. Ms. Gates suggested that we could go back through the Strategic Plan and identify those areas that we were waiting to follow up on until after the MCA, so much time has lapsed are those objectives still valid or have the objectives been met by other means.

Review and Approval of UC Berkeley Extension Certificate Program Executive Summary Report

Ms. Gonzalez explained that at the October 25, 2001 meeting the LATC granted conditional approval of the UC Berkeley Extension Certificate Program until the Executive Summary Report was completed. This decision was based on the written detailed report and action plan prepared and presented by Heather Clendenin, Program Director of the UC Berkeley Extension, Landscape Architecture Program in response to the Notice of Noncompliance.

Ms. Clendenin presented an update to the action plan since the October 25, 2001 meeting.

Mr. Bob Perry completed the UC Berkeley Site Visit Team's Final Executive Summary Report based on UC Berkeley's Self Evaluation Report (SER) responses and submitted it to the LATC for its review prior to the December 14, 2001.

Ms. Gonzalez commended Ms. Clendenin for all her efforts in bringing UCB into compliance in the areas where weaknesses were noted. She recommended that Ms. Clendenin provided biannual updates regarding the status of the goals and objectives outlined in the action plan that

was submitted to the LATC. She further recommended that the UCB Extension Certificate Program be approved through 2006.

- **David Tatsumi moved to approve the UC Berkeley Extension Certificate Program in Landscape Architecture through 2006.**
- **Linda Gates seconded the motion.**
- **The motion carried unanimously.**

Ms. Gonzalez thanked Ms. Clendenin for all her efforts and hard work in responding to the findings of the UC Berkeley site team and she expressed her appreciation for the positive manner in which Ms. Clendenin has worked with the LATC.

Review of UCLA Extension Certificate Program Revised Executive Summary Report

Ms. Gonzalez stated that at the October 26, 2001 LATC meeting, it was discovered that though both site teams conducted a thorough evaluation, the UC Berkeley evaluation was based on the California Code of Regulations (CCR) section 2620.5 and the UCLA evaluation was based on UCLA's SER. In order to have a parity of the evaluations; Ms. Gonzalez had requested Dennis Otsuji who led the UCLA site team to go back through the report and include to the sub-sections under CCR 2620.5.

Mr. Otsuji explained that in the original report the site team made a general statement that the UCLA Extension Certificate Program in Landscape Architecture met the requirements of CCR section 2620.5. As requested, he went back through the report and each applicable sub-section of CCR section 2620.5. A copy of the revised report was presented.

Mr. Otsuji recommended that once a year we invite the directors of the extension programs to attend a LATC meeting and provide update of the new and exciting changes going on in their respective programs.

Ms. Gates thanked Heather Clendenin and Alexis Slafer, Program Director UCLA Extension, Landscape Architecture Program and the members of both site teams for working cooperatively during the evaluation visits and for developing a report that shows clear recommendations. The net result is very positive.

- **Linda Gates moved to approve the revised UCLA Extension Executive Summary Report.**
- **David Tatsumi seconded the motion.**

The motion carried unanimously.

Ms. Gonzalez stated that it is a goal of the LATC that by the next evaluation in 2006, we have a standardized format so both site teams will conduct the evaluations and prepare the reports in a uniform manner.

Discussion on California Code of Regulations Title 16, Division 26, Section 2620.5, Requirements for an Approved Extension Certificate Program

Ms. Gonzalez requested that this agenda item be tabled until after Strategic Planning. She reminded the committee that at the October 26, 2001 LATC meeting, she advised the LATC that the regulatory requirements for an approved extension certificate program should be reviewed from the administrative and curricular standpoints. The terms of requirements for the extension programs are sometimes conflicting. Ms. Gonzalez stated that her goal is to make a distinction between what is administrative and what is educational and determine what is actually necessary as an educational component and present her findings to the Committee. She also recommended that a new site team format be created to ensure future site team reports are uniform.

Ms. Gonzalez agreed to review the California Code of Regulations, section 2620.5 and report her findings at the Spring LATC meeting.

- **Linda Gates moved to table Agenda Item J.**
- **David Tatsumi seconded the motion.**

The motion carried unanimously.

Review and Preliminary Approval of Proposed Regulations to Amend Title 16, Division 26, California Code of Regulations Section 2649, Fees

Ms. Maggio stated that at the October 25, 2001, Sunset Review Task Force Meeting staff was directed to contact the Budget Office to obtain projections and information on how best to reduce the LATC's fund reserve. The Task Force discussed reducing renewal fees as possibly the best method to reduce the reserve.

Ms. Maggio reported that she and Ms. Mayer met with the LATC's Budget Analyst, Kerry Li in November 2001 and based on the information Ms. Li provided it was agreed that reducing the renewal fees would be the best method to reduce the reserve. Ms. Li's recommendation is to waive the renewal fee for one biennial renewal period effective January 1, 2003 to December 31, 2004.

Ms. Maggio explained that an amendment to CCR section 2649 would be necessary to reduce the renewal fee for the one biennial renewal period. Staff prepared a regulatory package including a projection with and without the fee reduction for the Committee's review and preliminary approval.

Ms. Mayer added that on the renewal notice it would state that the renewal fee was \$0; however is the licensee failed to complete the conviction declaration and return the renewal notice on or before the delinquency date, the licensee would be required to submit a delinquency fee of \$50.

Mr. Zweifel stated that we need to ensure that we provide a clear explanation to our licensees as to the reason we are waiving the renewal fee. Mr. Zweifel also requested that staff obtain two projections for the Committee's review at the February 2002 meeting. One, a five year projection showing how much the fund reserve will grow after the \$300 renewal fee is reinstated

and the other projection showing how much the fund reserve would grow if the renewal fee was reinstated at a lower amount.

Request for Re-Licensure

The LATC reviewed requests for re-licensure from Richard Demerjian, former license number LA 2755.

Mr. Tatsumi reported that the work samples submitted by Mr. Demerjian demonstrated current knowledge and minimal competency for entry-level practice and recommended that he take and pass the California Supplemental Exam for purposes of re-licensure.

- ◆ **Linda Gates moved to require that Mr. Demerjian take and pass the California Supplemental Exam for purposes of re-licensure.**
- ◆ **David Tatsumi seconded the motion.**
- ◆ **The motion carried unanimously.**

Report on California Council of the American Society of Landscape Architects (CCASLA) Conference Calls

Dennis Otsuji stated that no conference calls were scheduled for December. He reminded the Committee that the purpose of the monthly conference calls with the CCASLA was to discuss ideas of mutual interest between CCASLA and the LATC and to maintain the support of CCASLA for the upcoming Joint Legislative Sunset Review in 2002. Richard Zweifel, LATC Education Subcommittee Chair, informed the Committee that on November 3 - 4, 2001, he attended the CCASLA 2001 Licensure Summit in Monterey, and on November 10, 2001, he attended the CCASLA Executive Meeting at California Polytechnic State University, San Luis Obispo.

Enforcement Program Report

Mr. Sotelo advised the LATC that he was in the process of preparing current enforcement statistics. Mr. Sotelo provided a print out of new and updated laws and regulations to the LATC Practice Act that has been enacted since June 2000. He stated that all current laws and regulations are available on the LATC Web site.

Mr. Sotelo reported that most of the telephone calls received at the LATC office are from licensees and unlicensed individuals requesting clarification on the scope of practice of a licensed landscape architect and those who meet the exemptions to the practice act. He added that because our law is ambiguous, it is difficult to provide a clear answer.

Tom Lockett suggested we protect the title "landscape architect" or any similar title to be used only by a licensed landscape architect. Allow only licensed individuals to use the title

“landscape architect” in advertising and make the exemption definition specific as to what tasks an individual under the exempt setting can and cannot perform.

Mr. Chang stated that he would work with Mr. Sotelo in drafting language defining the scope of practice for a licensed landscape architect for the LATC’s review at the February 2002 meeting.

Review of Action and Communications Plans

The Committee reviewed each Action and Communications Plan objective, assessing the status and target dates and defining specific actions to be taken by staff in order to accomplish the objectives. Staff indicated that the Action and Communications Plans charts would be updated accordingly for the LATC’s review at the February meeting.

Announcement of Future Meetings

Ms. Gonzalez announced that the next LATC meeting was scheduled on February 7-8, 2002, at the UCLA Extension Certificate Program. The next Strategic Planning session will be held in conjunction with the LATC meeting. A student licensure presentation was scheduled for Thursday, February 7, 2002. The Sunset Review Task Force was scheduled to meet on February 8, 2002.

Adjournment

The meeting adjourned on December 14, 2001, at 11:45 a.m.