

## **SUMMARY REPORT - FINAL**

### **CALIFORNIA ARCHITECTS BOARD** **Landscape Architects Technical Committee**

July 28, 2010  
Sacramento, California

#### LATC Members Present

Stephanie Landregan, Chair  
Christine Anderson, Vice Chair  
Andy Bowden  
David Allen Taylor, Jr.

#### Staff Present

Doug McCauley, Executive Officer, California Architects Board (CAB)  
Vickie Mayer, Assistant Executive Officer, CAB  
Don Chang, Legal Counsel, Department of Consumer Affairs (DCA)  
Trish Rodriguez, Program Manager, Landscape Architects Technical Committee (LATC)  
Terri Villareal, Enforcement Coordinator, LATC  
Marina Karzag, Special Projects Coordinator, LATC  
Carmen Alexander, Examination Coordinator, LATC  
Angelica Franco, Licensing Coordinator, LATC

#### Guests Present

Pamela Berstler, Legislative Chair, California Chapter, Association of Professional Landscape Design (APLD)  
Cheryl Buckwater, President, Sacramento District, California Chapter of APLD  
Erica Cano, Board and Bureau Relations Analyst, DCA  
Susan Collopy, California Council of the American Society of Landscape Architects (CCASLA)  
Linda Gates, Principal Landscape Architect, Gates and Associates (arrived at 10:10am)  
Patricia St. John, Board of Directors President, APLD  
Marc Mason, Legislative Analyst, Division of Legislative and Policy Review, DCA  
J.C. Miller, Landscape Architecture Program Director, Department of Art and Design, University of California, Berkeley Extension  
Joni Wilson, President, California Chapter, APLD

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

The LATC Chair Stephanie Landregan called the meeting to order at 9:49 a.m. Ms. Landregan then called roll. Four members of the LATC were present and thus a quorum was established.

Erica Cano, DCA's Board and Bureau Relations Analyst, presented the Director's Report. Ms. Cano reported that the Department's enforcement Budget Change Proposal (BCP) was approved for all healing arts boards and the BCP approved a total of 140 new positions. She also reported that the Department will be working with non-healing arts boards on a similar BCP. Ms. Cano stated that the Department is currently collecting data based on eight performance measures established for the Consumer Protection Enforcement Initiative. She explained that these measures address cycle time, volume of complaints, costs, customer service, and probation monitoring. The measurements will be posted on the Department's Web site in October. Ms. Cano stated that the BCP for the new BreEZe project was approved and project development has commenced. She advised that Debbie Balaam is available to provide presentations on the BreEZe project at board meetings if requested. Ms. Cano explained that due to the failure of Senate Bill (SB) 1111, which contained a variety of enforcement provisions for healing arts boards, the Department is encouraging boards to explore implementing the provisions of the bill through the regulatory process. Ms. Cano also stated that the Department encourages boards to closely monitor their enforcement process timeframes. Ms. Cano discussed the Department's licensing project, which aims to reduce the processing timeframe for licensing individuals. The Department has begun the first phase of the project, which is gathering statistics, and the second phase will be reviewing each board's licensing process, establishing performance measures, analyzing the laws and regulations, and determining best practices.

David Taylor pointed out that we may not want to have presentations on the BreEZe project if it is not going to be implemented for a long time. Ms. Cano assured Mr. Taylor that the project will move along as scheduled.

Assistant Executive Officer Vickie Mayer asked Ms. Cano whether or not the BreEZe system will allow electronic payments and Ms. Cano replied that BreEZe will be a licensing and enforcement system and an electronic payment system option will be at the discretion of each individual board. Mr. Taylor asked whether or not boards could have an electronic payment system until the BreEZe project is implemented. Ms. Cano replied that she will check with Ms. Balaam on that option.

Ms. Landregan discussed her meetings with the APLD to review the enforcement issues that were raised at the April 23, 2010, meeting. Ms. Landregan stated that the meeting with the APLD came to the conclusion that certain provisions were being applied more stringently than intended and the LATC is correcting the issue. Ms. Landregan discussed some of the other items that were discussed at the meeting with APLD, such as the definition of tangible objects. The LATC will continue to work with the APLD on these issues.

Pamela Berstler thanked the Committee for their attention to the issue in a public setting and then introduced the members of the APLD that were present at the meeting. Ms. Berstler commented on the activities that took place after the April 2010 LATC meeting and stated that the APLD will continue to work with the LATC on addressing these types of enforcement issues.

Ms. Landregan moved Agenda Item F to follow Agenda Item C.

#### **A. Approve April 23, 2010 LATC Summary Report**

Andy Bowden noted a grammatical change on page 3 of the summary report and asked about the status of the City of Torrance letter referenced on page 3. Executive Officer Doug McCauley responded that he would check on the status of the letter. Ms. Landregan asked that the last sentence in paragraph 5 on page 6 be reworded. She also pointed out minor edits to pages 9, 12, and 14. Ms. Anderson asked that the discussion on extending the timeline for the extension program certification regulations and the extension program reviews be added to the paragraph under Item G on page 7.

- **Andy Bowden moved to approve the April 23, 2010, LATC Summary Report with the discussed changes.**
- **David Taylor seconded the motion.**
- **The motion carried 4-0.**

#### **B. Program Manager's Report**

Program Manager Trish Rodriguez presented the Program Manager's Report. Ms. Rodriguez informed the Committee members that the LATC cannot make any purchases until a budget is passed. She also noted that the Governor's furlough order ended on June 30, 2010. She stated that Mr. Taylor was reappointed and his term expires on June 1, 2014. Ms. Rodriguez explained that several projects are on hold until the budget passes, including outreach activities, developing and printing updated publications, and proceeding with the rulemaking process on approved regulatory language for California Code of Regulations (CCR) Sections 2615 and 2620. Ms. Rodriguez reported that the LATC will be providing a web license lookup on its Web site that will allow the public to check on the current status of a license and the address of record, which is all public information. The LATC will be notifying all licensees of this new service and give licensees the opportunity to change their address of record.

Ms. Rodriguez reported on the status of the Access candidate tracking database and distributed a list of all database fields that were being captured and a description of the sample. She requested that Committee members provide her with comments and feedback on the database and how to proceed with the analysis. Ms. Anderson requested that these documents be submitted to Dick Zweifel, Chair of the LATC Education Subcommittee for review. Ms. Landregan said she would like to add the state that reciprocity candidates are applying from to the database. Ms. Mayer stated that adding information to the database at this point may require a significant amount of time, but staff could at least begin adding that information from this point forward.

Ms. Anderson explained that this database stemmed from an Education Subcommittee discussion on the LATC's education and experience requirements and whether or not these requirements were sufficient enough for passing the national licensing exam. One of the questions the Subcommittee asked was, "How much experience does a candidate need in order to sit for the national exam for the first time?" Ms. Anderson further explained that there was a push from the Council of Landscape Architectural Registration Boards (CLARB) for all candidates to take the

exam immediately after completing the education requirement. She noted that at the time, the Subcommittee wanted any decisions on the requirements to be based on data. The Subcommittee found that very few landscape architect candidates pursued licensure through the non-traditional method. Ms. Landregan confirmed that the Committee members would review the information and provide the LATC staff with feedback. She also requested that staff determine the number of reciprocity candidates in the database and whether or not it would be feasible to add which state they are applying from.

Ms. Rodriguez stated that she would like to bring more enforcement data to the next Committee meeting, such as prior year data and all enforcement statistics year-to-date.

Mr. McCauley noted that the Sunset Review process has delayed the California Supplemental Examination (CSE) contract to develop new forms of the exam. He explained that the LATC currently has a draft inter-agency agreement with DCA's Office of Professional Examination Services (OPES) to do the occupational analysis and exam redevelopment. He said that the LATC will take into consideration those issues that were of concern during the last exam redevelopment process. He also explained that state law requires boards to first offer contracts to departmental offices before contracting out, which is why the LATC will be contracting with OPES for these services.

Ms. Anderson reported on the CAB meeting on June 16, 2010. She reported that Iris Cochlan is now the Board President and Jon Baker was elected to the National Council of Architectural Registration Board of Directors.

Ms. Anderson noted that CAB is currently in the process of changing their oral exam to a computer-based exam and CAB's pass rates on the national exam are low compared to the national pass rates. She commented that part of CAB's enforcement discussion was about ensuring the public's safety and ensuring compliance with the law by designing the exam so that at least minimally competent individuals become licensed and enter into the profession. Ms. Anderson also discussed CAB's complainant satisfaction survey and reported that CAB has not received many responses but of the responses received, many people want their money back, which is not within CAB's authority. She noted that CAB has a regulatory proposal to increase licensing fees but is also analyzing other ways to save money. Ms. Anderson stated that CAB is considering offering fewer exam administrations and changing to an annual license renewal rather than the current biennial renewal. Ms. Anderson reported that a very useful presentation on the citation process was given at the Board meeting and that DCA is looking into the use of collection agencies.

Mr. McCauley pointed out that in CAB's last Sunset Review Report CAB explained that their pass rates are low due to flexible eligibility standards. Mr. McCauley explained that CAB's Executive Committee did not want to attribute the pass rates to any particular eligibility requirement and he further explained that flexible standards do not impact pass rates. He asked the exam professionals at OPES about acceptable differences between California's pass rates and the national pass rates. The staff at OPES explained that because there are many variables that affect pass rates, it is difficult to draw any conclusions.

Ms. Landregan commented that increased flexibility and pass rates are two separate issues and cannot be linked together.

## **F. Presentation of the 2010 LATC Volunteer Recognition Award**

Ms. Landregan presented Linda Gates with the 2010 LATC Volunteer Recognition Award. Ms. Landregan and Ms. Anderson spoke of Ms. Gates' commitment to the landscape architecture profession through her volunteer work with the extension certificate program reviews and assistance with the occupational analysis for the California Supplemental Examination (CSE). Ms. Landregan also noted the numerous student presentations Ms. Gates' gave at Mesa College and UC Berkeley and her willingness to continue to work with CLARB. Ms. Gates' expressed her appreciation of the honor and looks forward to continue her collaboration with the Committee.

## **D. Report on Council of Landscape Architectural Registration Boards (CLARB)**

Ms. Landregan noted the upcoming CLARB conference call on Friday and wanted to make sure all Committee members had signed up for the call, as she would not be able to participate. All Committee members confirmed that they would be able to participate in Friday's conference call. Ms. Landregan confirmed that she would make sure Ms. Rodriguez received the conference call information. Ms. Landregan pointed out that due to all out-of-state travel being restricted for the fiscal year, Mr. Zweifel may try to attend CLARB's annual meeting on his own. Ms. Anderson wanted to know if webcasting would be available for the CLARB annual meeting since out-of-state travel has been restricted and Ms. Landregan said she would try to confirm whether or not this would be an option. Ms. Landregan commented on the importance of having California representation at the CLARB annual meeting in case any amendments or changes are proposed. She explained that the Committee needs to be able to play a part in the decisions that affect licensees in order to defend California's rights, especially since California has the largest representation of licensees.

Ms. Anderson reported that she will be participating in a CLARB task analysis. Ms. Landregan described her positive experience with CLARB's exam development and recommended that other Committee members consider participating in the process. Mr. Taylor noted that it is encouraging to see CLARB develop their red line review process since this directly benefits candidates.

## **E. Discuss and Approve Ballot for CLARB 2011 Board of Directors Candidates**

- **Christine Anderson moved to nominate Ian Wasson for President of the 2011 CLARB Board of Directors; Denise Husband for President Elect of the 2011 CLARB Board of Directors; and Dennis Bryers for Vice President of the 2011 CLARB Board of Directors.**
- **Andy Bowden seconded the motion.**
- **The motion carried 4-0.**
  
- **Andy Bowden moved to nominate Richard (Dick) Zweifel for Secretary of the 2011 CLARB Board of Directors.**
- **David Taylor seconded the motion.**
- **The motion carried 4-0.**

Mr. McCauley pointed out that this vote will take place at CLARB's annual meeting, which none of the Committee members will be attending. Ms. Landregan stated that the Committee has the option to submit their vote via email or fax.

Ms. Anderson commented that CLARB has been trying to increase virtual attendance at its meetings and this ability is crucial in case there is a tie vote or a motion on the floor that requires an immediate vote. Ms. Landregan asked if the Committee could elect a designated representative to vote on behalf of the LATC at the CLARB meeting in case a vote is necessary. Don Chang responded that as long as the LATC outlined parameters of the designated Committee representative, then the Committee should be able to elect a designated representative. Ms. Landregan posed asking CLARB if the Committee could elect a designated representative for this purpose. Mr. Bowden asked Mr. McCauley if the budget passes, would out-of-state travel still be rescinded. Mr. McCauley responded that out-of-state travel would still be rescinded. Mr. Bowden asked if a Committee member wanted to attend the CLARB annual meeting, would he or she be able to attend using their own funds but not attend as a California representative. Mr. McCauley responded that the Committee member would not be able to attend because he or she is a representative of California. Mr. Bowden asked whether or not a Committee member could attend as a CLARB member only and Mr. Chang responded that even if a Committee member did not attend the meeting as a California representative, he or she would still need permission from the state. Ms. Landregan reminded Mr. Bowden that a person can only attend CLARB meetings as a member, which would designate the attendee as a representative of that state.

Ms. Landregan asked if she should make a motion to elect a delegate for the CLARB annual meeting and also noted that she would not be able to be that delegate due to conflicts in her schedule. Mr. Chang confirmed that a motion would be necessary.

- **Andy Bowden moved to elect Christine Anderson as the LATC's designated representative for the CLARB annual meeting teleconference, should a teleconference be available.**
- **David Taylor seconded the motion.**
- **The motion carried 4-0.**

Ms. Landregan moved Agenda Item L to be discussed immediately after the lunch break.

**L. Discussion on Extending University of California Extension Program's Certification Expiration Date**

Ms. Landregan recused herself from the discussion and turned the meeting over to Ms. Anderson due to a conflict of interest, as Ms. Landregan is the Director of the Landscape Architecture Program at University of California, Los Angeles (UCLA) Extension.

Mr. Bowden asked Mr. Chang if his position on the UCLA Extension Program Advisory Committee was a conflict of interest. Mr. Chang asked Mr. Bowden if he receives any compensation from the Extension Program and Mr. Bowden responded that he did not. Mr. Chang confirmed that Mr. Bowden may participate in the discussion.

Ms. Anderson explained that this agenda item stemmed from the discussion at the April 2010 LATC meeting about extending the expiration date for the UC Extension Programs due to the LATC being in the midst of Sunset Review. Ms. Anderson noted that the Committee is proposing to extend the expiration date until 2012, as the expiration date was originally set for 2011. Mr. Taylor asked if it was going to be possible to approve the Extension Program requirements regulations by the end of this calendar year in order to meet the 2012 deadline for the Extension Programs' expiration date. Mr. Chang explained that the Committee can extend the Extension Programs' expiration deadline by motion. Ms. Anderson explained that the Landscape Architects Practice Act includes standards for Extension Certification Programs that are based on the Landscape Architectural Accreditation Board's (LAAB) standards. She further explained that currently, she and Ms. Gates are responsible for reviewing the new LAAB requirements and making any necessary changes to the landscape architecture regulations. She stated that this would require regulatory amendments through the rulemaking process and the Committee would have to look at the timeline for the rulemaking process in order to determine whether a 2012 expiration date for the Extension Certification Programs is appropriate or not. Mr. Chang pointed out that the timeframe for approving Extension Certification Programs is not in regulation, but by policy and practice, the Committee usually adheres to a five-year approval timeframe, even though approval is sometimes granted before or after the five-year deadline. Mr. Chang stated that the LATC may have sent letters to the Extension Programs with date-specific deadlines for review and approval of the program; however, these deadlines are not in regulation. He also explained that if the Committee extends the current deadline, then the Committee could send a letter to the Extension Programs notifying them of the new deadline. He stated that in order to review the Extension Certification Programs under the requirement regulations currently under review by the Committee, then the Committee would have to approve the regulatory language by November 2010. Carmen Alexander explained that it will take approximately one year for the new standards to take effect through the regulatory process, so the Committee would need to approve the regulatory language by the end of this calendar year to allow sufficient time for the rulemaking process and review of the Extension Certification Programs before the proposed 2012 expiration date. Ms. Anderson asked Mr. Chang whether or not the Committee needs to make a motion to extend the expiration date for the Extension Certification Programs. Mr. Chang asked whether or not the schools have been notified of the timeframe for the review and approval process. Ms. Alexander responded that in the prior program approval letter, the programs were notified that they were approved until 2011. Mr. Chang stated that if the Committee wants to review the Extension Certification Programs under the revised regulations, then the Committee should extend the programs' expiration date until 2012 and notify them that they would be under the new regulations.

- **Andy Bowden moved to extend the expiration date for the University of California Extension Certification Programs until 2012.**
- **David Taylor seconded the motion.**

Mr. Bowden asked if the LATC has to have the regulations in place by November 2010. Ms. Alexander responded that the LATC has to have the regulatory language approved by the task group by November 2010 in order to move forward with the rulemaking process. Mr. Bowden asked if that would be possible to accomplish by November 2010. Ms. Anderson responded that this is possible. Mr. Bowden pointed out that in order to meet that deadline, the Committee would have to approve the language at its September 1, 2010 meeting. Ms. Anderson stated that the proposed regulatory language should be on the agenda for the September 1, 2010

meeting. Marina Karzag asked the Committee members to confirm that the LATC would have proposed regulatory language by September 1, 2010. Ms. Anderson asked if the LATC staff would be able to meet that deadline considering the high workload due to the upcoming Sunset Review. Mr. Chang clarified that once the Committee drafts the regulatory language, the LATC staff can work on the required documentation as part of the rulemaking process. He asked the Committee members if they could have the language ready for the September 1<sup>st</sup> meeting. Mr. McCauley pointed out that the LATC would need the language in 10 to 14 days from now in order to include the language on the September 1, 2010, meeting agenda. Ms. Anderson expressed concern regarding having regulatory language ready for the September 1st meeting and Mr. Bowden asked if the Committee should extend the Extension Certification Program expiration date out further than 2012. Mr. Chang clarified that in order to meet the 2012 deadline, the proposed regulations would have to be adopted by January 2012 and the rulemaking process would have to begin by January 2011. In order to meet the January 2011 deadline, the Committee would have the next four to five months to draft regulatory language and approve it and have CAB approve the language. Mr. Chang suggested that the Committee aim to present the regulatory language to CAB at its December 2010 meeting and try to draft and approve the language some time before then. He noted another option would be to extend the Extension Certification Program's expiration date until 2013. He stated that extending the expiration date again in the future in case the Committee will not be able to meet the 2012 deadline is always an option.

- **The motion carried 3-1 (Stephanie Landregan abstained)**

Ms. Landregan asked Mr. Chang if it was okay to ask the Committee to consider the provision under CCR Section 2620.5 when proposing regulatory amendments, which states that the school's landscape architecture program requires board approval for any curriculum revisions. Mr. Chang explained that this reference to "the board" is from when the LATC was a board, but CAB does have the authority provided in this regulation. He further explained that the regulation can be amended to delegate the Board's authority to the LATC.

#### **G. Final Update on July 1, 2009 - June 30, 2010, Strategic Action Plan**

The Committee did not have any comments on this item.

#### **H. Update on July 1, 2010 - June 30, 2011, Strategic Action Plan**

The Committee did not have any comments on this item.

#### **I. Review and Discuss Draft 2010 Sunset Review Report**

Mr. McCauley reported on the process and status of the Sunset Review Report. He noted that the draft 2010 Sunset Review Report includes comments from the Sunset Review Task Force. He also pointed out that the draft report does not include one section on outreach and use of the Internet or Part II. Mr. McCauley stated that the Committee will give final approval of the report in September, followed by the Board's approval. Mr. Bowden asked if anyone knew who was on the Sunset Review Committee and Mr. McCauley responded that the Senate Business, Professions, and Economic Development Committee is taking on the role as the reviewing entity. Mr. Bowden asked whether or not these are the same committee members that sat on the Sunset

Review Committee during LATC's prior sunset review and Mr. McCauley responded that a few are the same members and the same staff is reviewing the reports.

Mr. McCauley provided a brief overview of the Background and Description of the Profession section. Ms. Anderson noted that the first sentence in the second paragraph on page 4 of the Background section was a little confusing. Ms. Anderson commented that on page 5, in paragraph 3, it should be mentioned that an LATC member also attends Board meetings. She also suggested that the bullet points under "Internal Changes" on pages 8 and 9 should include the occupational analysis, the new format of the CSE, and the completion of one review cycle for the Extension Certificate Programs. Ms. Anderson noted that the paragraph outlining LATC's fee changes on page 12 should also mention how the LATC continues to monitor CLARB's exam fees and activities. Ms. Anderson asked if the report has to show all fees raised and Mr. McCauley responded that this information must be included in order to show the cost recovery of fees as requested in the last Sunset Review. Ms. Anderson requested that the information provided on the occupational analysis on page 13 include further description of the development process and the development of the CSE.

Susan Collopy, from CCASLA, suggested that the description of the landscape architect profession include a statement about how landscape architects need to be ADA (Americans Disability Act) compliant. Ms. Collopy asked the deadline for submitting comments regarding the Sunset Review Report and Mr. McCauley responded that comments must be received no later than August 15<sup>th</sup> in order to be included in the final copy to be approved by the LATC at its September 1, 2010, meeting.

Ms. Berstler requested that APLD be included in the 2<sup>nd</sup> paragraph on page 6.

Mr. McCauley provided a brief overview of the Budget and Staff section. Mr. Bowden asked why the interest drops so dramatically from Fiscal Year (FY) 2007-08 to FY 2008-09 when the revenue from licensing fees only slightly dropped. Mr. McCauley suggested that this dramatic drop may be due to a loan to the general fund and market conditions. Mr. Bowden also asked why personnel service expenditures increased from FY 2007-08 to FY 2008-09. Mr. McCauley responded that changes in personnel services mainly reflect changes in benefits and insurance costs. Ms. Mayer also suggested that it may be due to the hiring of additional student assistants.

Ms. Anderson asked whether or not the LATC will have to explain why revenue from Fines and Penalties, as shown on page 3, increased so dramatically from FY 2007-08 to FY 2008-09. Ms. Mayer noted that this amount only reflects what has been paid and not necessarily what is owed to the LATC. Mr. McCauley pointed out that the draft 2010 Sunset Review Report does not include FY 2009-10 budget data because it is not available yet.

Ms. Anderson commented that the second paragraph on page 1 discussed the fees for Sections C and E of the Landscape Architect Registration Examination, but not Sections A, B, and D. Mr. McCauley suggested deleting the last sentence of the paragraph, which identifies CLARB's fees for Sections C and E of the LARE.

Mr. McCauley provided an overview of the Licensure Requirements section. Mr. Bowden asked whether or not the second bullet on page 1 of the section was accurate or not and Ms. Landregan said she would check on the validity of this information.

Ms. Landregan commented that the statement about the one year of training required after graduation under a licensed landscape architect in paragraph 2 on page 4 should be connected to the experience and training box below this paragraph on page 4 because it is a key requirement that is often overlooked. She then suggested enlarging the experience and training box on page 4 to include all text above the experience and education box up to the second paragraph. Mr. Bowden noted a grammatical error in the last sentence on page 12.

Ms. Landregan asked whether or not the Reciprocity section on page 12 should include those candidates that are not eligible for reciprocity in some other states as a result of the LATC administering a state-specific exam, the Professional Examination for Landscape Architects (PELA). Mr. McCauley and other Committee members agreed that it would probably be a good idea to include information on this pool of licensees. Ms. Anderson agreed that the reciprocity section should include a description of those candidates in order to have a historical record of people that fall under this scenario. Mr. Bowden asked whether someone who took the PELA exam and decided to take the LARE and failed, would still retain their California license. The other Committee members replied in the affirmative. Ms. Landregan requested that the LATC add a paragraph at the end of the reciprocity section on page 12 that explains how California created a pool of licensees that are ineligible for reciprocity in most states because they took the PELA.

Mr. McCauley provided an overview of the Enforcement section and noted that it is not appropriate to compare the enforcement data with healing arts boards because of the difference in the nature of cases.

Mr. Bowden asked whether or not the LATC will have data for the annual statistical profile report chart on page 7 of the Enforcement section and Mr. McCauley replied that he may not be able to get all of the data. Mr. McCauley noted that DCA is mainly focusing on the case aging data on pages 11 and 12. He also pointed out that the LATC has not finished compiling all of the data for the complainant satisfaction survey on page 14 but noted that the Board knew the responses would probably not be favorable because many people want something that the Board does not have jurisdiction to provide, such as getting their money back. Mr. McCauley stated that the Board and LATC added questions to the survey to capture the complainant's desired outcome, which may explain why the responses would be negative.

Mr. McCauley pointed out that all DCA programs must follow the same complaint disclosure policy, which is discussed on page 20. Mr. Bowden commented on the absence of cases reported on the chart on page 11. Mr. McCauley responded that there were no cases to report on this chart so the chart will be omitted. Mr. Bowden asked whether or not the data in the investigations chart on page 12 was verified or not and Mr. McCauley responded that the data was verified. Mr. Bowden asked about the Department's new policy on case processing time and Mr. McCauley responded that the new departmental policy is to process a case in no more than 180 days. Ms. Anderson asked whether or not there should be an explanation of the increase in citation amounts assessed and collected in FY 2007-08 on page 13. Mr. McCauley explained that the number of citations issued increased in FY 2007-08 and the penalty fees also increased. Mr. Bowden pointed out that the cost to investigate cases in FY 2007-08 was much higher than the amount assessed for citations in that FY. Mr. McCauley explained that the LATC is not supposed to use citations as a major revenue source. Mr. Bowden also pointed out that the Department discussed matching the cost to investigate to the collection amount, but

Mr. McCauley explained that the LATC would have to have legislation to accomplish this. He noted that this was already part of Departmental legislation, SB 1111, which did not pass.

Ms. Anderson asked whether or not the Restitution section on page 19 should include an explanation of how the vast majority of complainants are seeking restitution and whether or not the LATC should provide restitution information to the complainant. Mr. McCauley responded that the Board and LATC are gathering information on the collection options available for complainants. Mr. Landregan suggested providing complainants with a handout and Ms. Anderson agreed that this is a good idea. Ms. Landregan asked if this should be a topic for a future LATC meeting and both Messrs. Bowden and Taylor agreed that this should be a future agenda item. Ms. Landregan suggested having a link in the LATC's Web site to information on collection options for complainants.

Ms. Collopy asked how the LATC can enforce citations against unlicensed persons. Mr. McCauley responded that the LATC cannot enforce payments of these citations but if the offense is egregious, then the LATC can refer the case to the local District Attorney Office. Ms. Landregan asked if the LATC cross-references cases among other licensing boards and Mr. McCauley responded that the LATC does cooperate with other boards on enforcement cases.

Ms. Berstler asked if the LATC has an analysis of complaints against licensed individuals compared to unlicensed individuals and Mr. McCauley referred her to the chart on page 5 of the Enforcement section.

## **J. Presentation on Citation Process**

Ms. Villareal presented the LATC's citation process. She distributed a complaint handling process flow chart, which outlined the cycle of a complaint beginning with the initial receipt of the complaint. Ms. Villareal provided the definition of a citation and administrative fines, the citation appeal process and citation compliance requirements.

Mr. Taylor suggested posting the complaint handling process flow chart on the LATC's Web site and Mr. Chang confirmed that the LATC is legally allowed to do this.

Ms. Berstler commented that some of the APLD members that had complaints made against them did not clearly understand their rights to appeal and question the validity of the complaint. She stated that APLD had to explain the process to its members because it was not clearly communicated at the beginning of the process. She commented that it would be beneficial to the public and the subjects of complaints to know the process from the beginning before moving forward. Mr. McCauley responded that he will work with LATC staff on providing more information on the initial letter that is sent to the subjects of complaints. Mr. Bowden inquired about the information that is included in the initial letter to the subject and Ms. Villareal responded that the initial letter outlines the allegation and the relevant portion of the Landscape Architects Practice Act. She further explained that the letter includes standard language from the statute but also includes individual language as it addresses the subject of the complaint and provides a deadline to submit a response to the LATC regarding the complaint. Mr. Bowden suggested providing the subject with supplemental information on the appeal process, but Mr. McCauley pointed out that the initial letter to the subject is prior to the citation process and is only used to gather additional information about the allegation, which would be not the appropriate time to give the subject information about the appeal process. Ms. Landregan

suggested providing the subject with information on the appeal process only if a violation is determined.

#### **K. Review and Approve Enforcement Improvement Plan**

Mr. McCauley presented the LATC's Enforcement Improvement Plan and noted that the plan is part of the Department's Consumer Protection Enforcement Initiative. He explained that the plan leverages new resources and tools that DCA is developing, such as the Department's new performance measures and new technology that will be available through BreZE, so that the LATC can better track their enforcement resources and progress. Mr. McCauley explained that one purpose of the plan is to make sure cases are presented to the Attorney General in the correct format to ensure efficiency. He noted that the Board and LATC no longer utilize the services of DCA's Division of Investigation due to their high workload and often slow turnaround and instead, the Board and LATC try to investigate cases in-house using technical experts.

Ms. Landregan noted that the Enforcement Coordinator is responsible for the majority of the Plan's implementation. Mr. McCauley pointed out that some objectives are delegated to the Executive Officer and Assistant Executive Officer. Ms. Landregan asked if the LATC requests signed contracts as part of the investigative process and Mr. McCauley explained that the standard practice is to request any contracts or documents that are available. Ms. Anderson asked if the LATC could explain to the complainant that the more documentation and information they can provide, the better the LATC staff are able to assist them. Ms. Villareal responded that she explains the need and usefulness of copies of documents and contracts to the complainants.

- **Christine Anderson moved to approve the Enforcement Improvement Plan.**
- **Andy Bowden seconded the motion.**
- **The motion carried 4-0.**

#### **M. Review Tentative Schedule and Confirm Future LATC Meeting Dates**

Committee members discussed the need to approve the final version of the 2010 Sunset Review Report at the September 1, 2010, meeting. The LATC meeting scheduled for September 1, 2010, in Sacramento, was tentatively scheduled as a teleconference in order to review and approve the 2010 Sunset Review Report. Committee members also discussed the need to have another meeting before the Board's December 2010 meeting in order to review and approve regulatory language for CCR 2620.5. The Committee tentatively scheduled the meeting for November 10, 2010, which may or may not be a teleconference.

#### **Adjourn**

- **Andy Bowden moved to adjourn.**
- **David Taylor seconded the motion.**
- **The motion carried 4-0**

The meeting adjourned at 2:21 p.m.

*\*Agenda items for this meeting were taken out of order to accommodate the lack of a quorum and public comment. The order of business conducted herein follows the transaction of business.*