



Minutes

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

July 13, 2017
Sacramento, California

Landscape Architects Technical Committee (LATC) Members Present

Patricia Trauth, Chair
Marq Truscott, Vice Chair
Andrew Bowden
David Allan Taylor, Jr.

Staff Present

Doug McCauley, Executive Officer
Vickie Mayer, Assistant Executive Officer
Brianna Miller, Program Manager
Kourtney Nation, Examination Coordinator
Tremaine Palmer, Special Projects Analyst
Marcus Reinhardt, Program Manager, California Architects Board (Board)
Stacy Townsend, Enforcement Analyst
Rebecca Bon, Legal Counsel, Department of Consumer Affairs (DCA)
Tara Welch, Attorney III, DCA

Guests Present

Tian Feng, LATC Liaison, Board
John Austin
Fernando Galli, Board and Bureau Relations, DCA
Jeffrey Mason, Chief Deputy Director, DCA (present during Agenda Item E)
Dustin Maxam
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects (CCASLA)

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

LATC Chair Patricia Trauth called the meeting to order at 10:06 a.m., and Vice Chair Marq Truscott called roll. Four members of LATC were present, thus a quorum was established.

B. Chair's Procedural Remarks and LATC Member Introductory Comments

Ms. Trauth announced that the Director of DCA, Dean R. Grafilo, would deliver an update on the Department at approximately 12:00 p.m. and that Agenda Item I would be presented earlier than noticed. Ms. Trauth also introduced new Legal Counsel, Tara Welch, who has recently been assigned to the LATC.

C. Public Comment on Items Not on the Agenda

There were no comments from the public.

D. Review and Possible Action on April 18, 2017 LATC Meeting Minutes

Ms. Trauth asked for a motion to approve the April 18, 2017 LATC Meeting Minutes.

- **Andrew Bowden moved to approve the April 18, 2017 LATC Meeting Minutes.**

David Allan Taylor, Jr. seconded the motion.

**Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion.
The motion passed 4-0.**

I.* Council of Landscape Architectural Registration Boards (CLARB)

Kourtney Nation reported on the March 27-April 8, 2017 Landscape Architect Registration Examination (LARE) pass rates and advised that the next LARE administration will be August 7-19, 2017. In response to Mr. Truscott's comment that California's pass rates are falling behind the national average, Ms. Nation advised that different factors are influencing California's pass rates and suggested communicating with schools that provide landscape architecture programs in order to determine possible causes. Ms. Trauth added that California's diversity could explain the low pass rates due to the variability in California's candidates' education and experience background.

Ms. Nation also reported that the previous contract for CLARB to administer the LARE to California candidates expired on June 30, 2017. She presented the new contract, which extends from July 1, 2017 through June 30, 2020 and requested the Committee's review and approval.

- **Andrew Bowden moved to approve the CLARB contract with LATC for LARE administration services from July 1, 2017-June 30, 2020.**

Marq Truscott seconded the motion.

Mr. Feng asked if a cost is involved in the contract. Brianna Miller responded that it is a zero dollar contract.

Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 4-0.

Ms. Miller reported that CLARB's Annual Meeting will be held September 14-16, 2017. She continued that the meeting will consist of a vote on CLARB's draft Model Law and draft Model Regulations, as well as an update on LARE performance and the regulatory environment.

Ms. Miller also reported that on June 20, 2017, CLARB released their final slate of candidates for their Board of Directors, Committee on Nominations, and Region 5 Director elections. She conveyed that CLARB requests the LATC to submit a completed ballot electronically by September 8, 2017 or in hardcopy at the Annual Meeting. Ms. Miller also reported that CLARB will be hosting a webcast in August, during which votes for Region 5 Director will be cast. Ms. Miller continued that a designee is requested to cast LATC's vote. Messrs. Bowden and Taylor offered their participation at the Region 5 election webcast meeting.

With regard to the elections for Board of Directors and Committee on Nominations, the members discussed and considered the slate of candidates.

- **Marq Truscott moved to support Philip Meyer for CLARB President-Elect; Brian Dougherty for CLARB Vice President; Cary Baird for CLARB Treasurer; and Craig Coronato and Carisa McMullen for CLARB Committee on Nominations.**

Andrew Bowden seconded the motion.

Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 4-0.

Ms. Trauth asked for comments on the Region 5 Director candidates. Mr. Bowden stated that he would consider Joel Kurokawa based on his qualifications. Messrs. Taylor and Truscott concurred.

- **Marq Truscott moved to support Joel Kurokawa for CLARB Regional Director, Region 5.**

Andrew Bowden seconded the motion.

Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 4-0.

Ms. Miller reported that CLARB's draft Model Law would also be considered for adoption at the Annual Meeting in September. She continued that, upon initial review during the April 18, 2017 meeting, the Committee requested to hold a more robust discussion about the draft Model Law during the July 2017 meeting; however, the LATC was thereafter notified that CLARB would hold a webcast about the draft Model Law on May 31, 2017. Ms. Miller advised that a working group with members Trauth and Taylor was held to discuss the draft Model Law and determine any necessary feedback. She reported the working group's feedback as: 1) a number of the sections in the draft Model Law include mandates that some states do not require (e.g., firm

registration and continuing education) and that LATC recommends for CLARB to make them optional; 2) on page 4, section 102(A), it is recommended that CLARB delete the word “control”; and 3) on page 11, section 211, the LATC recommends the inclusion of teleconference meetings. Ms. Miller also added that staff was recently advised of the draft Model Regulations released by CLARB and included them in the meeting materials for the LATC’s consideration.

Doug McCauley commented that he is a member of the National Council of Architectural Registration Boards’ (NCARB) Model Law Task Force and explained that the process for the development of NCARB’s Model Law is extensive and deliberative. Mr. Truscott suggested waiting until the November 2017 meeting to discuss the draft Model Law and Model Regulations. Mr. Taylor concurred.

Mr. Taylor inquired if the LATC received a response about the working group’s comments from CLARB. Ms. Miller responded that the webcast did not include an opportunity for comment. She also advised that the LATC anticipated receiving a survey from CLARB, however, it has yet to be received.

Mr. McCauley suggested that the LATC consider what was identified by the working group and submit a formal letter to CLARB in order to address the draft Model Law, as well as tasking the working group to review the draft Model Regulations. The Committee members agreed with Mr. McCauley.

Upon DCA Chief Deputy Director, Jeffrey Mason’s arrival, Ms. Trauth tabled the discussion in the interim and proceeded to Agenda Item E.

E.* Update on the Department of Consumer Affairs – Dean R. Grafilo, Director

Mr. Mason presented the DCA update to the Committee on behalf of Director Dean R. Grafilo. Mr. Mason’s presentation included background on Director Dean R. Grafilo, information about DCA’s new policy regarding federal law enforcement participation in DCA field operations, and the Department’s engagement with other governing agencies regarding various proposals.

I.* Council of Landscape Architectural Registration Boards (CLARB) - *Continued*

- **Andrew Bowden moved to draft a letter to CLARB to address comments from the working group about the draft Model Law.**

Marq Truscott seconded the motion.

Dustin Maxam commented that the experience required for Approved Education Programs in CLARB’s draft Model Regulations does not align with LATC’s nor the Board’s requirements. He stated that he would not support adopting the proposed language as presented and suggested including an experience-only pathway. He also noted that the draft Model Law requires continuing education, which is not a part of LATC’s requirements and asked for his comments to be included in the letter to CLARB. Ms. Trauth acknowledged Mr. Maxam’s comments and stated that the Committee would respond to his request at a later time.

Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 4-0.

Mr. McCauley reported that as part of its 2017-2018 Strategic Plan, the LATC created an objective to advocate for CLARB to institute a structured internship program. He continued that the Board's structured internship program is the Architectural Experience Program (AXP), which is administered by NCARB. Mr. McCauley added that he had an initial conversation with the Chief Executive Officer of NCARB.

Mr. Truscott stated that he is in support of a structured internship program and that it would enhance an experience-only pathway in preparing candidates to take the licensure exams. Mr. Taylor concurred. Ms. Trauth suggested that the Committee write a letter to CLARB requesting the implementation of a similar program. Mr. Truscott added that the letter should encourage CLARB to contact NCARB to discuss creating an AXP-like program. Tracy Morgan Hollingworth indicated her support with the concept of CLARB creating a structured internship program. Mr. Maxam agreed.

- **Andrew Bowden moved to draft a letter to CLARB to consider an internship program similar to NCARB's, and for CLARB to contact NCARB for input and permission to use their AXP model.**

David Allan Taylor, Jr. seconded the motion.

Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 4-0.

F. Program Manager's Report on Administrative/Management, Examination, Licensing, and Enforcement Programs

Ms. Miller reported that recruitment efforts are underway to fill the Licensing Coordinator position. She further advised on the current status of Senate Bill (SB) 800, which addresses Business and Professions Code sections 5680.1 (Expired License - Renewal) and 5680.2 (License Renewal - Three Years After Expiration). She continued that once passed, SB 800 will necessitate the repeal of California Code of Regulations (CCR) sections 2624 (Expired License - Three Years After Expiration) and 2624.1 (Expired License - Five Years After Expiration).

Ms. Miller also reported that the regulatory proposal for CCR §2649 (Fees), which reduced the biennial license renewal fee, was approved by the Office of Administrative Law and became effective July 1, 2017. This fee reduction will extend from July 1, 2017-June 30, 2019. She continued that, at the June 15, 2017 Board meeting, the LATC presented recent Committee activities, the Committee's reciprocity licensure proposal, SB 800, and its 2017-2018 Strategic Plan (which was approved by the Board).

Mr. Truscott inquired why the passing rate for the California Supplemental Examination (CSE) as of June 22, 2017 for fiscal year (FY) 2016/17 was 51%. Ms. Nation advised that this pass rate was reflective of a low volume of test takers. She continued that she was advised by the DCA

Office of Professional Examination Services (OPES) that the pass rate would need to be evaluated for approximately five years to determine whether changes to the examination are necessary.

G. Discuss and Possible Action on Strategic Plan Objective to Review Title 16, California Code of Regulations (CCR) Section 2620 (Education and Training Credits) Regarding Initial Licensure Eligibility for Individuals who have Related Degrees and/or Experience-Only to Expand Pathways to Licensure

Ms. Miller reported that the previous and current Strategic Plans have objectives to expand pathways to licensure that include the consideration of related degrees. She continued that, currently, credit for licensure qualification is granted for a degree in landscape architecture, an approved extension certificate in landscape architecture, and a degree in architecture from a program accredited by the National Architectural Accreditation Board.

Ms. Miller advised that, at the April 18, 2017 LATC meeting, the Committee voted to recommend to the Board the approval of proposed regulatory language that allows reciprocity licensure to candidates who are licensed in other states upon passing the CSE. She continued that, upon consideration by the Board at its June 15, 2017 meeting, the Board rejected this proposed language and directed the LATC to align its reciprocal and initial licensure requirements and, where possible, mirror those of the Board. Ms. Miller referenced the draft Table of Equivalents (Attachment G.6) which contained proposed regulatory language for the Committee's consideration and included experience-only, related, and non-related degree pathways.

Mr. Truscott stated that the demand for landscape architects has increased and that pathways to become licensed without going back to school are needed. He continued that he is in favor of an AXP-like program to mentor and train candidates who are preparing to sit for the examinations.

Mr. Bowden stated that a clear reason is needed in order to modify current regulations. He further asserted that, with regard to consideration toward an experience-only pathway, education provides knowledge that helps protect the health, safety, and welfare of the public. Ms. Trauth commented that the Committee should consider how education is changing due to people learning in non-traditional settings.

Mr. Bowden expressed his belief that the work and report of the previously held Education Subcommittee should remain in consideration. He continued that some of the Education Subcommittee's recommendations were not implemented and data was not collected.

Ms. Trauth referenced CLARB's draft Model Regulations and explained that it provides education credit for licensure qualification for a civil engineering degree and it yields two years of credit for a candidate that holds any Bachelor's degree.

With regard to staff's proposed changes to CCR §2620, Mr. Feng explained that the proposal offers many opportunities for credit given to education which, in his opinion, indicates that the draft amendments to CCR §2620 do not undermine the importance of education. He further opined that having landscape architects with broader educational backgrounds could enhance the practice.

Mr. Bowden opined that the LATC's licensure requirements should include a degree in landscape architecture and that candidates should earn some amount of education. He commented that California and Nevada are the only two states that give credit for an associate degree in Landscape Architecture and California is the only state that gives credit for an Extension Certificate Program. Mr. Bowden further stated that he is in support of a structured experience-only pathway in order to direct the type of experience a candidate is receiving.

Vickie Mayer suggested that the experience-only pathway could be under the direct supervision of a landscape architect with a specified number of years. Mr. Bowden commented that such candidates may still not be exposed to all facets of landscape architecture (e.g., residential, hotels, parks, etc.).

Mr. Truscott stated that the examinations measure a candidate's competency to practice landscape architecture. To support this assertion, he offered that, conceptually, a candidate who has a four-year degree and two years of work experience consisting only of planning details would be eligible to take the examinations. However, he argued that this candidate still is not guaranteed to be able to pass the examinations. Mr. Truscott added that he supports a structured internship program, but that he disagrees with waiting for one to be implemented before approving an experience-only pathway.

Mr. Bowden inquired which degrees the LATC should consider as "related." Rebecca Bon advised that the Committee should define the required components of related degrees so staff can apply them to all pathways to licensure.

Mr. McCauley recommended the LATC could obtain guidance and counsel from DCA and OPES to aid in the process of determining related degrees. Marccus Reinhardt commented that the Board relies on NCARB to provide information and suggested contacting CLARB to inquire about whether a study has been conducted which identifies coursework or degrees related to the practice of landscape architecture.

- **Marq Truscott moved to approve the proposed language to amend CCR §§ 2620(a)(1), 2620(a)(2), and 2620(a)(3).**

Andrew Bowden seconded the motion.

Mr. Maxam suggested adjusting the total number of years of education credit granted (from the current amount of six years) if it is determined that additional years of experience are needed.

Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 4-0.

- **Marq Truscott moved to form a subcommittee to make recommendations to amend CCR § 2620 which define related degrees and non-related degrees (baccalaureate and associate) and experience-only pathways, and prescribe allowable credits for initial licensure composed of: two LATC members, one private licensed landscape architect from California, one educator from California, and one licensed landscape architect contractor from California**

David Allan Taylor, Jr. seconded the motion.

Mr. Bowden expressed agreement with the motion except for the make-up of the subcommittee. He noted that the previous Education Subcommittee had educators and that the newly formed subcommittee should have a similar make-up.

Mr. Maxam suggested that the subcommittee review proposed pathway CCR §2620(a)(5). He also requested that a member of the public be on the subcommittee. Mr. McCauley agreed with the addition of a member from the public. Ms. Morgan Hollingworth commented that she is in agreement with the formation of a subcommittee and that CCASLA has been asking for a review of LATC's education requirements. She continued that if courses within majors are similar, then the subcommittee should consider them in regards to accepting related degrees.

Ms. Morgan Hollingworth also suggested including educators and practitioners on the subcommittee.

Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 4-0.

- **Marq Truscott moved to amend the motion to form a subcommittee to make recommendations to amend CCR § 2620 which define related degrees and non-related degrees (baccalaureate and associate) and experience-only pathways, and prescribe allowable credits for initial licensure composed of: one LATC member, one private licensed landscape architect from California, one licensed educator from California, one licensed landscape contractor from California, and one public member**

Andrew Bowden seconded the amended motion.

Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 4-0.

- **Marq Truscott moved to approve the proposed language for CCR §§ 2620(a)(6), 2620(a)(9), 2620(a)(10), 2620(a)(11), 2620(a)(13), 2620(a)(14), and 2620(a)(15) as presented.**

Patricia Trauth seconded the motion.

Mr. Bowden expressed that he has a possible conflict of interest due to his membership as the Chair of the University of California, Los Angeles Landscape Architecture Guidance Committee and recused himself from the vote.

Members Taylor, Truscott, and Chair Trauth voted in favor of the motion. Member Bowden abstained. The motion passed 3-0-1.

- **Marq Truscott moved to approve the proposed language for CCR § 2620(a)12 as presented.**

David Allan Taylor, Jr. seconded the motion.

Ms. Trauth stated that the Committee is sending a letter to CLARB requesting the implementation of a structured internship program, thus facilitating a possible means to enhance the experience-only pathway in a “structured” manner. Mr. Bowden stated that he supports an experience-only pathway that includes a structured internship program. Mr. Truscott commented that even with an internship program, the LATC could not control the quality of experience for each candidate. Mr. Bowden further commented that the structured internship program would substitute education and that the LATC could dictate the types of experience a candidate needs to possess.

Ms. Miller commented that CLARB instituting a structured internship program is not a certainty. Ms. Mayer commented that the Board has directed the Committee to act due to the Board and the Board for Professional Engineers, Land Surveyors, and Geologist having an experience-only pathway.

Ms. Mayer stated that, originally, the Board’s initial Intern Development Program (former to the AXP) was developed by NCARB and was mostly time-based other than outcome oriented. She continued that it was later augmented with a comprehensive evidence-based overlay in order to support candidates’ training. As the program evolved, the comprehensive overlay was no longer needed.

Ms. Morgan Hollingworth, opined that the proposed language of CCR § 2620(a)(12) for an experience-only pathway should not be approved as presented. Mr. Maxam suggested that the motion be amended to include eight years of required experience needed for those with no education credit.

John Austin inquired if the internship program would allow a candidate who only has commercial experience gain experience in other areas. Mr. McCauley stated that with AXP, there is no restriction on the types of experience.

- **Marq Truscott moved to amend the motion to approve the proposed language of CCR § 2620(a)(12) as presented with the addition that it becomes effective on January 1, 2020.**

Andrew Bowden seconded the amended motion.

Mr. Maxam commented that the motion does not consider the Board’s directive to the LATC. He opined that, based upon current licensure requirements, an associate degree and one year of experience under a landscape architect should not be more valid than six years of experience under the direct supervision of a landscape architect.

Mr. Bowden commented that he would not vote in favor of the motion due to the exclusion of an internship program. Ms. Trauth suggested approving the proposed regulatory language as presented with the addition of completing an internship program.

Ms. Morgan Hollingworth commented that CCASLA is not in favor of an experience-only pathway.

Members Truscott and Chair Trauth voted in favor of the motion. Members Bowden and Taylor opposed the motion. The motion failed to carry 2-2.

Mr. Taylor stated that he was not in agreement with the motion's inclusion of an effective date for the implementation of an experience-only pathway and that he believes that a subcommittee could define the experience-only pathway and establish training credits for it.

- **David Allan Taylor, Jr. moved to approve the proposed language for CCR § 2620(a)12 as presented and have the Education/Experience Subcommittee provide a recommendation to the LATC defining its description and establishing training credits.**

Patricia Trauth seconded the motion.

At Ms. Mayer's request, Mr. Taylor clarified that his motion only directs the Education/Experience Subcommittee to determine the description and amount of credit for an experience-only pathway that does not require an internship program

Mr. Maxam expressed opposition with the motion to defer defining and establishing credits for an experience-only pathway to licensure to a subcommittee.

Members Taylor, Truscott, and Chair Trauth voted in favor of the motion. Member Bowden opposed the motion. The motion passed 3-1.

H. Discuss and Possible Action on Proposed Amendments to CCR Section 2615 (Form of Examinations) Regarding Reciprocity Requirements

Ms. Miller reported that at the April 18, 2017 LATC meeting, the Committee voted to recommend to the Board approval of proposed amendments to CCR § 2615 that would grant eligibility for reciprocity licensure for an individual licensed in another state upon passage of the CSE. She continued that at the June 15, 2017 Board meeting, the Board conveyed that the LATC's initial and reciprocal licensure requirements should closely align with one another and, where possible, mirror those of the Board.

Mr. Truscott suggested that in light of the Committee's previous decision to have the Education/Experience Subcommittee provide input regarding initial licensing standards, the Committee's decision on reciprocity should be congruous with the Subcommittee's determination and recommendation.

Ms. Mayer commented that reciprocity requirements could be based on a candidate meeting California's initial licensure requirements; therefore, reciprocity requirements should match the broadened initial licensure requirements.

- **Andrew Bowden moved to recommend to the Board that reciprocity requirements align with initial licensure requirements in California.**

David Allan Taylor, Jr. seconded the motion.

**Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion.
The motion passed 4-0.**

J. Enforcement Program

Ms. Miller reported on the Annual Enforcement Statistics and stated that LATC's goal is to maintain ongoing efforts to reduce the enforcement completion timeline. She continued that in FY 16/17 average case completion time was 147 days, which is a reduction from the previous FY. Ms. Miller also reported that the current Strategic Plan has an objective to collect and review data respective to unlicensed activity and licensee violations to identify if trends exist, and thus, presented the data to the Committee members.

Stacy Townsend reported that the LATC staff reviewed and revised its *Disciplinary Guidelines* to mirror the Board's wherever possible. She detailed to the Committee that the draft Guidelines show all of the tracked changes previously reviewed at the August 6, 2015 LATC meeting and that the latest revisions based on changes to the Board's Guidelines are highlighted in yellow.

- **Andrew Bowden moved to approve the *Disciplinary Guidelines* as presented.**

Marq Truscott seconded the motion.

**Members Bowden, Taylor, Truscott, and Chair Trauth voted in favor of the motion.
The motion passed 4-0.**

K. Review and Confirm Future LATC Meeting Dates

Due to a scheduling conflict, the LATC requested to change the November 1, 2017 LATC meeting in San Diego to November 2. As for the upcoming Board meetings, Mr. Taylor stated the possibility of attending the meeting scheduled for September 7, 2017, and Ms. Trauth advised that she would be in attendance on December 7, 2017.

L. Adjournment

The meeting adjourned at 3:42 p.m.

**Agenda items for this meeting were taken out of order to allow ample time to discuss Agenda Item I. The order of business conducted herein follows the transaction of business.*