

SUMMARY REPORT

CALIFORNIA ARCHITECTS BOARD **Landscape Architects Technical Committee**

August 14, 2012
Sacramento, California

LATC Members Present

Andrew Bowden
Nicki Johnson
Stephanie Landregan
Katherine Spitz

LATC Member Absent

David Allen Taylor Jr., Chair

Staff Present

Doug McCauley, Executive Officer, California Architects Board (Board)
Vickie Mayer, Assistant Executive Officer, Board
Gary Duke, Legal Counsel, Department of Consumer Affairs (DCA)
Trish Rodriguez, Program Manager, Landscape Architects Technical Committee (LATC)
John Keidel, Special Projects Coordinator, LATC
Jacqueline French, Enforcement Coordinator, LATC

Guests Present

Christine Anderson, Past LATC Member
Pamela Berstler, Legislative Chair, California Chapter, Association of Professional Landscape Designers (APLD)
Judy Geer, Test Development Staff, DCA Office of Professional Examination Services (OPES)
Peter Larimer, Landscape Architect, Sierra Chapter, American Society of Landscape Architects (ASLA)
Richard Risner, Landscape Architect, San Diego Chapter ASLA
Michael Scheele, Landscape Architect, Northern California Chapter (CC)/ASLA
Marq Truscott, Landscape Architect, Sierra Chapter/ASLA
Raul Villanueva, Test Development Staff, OPES
Keith Wilson, Board Member, CC/ASLA
Jon Wreschinsky, President, CC/ASLA

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

Stephanie Landregan called the meeting to order at 10:36 a.m. and called the roll. Four members of LATC were present, thus a quorum was established. She noted that David Allen Taylor, Jr. was unable to attend and serve as LATC Chair. Ms. Landregan served as Chair for the meeting. Ms. Landregan introduced and welcomed the new LATC members Nicki Johnson and Katherine Spitz, and returning LATC member Andrew Bowden.

B. Approve November 14, 2011 LATC Summary Report

Ms. Landregan presented the November 14, 2011 LATC Meeting Summary Report for approval. Doug McCauley noted that there was only one member out of the current LATC members who was on LATC when the November 14, 2011 LATC meeting occurred. He asked if LATC could approve the November 14, 2011 Summary Report under these circumstances. Gary Duke stated the LATC members who were not present at the November 14, 2011 LATC meeting could vote to approve the Summary Report pursuant to the “rule of necessity.”

The LATC members had no revisions for the November 14, 2011 LATC Summary Report.

- **Andrew Bowden moved to approve the November 14, 2011 LATC Summary Report.**

Nicki Johnson seconded the motion.

The motion carried 4-0.

C. Approve May 4, 2012 LATC Summary Report

Ms. Landregan presented the May 4, 2012 LATC Meeting Summary Report for approval. Mr. Bowden referred to page seven of the Summary Report regarding California Code of Regulations (CCR) section 2615, Form of Examinations, which stated, “Ms. Anderson also suggested LATC add a statement to the LATC website referring people to the Landscape Architectural Accreditation Board (LAAB) website for an updated list of schools that offer LAAB accredited degrees” He asked if this statement was added to the website.

Trish Rodriguez noted that the statement was not added because LATC reviewed the California Community College Chancellor’s Office (CCCCO) website and there were discrepancies between their list of accredited schools and the list of degrees that the schools offered. She suggested that because of these discrepancies, LATC should provide the list of schools on the LATC website instead of creating a link to the CCCCCO website.

Ms. Landregan noted that any candidate who has an LAAB accredited degree could apply for candidacy in California. She explained that LATC could put the list of LAAB accredited schools on the LATC website, but the list would need to exclude University of California (UC) Berkeley’s undergraduate program because it is not LAAB accredited. Ms. Rodriguez noted that LATC accepts non-accredited degrees. She stated that LATC would need to clarify that LATC accepts non-accredited degrees and state the amount of educational credit a candidate can receive for a non-accredited degree on the website. Ms. Landregan concurred and suggested that LATC can add a statement to the website noting that other LAAB accredited degrees meet the education requirement and provide a link to the LAAB website. Ms. Landregan stated LATC could draft a statement after the meeting for further review.

Mr. Bowden referred to a statement on page seven of the May 4, 2012 Summary Report which read “Ms. Anderson stated LATC will add an agenda item to a future LATC meeting to discuss

adding a provision to the law to allow a certain amount of licensed experience in landscape architecture in other jurisdictions to supplement deficiencies in obtaining a California landscape architect license.” He asked if this issue was addressed. Ms. Landregan stated this discussion item needed more background information before it should be discussed with the new LATC members. Ms. Rodriguez noted that the plan is to have this topic of discussion added to the agenda for the next Strategic Planning.

The LATC members had no revisions for the May 4, 2012 LATC Summary Report.

- **Andrew Bowden moved to approve the May 4, 2012 LATC Summary Report.**

Nicki Johnson seconded the motion.

The motion carried 4-0.

Mr. Duke noted that the new LATC members needed to be sworn-in before proceeding further with the meeting. Mr. McCauley presented Christine Anderson with a certificate to recognize her past service as LATC member. Mr. McCauley also presented Mr. Bowden with a certificate to recognize him for all his past contributions to LATC and welcomed him back to LATC.

Ms. Rodriguez introduced and welcomed the new LATC members. Ms. Johnson stated that she was appointed to LATC on May 24, 2012. She noted that she owns her own business and previously worked at an engineering firm in Roseville. She stated that she also previously worked at a landscape architecture firm in Clovis and that she graduated from California Polytechnic University, San Luis Obispo.

Katherine Spitz stated that she is Principal of Katherine Spitz Associates, Inc. in Los Angeles and has been practicing in a landscape architecture firm since approximately 1986. She noted that she is also a licensed architect and attended UC Los Angeles (UCLA) School of Architecture.

Mr. Bowden stated that he is Principal of Land Concern, LTD, in Santa Ana and that he has been licensed since 1979. He also stated that he has been employed in the landscape architecture profession since 1970. He noted that he served on the Board of Landscape Architects Enforcement Committee, and was appointed to LATC under Governor Schwarzenegger. He stated that he is now on LATC from an appointment by Governor Brown.

Mr. McCauley read the Oath of Office and swore in Ms. Johnson, Ms. Spitz, and Mr. Bowden as members of the LATC.

Ms. Rodriguez also introduced John Keidel, LATC Special Projects Coordinator, and Jacqueline French, LATC Enforcement Coordinator. She noted that she is currently recruiting for the LATC Licensing Coordinator and LATC Examination Coordinator positions.

D. Program Manager’s Report

Ms. Rodriguez presented the Program Manager’s Report. She explained that BreZE is scheduled to be implemented for LATC in the Phase Three release set for Fall 2013.

Mr. McCauley explained that the Board and LATC were scheduled to be implemented in the same release of BreEZe in order to combine efforts.

Ms. Rodriguez noted that recent regulation changes require modifications to the Applicant Tracking System (ATS) in order to accommodate a new, four-section version of the Landscape Architect Registration Examination (LARE), administered by the Council of Landscape Architectural Registration Boards (CLARB). She noted that DCA determined that these modifications were unable to be made to ATS and a workaround solution was required. She explained that LATC has a programmer on-loan from the Contractor's State Licensing Board to develop a workaround solution. She stated that LATC will remain on ATS until approximately August 27, 2012, which will be the same time LATC receives the exam results from the final administration of the five-section LARE administered in June 2012. Mr. Bowden asked why LATC is scheduled for Phase Three release of BreEZe. Mr. McCauley explained that part of it is to let the first phases be implemented to work out as many issues as possible before the Board and LATC transition to the new system.

Ms. Rodriguez noted that LATC has conducted outreach efforts. She stated that since the last LATC meeting, Mr. Taylor gave a presentation at California Polytechnic University, San Luis Obispo, and Steve Lang gave a presentation at the UCLA Extension Certificate Program. She noted there have been outreach efforts to community colleges as well.

LATC discussed the pending regulation package for CCR sections 2615, Form of Examinations, and 2620, Education and Training Credits. Ms. Rodriguez stated that the pending regulation package for CCR section 2615 has been updated to include new cleanup language. She explained that part of the justification for this regulation package is that CLARB allows candidates to schedule themselves for all sections of the LARE, even if LATC deems them eligible to only take sections 1 and 2. Ms. Anderson noted that although candidates can schedule themselves for sections of the LARE, CLARB has each candidate sign an affidavit stating that they have followed the rules for the state in which they are applying for licensure.

Ms. Landregan noted that some states do not have an experience requirement in order to take the LARE. Ms. Rodriguez suggested that a new letter should be sent to candidates to provide them with the most recent information regarding the LARE and that this letter should also be provided to the new LATC members so they can become familiar with LATC correspondence.

Ms. Landregan concurred with this recommendation.

LATC discussed the pending regulation package for CCR section 2620.5, Requirements for an Approved Extension Certificate Program. Ms. Rodriguez explained that this regulation package is suspended in anticipation of additional recommended changes as a result of the upcoming UC Extension Certificate Program Task Force meeting.

LATC discussed the pending regulation package for CCR section 2614, Examination Transition Plan. Ms. Rodriguez noted that this regulation package is being expedited in anticipation of the first administration of the new four-section LARE in September 2012. She noted that if the regulation package is not approved by the Office of Administrative Law by the time the first administration of the four-section LARE is administered, LATC will provide transitional credit to candidates.

Ms. Rodriguez noted that members of OPES are in attendance at the meeting and will provide an update on the California Supplemental Examination (CSE) later in the meeting. She also stated

that updates on the UC Extension Certificate Program Task Force and the Exceptions and Exemptions Task Force will be provided later in the meeting.

E. Report on California Supplemental Examination and Possible Action

Ms. Landregan introduced Judy Geer and Raul Villanueva of OPES to provide an update on the CSE pass rates. Mr. Villanueva stated that there were two factors involved in reviewing the CSE pass rates: candidates and the exam. He noted that candidates are required to have a fair amount of experience and education to take the LARE. He stated that the pass rates on the portions of the five-section LARE that do not have exhibit sections ranged around 70%, and the pass rates on portions of the LARE with exhibit sections ranged around 38%. He explained that this means the portion of the examination with the lower pass rate becomes the “gate” to passing. He explained that the CSE candidate pool consists of the top 38% of candidates who passed the LARE. He stated that when the top performers of a difficult examination take the CSE, it can increase the pass rate.

Mr. Villanueva stated that he reviewed the LARE and CSE for any content overlap that would result in a higher pass rate. He stated that there is overlap between content on the LARE and CSE, particularly on test questions with greater difficulty. He recommended that test questions should move towards items that are more California-specific during future item-writing workshops. He stated that although an 89% pass rate on the CSE is high, it is an appropriate pass rate considering the factors mentioned. He stated that future items should move away from general landscape architecture practice and focus on California-specific practice. He also recommended that LATC develop the item bank by identifying well-performing California-specific content to ensure that the content is current. He noted OPES would continue to monitor pass rate performance.

Ms. Landregan asked if LATC could interact with OPES during the initial item-writing phases to find topics that are California-specific for the next item writing session. She explained that the last time the task analysis was conducted for the CSE, LATC thought the pool of subject matter experts (SME) that was used was too narrow, and many elements that were used on the previous take-home CSE were not used on the new CSE. Mr. Villanueva stated that LATC input is important during the initial stages of the occupational analysis (OA). He noted that the information LATC provides would be given to LATC staff as OPES begins assembling the plan. He stated that the OA should be viewed as an applied research project, in that outside influence should stop at a certain point so data can be collected and evaluated objectively without any kind of undue influence. He stated that it is difficult to have LATC or Board members present during the workshops because their presence alone can have an influence, whether this influence is intentional or not.

Ms. Spitz asked where the appropriate place for LATC input would be during the examination development process. Mr. Villanueva stated the appropriate place would be during planning stages, and during the SME selection process. Ms. Geer noted that during the current exam cycle, OPES received input from the Board, and there were certain issues the Board wanted to be discussed with the SMEs. She stated that the issues were taken into consideration and discussed with the SMEs. Mr. Bowden asked if the current 89% pass rate is representative of the exam performing in a manner to protect the public interest. Mr. Villanueva stated that the pass rate is appropriate given the factors mentioned earlier. Ms. Landregan asked if OPES conducts candidate surveys. Mr. Villanueva stated that OPES intentionally does not gather candidate

information as part of the examination development process. Ms. Landregan asked what factors are considered when selecting SMEs in order to test for minimal competency and to protect the interest of the public. She also asked if OPES seeks SMEs who are younger and more recently licensed. Ms. Geer stated that OPES looks for SMEs with different experience backgrounds, different geographical backgrounds, and especially look for newer licensees to balance out SMEs who have been licensed longer. She stated they look for a balance between younger and older licensees. Ms. Spitz asked what the next steps are in the exam development process. Mr. McCauley stated that since there is opportunity for LATC to provide input in the process, LATC might want to add something to the agenda for the next LATC meeting to address topics for the next OA.

Ms. Geer provided a detailed overview of the OPES examination development process and answered questions from LATC and staff. OPES informational series handouts were provided to LATC. Ms. Landregan thanked Ms. Geer and Mr. Villanueva for providing helpful and detailed presentations.

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

Ms. Landregan provided an introductory overview of CLARB to the new LATC members. She described the purpose, structure, and mission of CLARB. She stated CLARB is a service organization of Member Boards and has no authority to license. She noted they conduct examination development for the LARE and strive to cover all necessary material. She stated California is a member of CLARB Region V and Ms. Anderson is the Region V Director. Ms. Landregan announced she is the CLARB Vice President, and is on the ballot to be CLARB President-Elect. She noted that California has the most licensees of any of the CLARB Member Boards so it is important for LATC members to participate in CLARB activities. Ms. Landregan encouraged the new LATC members to be as active as possible with CLARB activities.

Mr. McCauley stated the CLARB membership fee is paid by the LATC and there are no individual membership dues for the LATC members. Ms. Landregan stated that Mr. Taylor and herself nominated the following candidates to the CLARB Nominations and Awards Committee: Frank Basciano, Tom Nieman, and Marjorie Pitz.

Ms. Landregan explained that there was not a quorum when they were nominated, so she suggested a motion to ratify the nominations of these three candidates.

- **Andrew Bowden moved to ratify the nomination of Frank Basciano, Tom Nieman, and Marjorie Pitz to the CLARB Nominations and Awards Committee.**

Nicki Johnson seconded the motion.

The motion carried 4-0.

Ms. Landregan also suggested a motion to vote for the slate that CLARB has presented for their Board of Directors.

- **Andrew Bowden made a motion to vote for the CLARB Board of Directors by voting for Dennis Bryers as President, Stephanie Landregan as President-Elect, Jerany Jackson as Vice President, Chris Hoffman as Secretary, and Tim Schmalenberger as Secretary.****

Nicki Johnson seconded the motion.

The motion carried 4-0.

***It was noted later in the meeting that two nominees for CLARB Secretary were inadvertently included in the vote for the CLARB Board of Directors slate and a new vote was taken.*

F. Exceptions and Exemptions Task Force Report and Possible Action

Ms. Anderson provided an update on the Exceptions and Exemptions Task Force. She stated that the Task Force met on May 24, 2012. She noted that the Task Force is comprised of representatives from LATC, the Board, ASLA, APLD, DCA, the California Landscape Contractors Association, and a California Building Official. She explained that the purpose of the Task Force is to ensure that there is clarity regarding Business and Professions Code (BPC) section 5641, Exceptions and Exemptions, and ensure that these provisions protect the public. She stated the Task Force discussed their purpose at length and reviewed BPC section 5641. She noted they examined what kinds of materials would be needed to assist in clarifying BPC section 5641. She stated that the Task Force reviewed laws regarding landscape design from other states and mainly focused on the topic of residential practice. She stated the Task Force also discussed residential design, residential landscape architecture, unlicensed practice, and how building officials interpret BPC section 5641. Ms. Anderson concluded by noting the next meeting date was set for October 18, 2012.

G. University of California Extension Certificate Program Task Force Report and Possible Action

Ms. Landregan recused herself from participation in discussion on agenda item G because she is the Director of the UCLA Landscape Architecture Extension Program. She explained that she has a vested interest in any decisions that affect the Program. Ms. Landregan temporarily passed LATC Chair duties to Mr. Bowden for discussion on agenda item G and stepped out of the meeting room.

Ms. Anderson, University of California Extension Certificate Program Task Force Chair, provided an update on the Task Force. She stated that LATC provides approval for both the UCLA Extension Certificate Program and the UC Berkeley Extension Certificate Program. She explained this approval has previously been conducted on a five-year cycle. She stated that the last time the approval was conducted, LATC identified recent changes to LAAB's requirements for Bachelor's and Master's Degree programs. She suggested that they needed to incorporate similar changes into the LATC approval process. She conveyed the importance for LATC to align with LAAB requirements because it reduces workload and provides an introduction into developing LATC procedures. She explained that since these changes needed to be made, LATC gave both extension programs an extension of two years, extending their approvals to December 2013. She elaborated that the last time the site reviews were conducted, the site review teams

encountered several operational issues such as there were no forms to use in evaluating the programs and there were no training procedures for the site review teams. She recommended that these items be developed before the next site review. Ms. Anderson noted that the Task Force was appointed during the last Strategic Planning session in January 2012. She noted that the Task Force has a balance of members from both the professional and educational side of landscape architecture. She noted that the Task Force also has members who have been on the LAAB accreditation teams. She indicated that LATC needs to ensure that the Task Force members know that the site review teams will also be chosen from the members of the Task Force.

Ms. Anderson explained that at the June 27, 2012, Task Force meeting, the Task Force identified the potential need to specify a fee for review of the programs in order to fund the cost of reviewing the programs. She stated that the Task Force hopes to meet one more time before the next LATC meeting for their approval of any modifications to the proposed language for CCR section 2620.5, and for subsequent approval by the Board. Ms. Rodriguez noted that the next LATC meeting would be some time in November 2012. She explained that the review and approval procedures would not need to be presented to the Board for approval since they are not regulatory in nature. Mr. Bowden asked if Ms. Anderson expects the development of the review and approval procedures to be complete before the next LATC meeting. Ms. Anderson stated that she believes they will be able to complete the review and approval procedures but she is concerned that follow-up tasks may come out of the next meeting. She stated that she hopes to have a final draft of the procedures document for review and approval at the next LATC meeting.

Mr. Bowden explained that the UCLA Extension Certificate Program requires a Bachelor's degree to enter the program, but the UC Berkeley Extension Certificate Program does not. He asked Ms. Anderson if the review and approval procedures would address this issue. Ms. Anderson explained that it is important for LATC to provide the criteria for approval and to align the guidelines with LAAB as much as possible. She stated that this issue will be taken into consideration in development of the procedures.

Ms. Spitz asked how far the extension certificate programs are from meeting current LAAB requirements. Ms. Anderson explained that the difference is that LAAB accredits degree programs and LATC will approve certificate programs. She noted that they are two different entities requiring different evaluation criteria.

Ms. Anderson noted that LATC should be aware that the LAAB Board of Trustees is currently reviewing a proposal to change the LAAB requirements to allow for non-first degree granting programs to be accredited by LAAB. She stated this would take approval duties away from LATC and put the responsibility with LAAB. She stated that she is in favor of this because she does not believe LATC should be approving programs. Mr. Bowden asked if any items needed to be voted on or if any follow-up action is needed. Ms. Anderson reiterated that the Task Force members need to know that the site review teams will also be chosen from the members of the Task Force. Ms. Rodriguez stated that she and Ms. Anderson will ensure the Task Force members are aware of this.

I. Review and Discuss Application Fee for Approval of Landscape Architecture School and Possible Action

Mr. Bowden introduced Agenda Item I and asked if a fee has ever been charged for the application for approval of a school of landscape architecture since BPC section 5681, Fee Schedule, was modified to authorize it. Ms. Rodriguez replied that a fee has never been charged. She explained that although the fee is authorized in BPC section 5681, it must also be specified in regulation for LATC to have the authority to charge it. She noted that this requires a change of LATC regulations. She explained that this agenda item is being presented for LATC to decide if a fee should be specified in regulation, and Ms. Spitz asked what the \$600 fee amount in BPC section 5681 was based on. Mr. Keidel stated that the fee was based on a cost-sharing proposal between three landscape architecture schools at UCLA, UC Berkeley, and UC Irvine. He stated that the fee amount included review costs at the time the statute was established and meant to mirror the costs of ASLA accreditation. Ms. Mayer noted that BPC section 5681 would need to be changed in the Legislature in order to increase the fee amount. She explained that LATC should first determine if they want to charge a fee. She stated that if they want to charge the fee, they must then determine the amount. Ms. Rodriguez added that LATC has paid for the entire cost of the approvals in the past.

Ms. Anderson asked Mr. Duke to explain the regulation process after LATC makes a recommendation to the Board. Mr. Duke stated that after the Board votes to approve LATC's recommendation, LATC would need to take action to establish a rulemaking file and begin the process. Ms. Anderson stated that LATC would not be able to charge the fee until the regulation was signed into law.

Ms. Anderson indicated that LAAB charges at least \$1,200 annually for accreditation. She explained that one of the reasons the fee should be established is to ensure that a new school makes a valid effort to meet the criteria for approval when they apply.

Mr. Bowden asked if LAAB accreditation would replace LATC approval if LAAB decides to allow the accreditation of extension certificate programs. Ms. Mayer explained that it could possibly replace LATC approval and would likely require changes to the regulations.

Ms. Mayer noted that the current regulation package for CCR section 2620.5 states that schools are to be approved for a period of seven years, and it is unclear how to implement a \$600 fee on a biennial basis with a seven-year approval period. Mr. Duke stated that clarification is needed from Don Chang, DCA legal counsel, on how to implement the \$600 fee. He also noted that the proposed regulation package for CCR section 2620.5 does not include any provisions for removing approval from a school and it will be important to include this to address this situation.

- **Katherine Spitz made a motion to charge the maximum allowable fee for the approval of a school of landscape architecture.**

Nicki Johnson seconded the motion.

The motion carried 4-0.

Ms. Spitz asked if LATC could discuss raising the application fee at the next LATC meeting. Mr. McCauley stated that it could be an issue that is raised at the Strategic Planning session. Ms. Rodriguez noted that a cost analysis would also be needed to justify raising the fee.

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

Ms. Landregan was summoned back to the meeting and Mr. Bowden transferred Chair duties back to Ms. Landregan. Mr. McCauley stated that LATC needed to revisit Agenda Item H to vote on the CLARB Board of Directors Secretary since two nominees for the Secretary position were inadvertently voted for earlier in the meeting.

- **Andrew Bowden made a motion to amend his previous motion to approve the vote for the CLARB Board of Directors, by voting for Dennis Bryers as President, Stephanie Landregan as President-Elect, Jerany Jackson as Vice President, and Tim Schmalenberger as Secretary.**

Nicki Johnson seconded the motion.

The motion carried 4-0.

J. Election of LATC Officers

Mr. Duke provided an overview of the Bagley-Keene Open Meeting Act of 2004 for the new LATC members. He explained that this act covers all state boards and commissions and it ensures an opportunity for public participation in all public meetings. Mr. Duke reviewed a handout of the top ten rules of the Bagley-Keene Open Meeting Act. Ms. Berstler asked if there are any Bagley-Keene Open Meeting Act restrictions concerning dialogue in social media outlets such as Facebook and LinkedIn. Mr. Duke explained that the same restrictions regarding email conversations would apply to discussions held over social media outlets. He cautioned against using a social media outlet to discuss LATC matters.

Ms. Landregan stated that election of LATC officers typically occurs in the summer of each year. She stated that she is interested in the LATC Chair position.

- **Katherine Spitz made a motion to elect Stephanie Landregan as LATC Chair.**

Andrew Bowden seconded the motion.

The motion carried 4-0.

Ms. Landregan temporarily passed Chair duties to Mr. Bowden so that she could make a motion.

- **Stephanie Landregan made a motion to elect Andrew Bowden as LATC Vice Chair.**

Katherine Spitz seconded the motion.

The motion carried 4-0.

Mr. Bowden transferred Chair duties back to Ms. Landregan.

K. Review Tentative Schedule and Confirm Future LATC Meeting Dates

LATC meetings tentatively scheduled:

November 14, 2012, location TBD

Adjourn

- **Stephanie Landregan adjourned the meeting.**

The meeting adjourned at 2:20 p.m.

**Agenda items for this meeting were taken out of order to accommodate the arrival of the Chair of the University of California Extension Certificate Program Task Force. The order of business conducted herein follows the transaction of business.*