



SUMMARY REPORT

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

Sunset Review Task Force Meeting
October 11, 2002
Sacramento, California

MEETING ATTENDED BY:

Sunset Review Task Force Members Present

Dennis Otsuji, Chair
Richard Ciardella
Linda Gates
Tom Lockett

Sunset Review Task Force Members Absent

David Mitchell
Richard Zweifel

Staff Present

Doug McCauley, California Architects Board (CAB) Executive Officer
Mona Maggio, Landscape Architects Technical Committee (LATC) Program Manager
Mary Anderson, Examination Coordinator
Patricia Fay, Licensing Coordinator
Erin Mynatt, Enforcement Coordinator
Justin Sotelo, Enforcement Analyst
Don Chang, Legal Counsel

Guests Present

David Tatsumi, LATC Member

A. Welcome and Introductions

Sunset Review Task Force (SRTF) Chair Dennis Otsuji called the meeting to order at 10:10 a.m. Mr. Otsuji stated that the focus of today's meeting is to: 1) review Part I of the Sunset Review Report; 2) identify areas that need additional input and or clarification; 3) provide guidance on answering the sections on non-traditional "marketplaces" and challenges with respect to "practice without presence"; and 4) provide guidance for addressing specific issues in Part II of the Sunset Review Report. Mr. Otsuji acknowledged and thanked staff for their continued hard work and perseverance in drafting the report.

B. Review and Approve August 15, 2002 Sunset Review Task Force Summary Report

- ◆ **Linda Gates moved to approve the August 15, 2002 Sunset Review Task Force Summary Report.**
- ◆ **Tom Lockett seconded the motion.**
- ◆ **The motion carried unanimously.**

C. Review and Discuss Sunset Review Report Part I Draft

Mona Maggio stated that staff was continually working on the style and formatting of the Sunset Review Report and that prior to being submitted, the report would be aligned with the Board's and reviewed by a graphic designer.

Mr. Otsuji led the SRTF in the review and discussion of Part I of the Sunset Review Report. The SRTF directed staff to provide a variety of examples of landmarks and projects that California landscape architects participated in that would be easily identifiable by the public, in order to accurately convey the contribution of landscape architects to the State. Linda Gates suggested that the examples be broken down into categories of stewardship, community design, and public safety guidance, illustrating the different roles of a landscape architect.

Doug McCauley suggested that under the section on legislative and regulatory changes, that the report should provide the reasoning behind each of the statutory and regulatory changes that have been made over the past five years.

Under the section on licensure, Ms. Maggio raised the question to the SRTF as to how we wanted to address the issue of criminal history verification. Ms. Maggio shared that many boards already fingerprint their licensees to accomplish this and that there seems to be a push from the Department of Consumer Affairs (DCA) to require fingerprinting. Mr. McCauley also shared that in light of an increased emphasis on safety and security since September 11th, the LATC might want to consider fingerprinting candidates and licensees. The SRTF agreed that this was an important issue to be reviewed and suggested the LATC revisit the issue as part of strategic planning. The SRTF stated that we need to convey in the report that the process used by the LATC to verify an applicant's criminal history is consistent with the process used by other design boards.

Ms. Maggio asked the SRTF whether they wanted to include a section on the LATC and task force members' involvement in national and regional committees such as Council of Landscape Architectural Registration Boards (CLARB). The SRTF agreed that it is important to show the Legislature that California is represented at the national level and in making key decisions affecting the examination and regulation of landscape architecture. However, they also believed that the involvement needed to be conveyed in a way that does not show a conflict of interest, etc.

Ms. Gates expressed a need for the report to explain the reasoning behind requiring the California Supplemental Exam (CSE), making it clear to the Legislature that the CSE is not intended to be a barrier, but rather to ensure that licensees have the unique knowledge for practicing in California. The SRTF agreed that the CSE needs to be conveyed as an added area of consumer protection not a barrier to the profession.

Under the Enforcement Activity section of Part I of the Sunset Review Report, Ms. Gates suggested the accomplishments be grouped and reordered to better convey what has been done. The SRTF suggested breaking the accomplishments into groups, such as Regulation/ Enforcement, Consumer Outreach, and Operational Improvements.

Ms. Maggio asked the SRTF for their input and guidance for answering the questions that ask about non-traditional "marketplaces" and the challenges with "practice without presence." Ms. Gates volunteered to provide a list of emerging trends or marketplaces in the practice of landscape architecture to the staff to use in answering the question about emerging marketplaces. The SRTF then addressed the question dealing with challenges that exist through "practice without presence."

Ms. Maggio instructed the SRTF to leave their comments for staff to incorporate into the next draft of the Sunset Review Report Part I. The staff will revise the draft of Part I for review at the December LATC meeting for final input before going to the Board's Executive Committee in January.

D. Review and Discuss Task Force Input for Sunset Review Report Part II Draft

Ms. Maggio presented this agenda item. She stated that in order for staff to complete a draft of Part II of the Sunset Review Report, the SRTF would need to provide additional information and feedback. Ms. Maggio briefly explained the issues that staff requested assistance with and referred the SRTF to the handouts of the 1996 Joint Legislative Sunset Review Committee (JLSRC) findings.

Ms. Maggio and Erin Mynatt reviewed issues 15-18 raised by the JLSRC regarding the legislative and regulatory changes that the LATC has made over the past five years. Mr. McCauley reminded the SRTF that they should provide the reasoning behind each change. Rick Ciardella suggested that we group each statutory and regulatory change according to the following categories: public interest, internal operations of the LATC, and enforcement and regulation. He also helped explain the differences between the four questions. Issue 15 deals with the regulatory changes that improved the LATC's ability to operate in the public's interest; issue 16 relates to proposed regulatory changes and the operations of the LATC; issue 17 deals with legislative efforts to improve the regulatory program; and issue 18 relates to the proposed statutory changes and how they relate to the operations of the LATC. The SRTF reviewed the

statutory and regulatory changes provided in Part I and determined what category they fit into. Ms. Maggio and Mr. McCauley stated that they would inquire with the DCA and the JLSRC about combining responses for 15-18 into one.

Mr. Otsuji then reviewed issue 23 regarding judgements of landscape architects requiring a high degree of skill and knowledge. Ms. Maggio asked the SRTF if they agreed with the draft response staff has provided. David Tatsumi expressed his concern with the answer staff provided and felt that it focused too much on how landscape architects get the degree of skill and not enough on the why a high degree of skill is required. Ms. Maggio asked Mr. Tatsumi to draft a response and email the response to Ms. Mynatt. Mr. Tatsumi agreed to provide a short response to staff.

Ms. Maggio advised the SRTF that DCA would be holding public hearings for a number of boards and bureaus that will be going before the JLSRC this year. Staff will be attending the hearing in Sacramento on October 29, 2002. Another hearing will be held in Los Angeles on November 6, 2002. Tom Lockett stated that when the Board of Landscape Architects (BLA) went through Sunset Review in 1996, the JLSRC came back to the BLA with additional questions even after the report had been submitted. The LATC will need to be prepared for any additional questions that the JLSRC may raise as an outcome of our 2003 report.

Ms. Maggio reviewed issue 27, regarding whether federal, state or local agencies require licensure of landscape architects to perform work on public projects. Ms. Mynatt explained that the response was generated from the survey of public agencies that was conducted in January 2002. Ms. Mynatt asked Mr. Otsuji if American Society of Landscape Architects (ASLA) had conducted any recent studies that would support this finding or not. Mr. Otsuji agreed to look into the matter with ASLA. The SRTF shared that even if the agency is not requiring proof of licensure in the beginning of the process, the public agencies do expect plans to be stamped and an individual would have to be a licensed landscape architect to do so.

Ms. Mynatt reviewed issue 33, regarding the economic impact of deregulation of landscape architecture. Ms. Mynatt asked the SRTF if they agreed with the response or if they had any additional information to include. The second part of the question deals with whether deregulation would increase costs to the consumers. The SRTF agreed that there is no evidence that deregulation would affect the financial cost to the consumer. Ms. Gates did acknowledge that deregulation could affect the long term cost due to the level of protection (licensure) no longer being present. The SRTF agreed with the response, but instructed staff to integrate a statement on the possibility of increase in indirect costs as a result of deregulation. Mr. Tatsumi asked if we should incorporate what has happened in other states, such as Colorado, that have been deregulated. Mr. Lockett also asked if we could get statistics on who is really doing the landscape architecture in Colorado, licensed landscape architects.

Ms. Maggio reviewed issue 43 and the JLSRC directive to survey insurance companies. Ms. Maggio said that the Board has learned that firms, not individuals are insured and asked if we need to conduct this survey. The SRTF agreed that since the JLSRC gave the directive, we should go ahead and survey the insurance companies as to whether non-licensure would limit a landscape architect's ability to obtain liability insurance.

E. Review and Update Work Plan and Timeline

The timeline was reviewed and updated by staff and the SRTF. Mr. McCauley and Ms. Maggio will hold a strategy meeting with the DCA to discuss Sunset Review. Ms. Maggio stated that staff would be sending the SRTF Part I of the Sunset Review Report in November and Part II of the Report in sections and asking for the SRTF to give input in completing the responses. Staff hopes to be able to submit a draft of both Part I and II of the Sunset Review Report to Mr. McCauley to pass on to the Board's Executive Committee in January 2003.

The next SRTF meeting is scheduled for December 12, 2002 in the Board's office in Sacramento. Mr. Otsuji reminded the SRTF of the Strategic Planning session scheduled for January 7-8, 2003.

The meeting adjourned 3:35 p.m.