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SUMMARY REPORT

CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

December 12, 2002  
Sacramento, California

Committee Members Present

Linda Gates, Chair  
Stephanie Landregan  
Sandra Gonzalez

Staff Present

Doug McCauley, California Architects Board (CAB) Executive Officer  
Vickie Mayer, CAB Assistant 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

Cynthia Choy Ong, CAB Liaison  
Richard Ciardella, LATC Sunset Review Task Force (SRTF)  
Deanna Glory, Association of Professional Landscape Designers (APLD)  
Connie Lefkowits, APLD  
David Mitchell, SRTF  
Debbie Ruskin, APLD  
David Tatsumi, SRTF  
Richard Zweifel, LATC Education Subcommittee Chair

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

Chair Linda Gates called the meeting to order at 8:40 a.m. and Mona Maggio, LATC Program Manager, called the roll.

## **B. Chair's Remarks**

Ms. Gates introduced and welcomed Stephanie Landregan to the LATC. She reported that Ms. Landregan was appointed by Assembly Speaker, Herb J. Wesson, Jr., and that although she replaces David Tatsumi on the Committee, Mr. Tatsumi will continue to assist the LATC by serving as a member on the Sunset Review Task Force.

Ms. Gates reported that she, along with Sandra Gonzalez, David Tatsumi and Mona Maggio, attended the Council of Landscape Architectural Registration Boards' (CLARB) Annual Meeting September 12-15, 2002 in New Orleans, Louisiana. She added that the meeting was very well attended and only three states did not send a representative. Workshops included: Making Outreach Happen; Understanding CLARB Finances; Legal Liability Trends for Landscape Architects; and Strategic Planning – The Future of Licensure. The general session included discussion on CLARB's finances, election of Board Officers and voting on resolutions. Ms. Gates stated that CLARB's continuing education program, C<sup>2</sup>Ed, is not generating the revenue CLARB had planned. CLARB had hoped to have 60 hours of continuing education courses available but presently has 30 course hours. She stated that CLARB is seeing a decline in the number of candidates taking the licensing examination, which also is affecting its finances. However, this is not the case in California where we continue to see an increase in our candidate population. The American Society of Landscape Architects (ASLA) gave a PowerPoint presentation on Homeland Security as landscape architects are playing a vital role in its planning. Ms. Gates stated that the regional meeting discussion covered many of the same issues that were discussed during the general sessions. Ms. Gates announced that the highlight of the meeting for California was Ms. Gonzalez being elected as 2<sup>nd</sup> Vice President for CLARB's Board of Directors.

Ms. Gates also reported that LATC members and staff attended the ASLA Annual Conference and Exposition in San Jose on October 21, 2002 and that she gave an update on the LATC's accomplishments and status of the Sunset Review Report. She added that CCASLA asked that a LATC representative attend chapter meetings.

## **C. Public Comment Session**

There were no public comments.

## **D. Approval of August 15, 2002 LATC Summary Report**

- ◆ Sandra Gonzalez moved to approve the August 15, 2002 LATC Summary Report.
- ◆ Stephanie Landregan seconded the motion.
- ◆ The motion carried unanimously.

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

Ms. Maggio reported that she attended the California Architects Board meeting and Strategic Planning Session on December 5-6, 2002 in Berkeley, California. The Board's focus this year is on Sunset Review, and the structured intern development program. Ms. Maggio stated that she

would bring some of the Board's ideas for its Strategic Plan to the LATC's Strategic Planning Session on January 7, 2003.

Doug McCauley announced that the Board officers for 2003 are Denis Henmi, President; Jeffrey Heller, Vice-President; and Cynthia Choy Ong, Secretary.

Ms. Gonzalez stated that her charge as 2<sup>nd</sup> Vice President of CLARB would focus on student outreach. She added that this is the first time California will be represented on the CLARB's Board of Directors.

Mr. Tatsumi thanked Mary Anderson and Justin Sotelo for their support during his licensure presentation to the students at California State Polytechnic University, Pomona on November 21, 2002. The students had questions that were best answered by staff. He called the LATC office during the presentation and Ms. Anderson and Mr. Sotelo were able to provide the appropriate response.

**F. Discuss and Develop Agenda to Celebrate 50 Years of Licensure for Landscape Architects in California**

Ms. Maggio stated that in 2003, California landscape architects will celebrate 50 years of licensure under the Landscape Architects Practice Act, established in 1953. Ms. Maggio asked the LATC to discuss how to best commemorate this milestone. Staff suggested the LATC ask the CCASLA and the ASLA to assist with acknowledging the accomplishments of licensees over the past 50 years. Ms. Landregan suggested that staff help provide a timeline of accomplishments over the past 50 years for the ASLA to highlight. Mr. McCauley cautioned that it might be more appropriate for CCASLA and ASLA to drive these efforts. He also asked Ms. Landregan if CCASLA chapters had planned any special projects to commemorate the anniversary. Ms. Landregan shared that this anniversary would be highlighted during the CCASLA State Conference, March 28-29, 2003 in San Diego. She added that this landmark should also be highlighted during National Landscape Architecture Week in April 2003. She proposed that the LATC could see if the CCASLA chapters could perform 50 community projects to commemorate the anniversary. Ms. Landregan also shared that CCASLA is developing a Public Service Announcement and offered to present it at the January meeting.

**G. Review and Approve Scope of Practice Exceptions and Exemptions Task Force Recommendations to Amend the Landscape Architects Practice Act Business and Professions Code Statutes, Including But Not Limited to Section 5641 Chapter Exceptions, Exemptions**

Erin Mynatt presented the recommendations of the Scope of Practice Exceptions and Exemptions Task Force for amending Business and Professions Code (BPC) section 5641. Additionally, Ms. Mynatt provided the LATC with staff's findings regarding the exemptions and exceptions of other jurisdictions and like design boards. Ms. Mynatt asked the LATC to review and discuss the recommendations to amend BPC sections 5641 Chapter Exceptions, Exemptions; 5641.5 Golf Course Architects Exempted; and 5645 Irrigation Consultants Exempted. Secondly, the LATC was asked to discuss and make possible recommendations to amend the Landscape Architects Practice Act relating to chapter exceptions and exemptions for architects, professional engineers, land surveyors, and landscape contractors.

Ms. Gates provided an overview of the issues that the LATC identified as concerns of public health, safety, and welfare in single family residential design:

1. altering of drainage patterns;
2. retaining walls; and
3. site structures, particularly overhead structures.

◆ **Stephanie Landregan moved to approve the following language for BPC section 5641:**

**5641 Chapter Exceptions, Exemptions**

This chapter shall not be deemed to prohibit any person from ~~making preparing~~ plans, ~~or~~ drawings ~~and specifications~~ for the selection, placement, or use of plants; ~~when the execution of such plans or drawings does not affect the public health, safety and welfare~~ or conceptual design and placement of tangible objects and landscape features for single family dwellings.

Construction documents, details, and specifications for the tangible objects or landscape features, and alteration of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.

◆ **Sandra Gonzalez seconded the motion.**

◆ **The motion carried unanimously.**

◆ **Stephanie Landregan moved to approve the proposed language for BPC sections 5641.1, 5641.2, 5641.5, and 5641.6. As well as the following language for the additional amendments to sections 5641.3 and 5641.4:**

**5641.3 Chapter Exceptions, Exemptions – Architects, Professional Engineers, and Land Surveyors**

An architect, professional engineer or land surveyor licensed or registered under the statutes of this state, insofar as the licensed or registered professional practices the profession for which he or she is licensed or registered, is exempt from the provisions of this chapter, except that an architect, professional engineer, or land surveyor may not use the title “landscape architect” unless he or she holds a license as required under this chapter.

**5641.4 Chapter Exceptions, Exemptions – Landscape Contractors**

A landscape contractor licensed under the statutes of this state, may design systems and facilities for work to be performed and supervised by that landscape contractor, insofar as he or she works within the classification for which he or she is licensed. The licensed landscape contractor is exempt from the provisions of this chapter, except that he or she may not use the title “landscape architect” unless he or she holds a license as required under this chapter.

◆ **Sandra Gonzalez seconded the motion.**

◆ **The motion carried unanimously.**

## **H. Update and Make Recommendations on the Proposed Revisions to the LATC Complaint Disclosure Policy and Procedures**

Ms. Maggio reported that the Department of Consumer Affairs (DCA) began evaluating and revising its existing 1979 Consumer Complaint Disclosure Policy and Procedures in 2001. She stated that many DCA agencies have regulations to support their policies and procedures, the LATC being one of those agencies. Ms. Maggio mentioned that the California Architects Board (Board) began reviewing its existing policies and procedures around that same time and that the LATC had decided to follow the Board's lead with this matter. She reported that the LATC discloses complaint information when a disciplinary action is final. Ms. Maggio stated that the Board's Regulatory and Enforcement Committee (REC) appointed a task force to review their policy and procedures and that at the December 5, 2002 Board meeting, the Board approved recommended revisions that would comply with the Department's proposed standards. One item of concern for the task force, REC, and the Board was the timeframe for disclosure of citations. She stated that the Board decided to disclose citations for 20 years. Vickie Mayer stated that the Board did not resolve the issue of disclosing administrative actions on their Web site and in their newsletter and that they will be discussing it again at their next meeting.

- ◆ **Sandra Gonzalez moved to adopt the Complaint Disclosure Policy and Procedures revisions approved by the Board and to have staff review California Code of Regulations section 2608 (Complaint Information System) and prepare a rulemaking file with amendments to the regulation, if necessary.**
- ◆ **Stephanie Landregan seconded the motion.**
- ◆ **The motion carried unanimously.**

## **I. Discuss and Make Recommendations to Amend California Code of Regulations (CCR) Section 2620, Education and Training Credits**

Ms. Mynatt presented that in the Joint Legislative Sunset Review Committee's (JLSRC) 1996 Findings, it was noted that the Board of Landscape Architects (BLA) proposed educational and training requirements were seen as artificial barriers to entry into the profession. At the time the 1996 Sunset Review Report was submitted, the BLA had proposed amendments to the educational and training requirements. The amendments changed the law to the current CCR section 2620 and BPC section 5650. The JLSRC and Center for Public Interest Law (CPIL) argued that the BLA's attempt to lessen the barrier actually strengthened the barriers to licensure in requiring that the licensees have formal education in landscape architecture. In the JLSRC findings, the DCA was instructed to review the proposed regulatory amendments to ensure that they did not create an artificial barrier to entering the profession.

Staff recommended that the LATC revisit this issue through strategic planning and address it through analysis of the current requirements for examination and compare to other jurisdictions and like design boards. The LATC agreed that this was an issue that should be continually evaluated and asked that it be discussed during strategic planning.

**J. Report on California Council of the American Society of Landscape Architects Conference Calls**

Ms. Maggio reported that the conference call scheduled for December was cancelled.

**K. Enforcement Program Report**

Ms. Mynatt presented an overview of the actions of the Enforcement Program since the August 2002 meeting. She provided a summary of Citation 2001-02 pending with the Attorney General's office for administrative hearing in May 2003. Additionally, Ms. Mynatt reviewed the two citations issued and final as of November 30, 2002. Finally, Ms. Mynatt and Mr. Sotelo provided a brief overview of the Complaint and Enforcement Statistics for September, October, and November 2002 and Fiscal Year 2001/02.

**L. Review and Update Action and Communication Plans**

Mr. Sotelo presented this agenda item. The LATC discussed and updated its Action and Communication Plans in relationship to the 2002 LATC Strategic Plan. Targeted completion dates to accomplish tasks/actions necessary to achieve each objective were reviewed and updated.

**M. Announcement of Future Meetings**

The Committee set tentative meeting dates for March 28, 2003 in San Diego; July 17, 2003 in Sacramento and October 2, 2003 in San Luis Obispo. A meeting will also be held in May in conjunction with the University of California at Los Angeles Extension Program's 25<sup>th</sup> anniversary.

**N. Adjournment**

The meeting adjourned at 12:50 p.m.