MEETING MINUTES

CALIFORNIA ARCHITECTS BOARD
Landscape Architects Technical Committee

November 7, 2006
Sacramento, CA

LATC Members Present
Christine Anderson, Chair
Linda Gates
Stephanie Landregan (arrived at 11:20 a.m.)
Steve Lang
Dennis Otsuji

Staff Present
Doug McCauley, Executive Officer, California Architects Board
Mary Ann Aguayo, Program Manager, LATC
Ethan Mathes, Special Project Analyst
Mary Anderson, Exam Coordinator
Terri Villareal, Enforcement Coordinator
Patricia Fay, Licensing Coordinator

Guests Present
Iris Cochlan, California Architects Board Liaison
Richard Conrad, Principal Architect, Division of the State Architect
Jessica Schroeder, Center for Public Interest Law
Richard Zweifel, Administrative Dean, Cal Poly San Luis Obispo

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

LATC Chair Christine Anderson called the meeting to order at 10:30 a.m. and called roll. Four members of the LATC were present and thus a quorum was established. Stephanie Landregan arrived at 11:20 due to her plane being delayed.

B. Review and Approve August 25, 2006 LATC Meeting Minutes

Ms. Anderson noted that California Architects Board (Board) President Jeffrey Heller was in attendance at the August 25, 2006 meeting and should be noted as such. She also inquired about the meaning of "other issues raised" in the first motion of agenda Item F-Education Subcommittee Recommendations. Mary Ann Aguayo clarified that the "other issues" were all other discussion items, as noted in attachment F.1.B – Issues for Consideration, not included as part of the Board's original concerns with parity of educational credits offered between architects and landscape architects.

Ms. Landregan asked for the status of her suggestion on page two to have staff notify licensed landscape architects of Business and Professions Code regarding licensure and military status. Ms. Aguayo confirmed that this item would be addressed at Strategic Planning.

- **Stephanie Landregan moved to approve the August 25, 2006 LATC Meeting Minutes as amended.**
- **Linda Gates seconded the motion.**
- **The motion carried 4-0; Dennis Otsuji abstained.**

C. Program Manager's Report

Ms. Aguayo reported that the Budget Change Proposal for annual examination development of the California Supplemental Examination (CSE) was not approved based on the LATC's current budget surplus. She also reported the Board and LATC Emergency Preparedness Plan was submitted to the Department of Consumer Affairs (DCA). Doug McCauley added that the Emergency Preparedness Plan was required as a result of Governor Executive Order (S-04-06) and that the Board and LATC will work on keeping the plan up-to-date.

Ms. Aguayo reported California State Polytechnic University, Pomona has requested an outreach presentation and that the PowerPoint and Candidate Brochure have been updated in anticipation of the presentation. She further stated that the LATC has advertised for a student assistant position, Patricia Fay was promoted to Management Services Technician, and the Strategic Planning contract is in the process of getting DCA approval. Ms. Aguayo reminded the LATC that Sunset Review has been extended until January 1, 2012. Mr. McCauley added the LATC should be cognizant of legislative and other outside agency concerns in preparation for Sunset Review.

Mary Anderson updated the schedule of examination and review sessions. She noted the pass rates are up for the graphic sections of the Landscape Architecture Registration Examination (LARE), which are likely a result of the change in the format of those sections.

Terri Villareal reported there are four new unlicensed activity complaints for October and two to three new unlicensed activity complaints for November.

Ethan Mathes reported that the 2006 Summer/Fall Newsletter was mailed out to licensees, candidates, interested parties and California colleges with landscape architecture programs. He also noted that proposed regulations regarding fees and professional conduct were approved by the Board and have been submitted to DCA for review.

D. Council of Landscape Architectural Registration Boards

1. Summary of 2006 Annual Meeting
2. Other Updates

Ms. Landregan presented the item. She reported the Council of Landscape Architectural Registration Boards (CLARB) would be undertaking a search for its next Executive Director, to be in place by the next annual meeting, after undergoing an internal audit. Mr. Otsuji suggested that the CLARB Board and members could assist with the executive search.

Ms. Landregan noted the Executive Committee would look into extending the notification of changes to LARE fees. She also stated that the LATC would find out at a later date whether CLARB would support the Nominations Committee suggestion that CLARB fund their travel fees for the annual meeting.

Ms. Landregan reported that some big concerns that came out of the annual meeting were CLARB's financial solvency and the security of the LARE. Mr. Otsuji suggested CLARB provide complete disclosure of the executive director's contract and that the LATC should ask for full accountability. The LATC agreed. Ms. Landregan suggested at Strategic Planning the LATC should discuss what position it holds regarding the executive position and examination security. Ms. Landregan commented that the new examination scoring process was discussed at the annual meeting and has been improved. She further reported that graders would not be eligible for nomination but would include former CLARB members.

Ms. Anderson inquired when CLARB's meeting minutes would be provided for the annual meeting. Ms. Landregan stated that the minutes would likely be available by the Spring meeting. The LATC agreed that they like the Region 5 teleconference meetings and want to continue having them in the future. Ms. Landregan offered to contact Shane DeWald to confirm the teleconference meetings would continue. Ms. Aguayo stated that she would send out to the LATC those issues to be brought forward at the next teleconference meeting.

E. Update on Occupational Analysis

Ms. Aguayo reported the occupational analysis survey responses appeared to be sufficient in number and completeness for a valid report, and that the validation report from the Office of Examination Resources is on schedule to be finished and presented to staff in December. The LATC commented 15% response rate to the survey was good considering its length and breadth. Ms. Aguayo explained how out-of-state examination testing might work and when candidates could retest. Mr. McCauley clarified that multiple-choice examinations are a generally preferred method for assessment. Ms. Gates expressed her concern of creating a barrier for reciprocity candidates. Ms. Anderson also expressed concern regarding the annual nature of the examination development process. Mr. McCauley explained the Board's examination development process, which makes the examination valid and legally defensible. Ms. Anderson wanted to mitigate the impact on the licensee population for future examinations. The LATC agreed the Board's examination development process could potentially be utilized for the CSE development.

The LATC further gave support to appealing to the profession the importance of the examination development effort. Ms. Gates suggested the LATC contact 40 firms asking that they each underwrite a volunteer, in particular for the item writing workshops.

F. Report Outcome of Kevin Kellogg Enforcement Case Decision by the California Architects Board, October 12, 2006

Ms. Villareal presented the facts of the Kevin Kellogg enforcement case. Don Chang clarified that the law did apply to the violation, but in this case, the citation was issued after the law had changed. Mr. Lang questioned what the determining factor was for "conceptual drawings." Mr. McCauley explained what might constitute "conceptual drawings" however it is also based on what other landscape architects perceive them to be. He also encouraged LATC staff to provide education as to the limits of the law and that the LATC could adopt regulations to clarify the statute if problems continue with the application of these laws. Ms. Villareal agreed education would be useful and Mr. Chang encouraged LATC staff to monitor these types of cases. Ms. Landregan offered to look into teaching materials and how they reference "conceptual drawings," whether the definition is consistent, and present her findings at the next meeting. The LATC agreed that a process of educating landscape architect students and graduates would be helpful. Mr. Chang suggested this could be a Strategic Plan item as a part of outreach.

G. Discuss and Propose Appropriate Course of Action to Identify Threats to Consumer Protection Arising from New and Emergent Landscape Architecture Practice Areas – Strategic Plan, Regulation and Enforcement, Item #9

Ms. Anderson presented the item. Ms. Landregan questioned whether this was an American Society of Landscape Architects (ASLA) issue, whether consumers are affected, and if this situation should be monitored. Ms. Gates also questioned whether other professions are limiting consumers and how many choices the consumer might have. Mr. McCauley agreed that this was an ASLA issue. The LATC agreed that this is a strategic planning issue. Ms. Landregan wanted to discuss with the Division of the State Architect (DSA) the place of licensed landscape architects in the practice, especially having to do with DSA design approval and the stamping of plans by a landscape architect. The LATC tasked staff to invite the State Architect to discuss the regulation of DSA dealing with design approval and the stamping of plans by a landscape architect.

In response to Ms. Gates inquiry as to whether the consumer is at risk, Ms. Landregan expressed concern over the layers of certification that typically do not require licensure such as arborists, Leadership in Energy and Environmental Design certification, geologists, playground specialists, access specialists and air quality specialists. Mr. Otsuji added that greenscape and solar panel expertise are emerging areas of expertise and likely certification candidates. Members concluded with a strategic planning inquiry as to whether there is a specialization that is up and coming that needs to be addressed.

H. Discuss and Develop a Strategy to Carry Out Strategic Plan Professional and Public Awareness Objectives

Ms. Anderson presented the item. She commented that the LATC generate a plan of action to work on a strategy of public awareness for next year. Ms. Aguayo noted that resources, staff time and funds, are limited for public awareness efforts and suggested a larger emphasis on electronic communication rather than print as much as has been done in the past. This would include expanded use of the LATC Web site and the online email subscription list for communication. Ms. Landregan commented that printed material was important as an outreach tool. Ms. Anderson added both electronic and printed formats serve useful purposes/audience, although the printed format may not be used as much today as electronic format. The LATC agreed that there are multiple interested parties and each has their specific preference. Parties mentioned include practicing landscape architects and various customers including

residential, government, developers and licensees. They further discussed various ideas for effectively communicating to the desired audience. The LATC requested budget information pertaining to development of communication materials.

The members asked staff what information was requested most often and prioritized accordingly, directing staff to first work on updating and developing material for potential and current examination candidates, then work on updating and developing consumer information.

I. Review and Approve FAQ's for Amendments to Business and Professions Code Sections 5678.5 and 5679.5, Settlement/Arbitration Award Reporting Requirements – Strategic Plan, Regulation and Enforcement, Item #8

Ms. Landregan commented that the first question in the FAQ was not necessary. The LATC agreed, and further clarified and edited various sections of the FAQ language. Ms. Aguayo noted that the California Council of the ASLA had previously requested a presentation of the final outcome of the Settlement/Arbitration Reporting Requirements last Spring and that, during ASLA's planning, they had suggested the LATC present this information at the ASLA Legislative Day. The planning for this forum is now taking place and some preparations will need to take place if a presentation is indeed desired.

- **Linda Gates moved to approve the FAQ's for Amendments to Business and Professions Code Sections 5678.5 and 5679.5, Settlement/Arbitration Award Reporting Requirements as amended.**
- **Dennis Otsuji seconded the motion.**
- **The motion carried 5-0.**

J. Presentation of LATC Volunteer Recognition Award

Ms. Anderson presented the LATC Volunteer Recognition Award to Richard Zweifel, who was in attendance for this meeting. Selection criteria for this award sought out volunteers who, over a period of time, have distinguished themselves by providing outstanding and dedicated service to the LATC. Nominations were received from LATC members and staff then presented to the LATC who approves the award recipients. Mr. Zweifel was recognized for his dedicated service to the profession.

K. Update on Sunset Review Subcommittee

Ms. Landregan commented that Issue #2 (review existing education and experience) would be resolved at the Education Subcommittee meeting. She inquired whether Issue #4 (modify and monitor examination expenditures) was resolved. Ms. Aguayo confirmed it was and that Issue #5 (change administered examination) and #6 (increase expenditures on enforcement program) are staff assignments. Ms. Landregan suggested looking at all Sunset Review recommendations on an annual basis and presenting the unresolved recommendations. Jessica Schroeder expressed support for including the update on the Sunset Review Subcommittee at every meeting. The LATC agreed to present the update of the Sunset Review Subcommittee as an agenda item bi-annually and attach an update to the program manager's report when the Subcommittee is not reporting.

L. Update on 2006 Strategic Plan – Action Plan

Ms. Gates inquired as to whether any items in the Action Plan were outdated or had a deadline that needed to be updated. The LATC agreed to closely monitor timelines and prioritize the items laid out in the Action Plan. Mr. Otsuji recommended focusing on current year items in the Strategic Planning session, specifically completing a quick overall review then focusing primarily on two or three issues in order to encourage good discussion on those items. Mr. McCauley suggested LATC members select their top two items to be included for discussion in Strategic Planning. The LATC agreed it would be good to focus on selected action items. Ms. Landregan emphasized that student outreach and improving the disconnect with academia was an important goal for Strategic Planning. The LATC discussed the benefits of reaching out to students and educating them about the profession and the importance of licensure. Ms. Aguayo agreed to notify the consultant conducting stakeholder interviews of the LATC's desire to prioritize better and focus on two or three key issues.

M. Review and Consider Request for Re-Licensure

Mary Anderson presented the facts of the re-licensure request. Mr. Lang reported he had reviewed all five areas of the re-licensure request and thought that it was well put together, the re-licensure candidate was well qualified, assessed that she would not be at risk to the public, and should be reinstated pending passage of the CSE. Ms. Gates concurred with the assessment.

- **Linda Gates moved to re-license Jennifer Ferber with the condition of taking and passing the California Supplemental Examination.**
- **Stephanie Landregan seconded the motion.**
- **The motion carried 5-0.**

N. Review and Comment on the Division of the State Architect's Proposed Regulatory Language Establishing Certified Access Specialist Program

Ms. Aguayo gave an overview of this item. Mr. McCauley reported the Board's position on the proposed regulation; the Board felt the proposed regulations are creating a quasi-profession and will create consumer confusion due to overlapping responsibilities. Mr. McCauley noted the Board has sent correspondence to DSA outlining these concerns and a copy of the letter was distributed to the members. DSA representative, Richard Conrad, provided an update on the program reporting that modification of the proposed regulation is ongoing partially based on the Board's letter of concern. Mr. Conrad responded to member inquiries that the examination was complete and planned to be rolled out upon passage of the regulations, and that the anticipated release date of final draft of the regulations was early December. Ms. Landregan added that landscape architects have a different set of circumstances related to accessibility than do architects and suggested the Accessibility Knowledge Base section of the regulations be expanded to include outdoor design guideline references. Mr. Otsuji commented the proposed regulation could potentially be restrictive. Mr. Conrad advised on the history of the statute and that the purpose of the statute is to verify accessibility. Ms. Landregan suggested staff draft a letter of LATC's position on this matter. The LATC agreed.

- **Steve Lang moved to recommend that the Division of the State Architect amend Certified Access Specialist Program regulation to add a licensed landscape architect as part of the oversight panel, change wording of Section 148 (a)(4) to read, "licensed architect," and encourage site/outdoor specific accessibility knowledge base.**
- **Stephanie Landregan seconded the motion.**
- **The motion carried 5-0.**

- **Linda Gates moved to support the Board's letter expressing concern with the potential evolution of the certificate program in that it remain as an enhancement to the professional license.**
- **Stephanie Landregan seconded the motion.**
- **The motion carried 5-0.**

O. Update and Process Clarification of Extension Certificate Program Reviews

Ms. Anderson presented an update on status of the certification program reviews. She questioned the review team's next step because the University of California, Berkeley had some outstanding issues. The LATC discussed, along with Mr. Chang and Mr. Zweifel's input, the past certification program review procedures, legal obligations, and what would be appropriate in this case. Ms. Aguayo offered to proofread and edit the reports for consistency and format. The LATC decided to 1) review the reports with team leaders and submit drafts to LATC staff, 2) staff edit and format for consistency, 3) team leaders approve final draft, 4) staff forward final drafts to programs for comment limited to misrepresentations only, 5) staff forward final report and program's comments to members, and 6) LATC review program comments, review and approve final report.

Ms. Anderson requested that staff set up a conference call to meet with the team leaders to review the process and identify suggestions for future reviews. The outcome of this call will be presented at the next LATC meeting.

P. Review and Modify Tentative Schedule and Future LATC Meeting Dates

Future meetings will be tentatively held:
January 16, 2007 - Extension Program Review Meeting via teleconference
February 6-7, 2007 – LATC Strategic Planning and Meeting

1. Representation at Allied Organization Meetings by LATC Members

Ms. Anderson recommended that the LATC be represented at future Board meetings. Mr. Otsuji volunteered to attend the Board meeting on December 8, 2006 to be held in San Diego. Ms. Landregan agreed to continue representing the LATC at CCASLA meetings and confirmed her representation at CLARB.

2. Proposed Enforcement Subject Matter Expert Training

Ms. Aguayo expressed a need to expand the pool of technical experts and proposed that a training course be offered in conjunction with LATC meeting in northern and southern California. Ms. Anderson requested recommendations for Technical Expert Training and stated that members may be able to

provide recommendations. Ms. Aguayo suggested staff contact LATC members, provide the criteria for a successful technical expert and obtain recommendations of individuals who may be well qualified.

Adjournment

- **Steve Lang moved to adjourn.**
- **Linda Gates seconded the motion.**
- **The motion carried 3-0 (Stephanie Landregan and Dennis Otsuji were not present).**

The meeting adjourned at 5:05 p.m.