

NOTICE OF MEETING

July 13, 2017

**2420 Del Paso Road
Sequoia Conference Room, Suite 109
Sacramento, CA 95834
(916) 575-7230 (LATC)**

The Landscape Architects Technical Committee (LATC) will hold a meeting, as noted above. The notice and agenda for this meeting and other meetings of the LATC can be found on the LATC's website: latc.ca.gov. For further information regarding this agenda, please see below, or you may contact Tremaine Palmer at (916) 575-7230.

The LATC plans to webcast this meeting on its website at latc.ca.gov. Webcast availability cannot, however, be guaranteed due to technical difficulties. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location. For meeting verification, call (916) 575-7230 or access the LATC website at latc.ca.gov.

Agenda
10:00 a.m. – 4:00 p.m.
(or until completion of business)

- A. Call to Order – Roll Call – Establishment of a Quorum
- B. Chair's Procedural Remarks and LATC Member Introductory Comments
- C. Public Comment on Items Not on the Agenda
The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting. (Government Code sections 11125 and 11125.7(a).)
- D. Review and Possible Action on April 18, 2017 LATC Meeting Minutes
- E. Update on the Department of Consumer Affairs – Dean R. Grafilo, Director
- F. Program Manager's Report on Administrative/Management, Examination, Licensing, and Enforcement Programs

(Continued)

- 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
- H. Discuss and Possible Action on Proposed Amendments to CCR Section 2615 (Form of Examinations) Regarding Reciprocity Requirements
- I. Council of Landscape Architectural Registration Boards (CLARB)
 - 1. Update and Possible Action on Landscape Architect Registration Examination (LARE) Administration and Pass Rates
 - 2. Review and Approve Contract with CLARB for LARE
 - 3. Review of CLARB September 14-16, 2017 Annual Meeting Agenda
 - 4. Review and Possible Action on 2017 CLARB Board of Directors and Committee on Nominations Elections Ballot and Region 5 Director
 - 5. Review and Possible Action on CLARB Resolution to Approve Draft Model Law and Regulations
 - 6. Discuss and Possible Action on Strategic Plan Objective to Consider Advocating for CLARB to Institute an Internship/Experience-Based Program to Allow Applicants' Participation in the Licensure Process Early and Provide a More Comprehensive Experience Component
- J. Enforcement Program
 - 1. Review of Annual Enforcement Statistics
 - 2. Discuss and Possible Action to Recommend to the Board to Amend LATC's *Disciplinary Guidelines* and Title 16, CCR Section 2680 (Disciplinary Guidelines)
- K. Review and Confirm Future LATC Meeting Dates
- L. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the LATC are open to the public.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the LATC prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting. (Government Code sections 11125 and 11125.7(a).)

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Tremaine Palmer at (916) 575-7230, emailing tremaine.palmer@dca.ca.gov, or sending a written request to the LATC, 2420 Del Paso Road, Suite 105, Sacramento, CA 95834. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation. Telecommunications Relay Service: dial 711.

Protection of the public shall be the highest priority for the LATC in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5620.1.)

Agenda Item A

CALL TO ORDER - ROLL CALL - ESTABLISHMENT OF A QUORUM

Roll is called by the Landscape Architects Technical Committee (LATC) Vice Chair or, in his/her absence, by an LATC member designated by the Chair.

LATC MEMBER ROSTER

Patricia Trauth, Chair

Marq Truscott, Vice Chair

Andrew Bowden

David Allan Taylor, Jr.

Agenda Item B

CHAIR'S PROCEDURAL REMARKS AND LATC MEMBER INTRODUCTORY COMMENTS

LATC Chair Patricia Trauth, or in her absence, the Vice Chair will review the scheduled LATC actions and make appropriate announcements.

Agenda Item C

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Members of the public may address the Committee at this time. The Committee Chair may allow public participation during other agenda items at their discretion.

The Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Committee's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

Agenda Item D

REVIEW AND POSSIBLE ACTION ON APRIL 18, 2017 LATC MEETING MINUTES

The Landscape Architects Technical Committee (LATC) is asked to review and take possible action on the attached April 18, 2017 LATC Meeting Minutes.

Attachment:

April 18, 2017 LATC Meeting Minutes (Draft)

Meeting Minutes

CALIFORNIA ARCHITECTS BOARD **Landscape Architects Technical Committee**

April 18, 2017
Pomona, 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 (via telephone)
Vickie Mayer, Assistant Executive Officer
Brianna Miller, Program Manager
Rebecca Bon, Legal Counsel, Department of Consumer Affairs (DCA)
Kourtney Nation, Examination Coordinator
Gretchen Kjose, Retired Annuitant

Guests Present

Christine Anderson, Council of Landscape Architectural Registration Boards (CLARB)
Pamela Brief, Southern California Chapter of American Society of Landscape Architects (SCASLA)
Shan Cai, California Department of Transportation
Jeff Chamlee, Architerra Design Group and University of California, Los Angeles (UCLA)
Patrick J. Diaz
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects (CCASLA)
Stephanie Landregan, UCLA
Steve Lang, MIG
Shawn Maestretti, American Society of Landscape Architects, UCLA
Esther Margulies, University of Southern California (USC), School of Architecture (SOA)
Dustin Maxam
L. Milburn, California State Polytechnic University, Pomona
Jennifer Olivares, UCLA
Vickie Phillips, SCASLA
Jim Pickel, CCASLA
Jon Pride, Jon Pride Designs

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

LATC Chair Patricia Trauth called the meeting to order at 9:00 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 public forum would begin at 10:30 a.m. to receive public comments in regards to educational requirements for licensure and related areas of study. She advised that due to allowing the time needed for the forum, agenda items may be tabled until the next meeting.

C. Public Comment on Items Not on Agenda

Other than brief introductions, there were no comments from the public.

D. Review and Possible Action on January 17-18, 2017 LATC Meeting Minutes

Ms. Trauth asked for comments concerning the January 17-18, 2017 LATC Meeting Minutes. There were no comments from the Committee members.

- **Andrew Bowden moved to approve the January 17-18, 2017 LATC Meeting Minutes.**

Marq Truscott seconded the motion.

Members Bowden, Truscott, and Chair Trauth voted in favor of the motion.

Member Taylor abstained. The motion passed 3-0-1.

E. Program Manager's Report on Administration, Examination, Licensing, and Enforcement

Brianna Miller presented the Program Manager's report by referencing the California Architects Board's (Board) Monthly Report. She reported that she joined the LATC in the Program Manager position on March 13, 2017 and that former Licensing Coordinator, Stacy Townsend, was promoted to the Enforcement Analyst position on April 10, 2017. Ms. Miller continued that efforts are underway to backfill the Licensing Coordinator position and that retired annuitant, Gretchen KJose's, last day with the LATC would be April 30, 2017.

Ms. Miller informed the Committee that a draft *Consumer's Guide to Hiring a Landscape Architect* is available for review under Agenda Item H. She added that LATC updated its "Licensee Search" lists and fax number on the website.

Ms. Miller reported on California Code of Regulations (CCR) section 2649 (Fees). She stated that staff is drafting a letter to the Office of Administrative Law (OAL) to request expedited approval of the rulemaking file so there is not a delay in the application of the renewal fee reduction.

To update the Committee on Enforcement, Ms. Miller stated that the *Disciplinary Guidelines* would be discussed under Agenda Item I. She concluded by advising the Committee on enforcement statistics.

F. Review and Possible Action to Approve 2017-18 Intra-Departmental Contract with Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development

Kourtney Nation reported that OPES provides the Department of Consumer Affairs professional examination development services and that the LATC's current examination development contract with OPES expires on June 30, 2017. She continued that the proposed contract is for fiscal year (FY) 2017-18, which contains the same criteria as last FY's contract.

Mr. Bowden asked if OPES would have the latest version of the CSE completed by June 30, 2018. Ms. Nation responded that the new version of the examination (for the current contract) is finalized.

- **David Allan Taylor, Jr. moved to approve the Intra-Departmental Contract with OPES for CSE development for FY 2017-18.**

Andrew Bowden seconded the motion.

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

G. Update and Possible Action on Council of Landscape Architectural Registration Boards (CLARB) March 27, 2017 Webcast (Mid-Year Review and Draft Changes to Model Law) and Landscape Architect Registration Examination (LARE) Administration and Pass Rates

Ms. Miller reported that CLARB held a mid-year web-based meeting on March 27, 2017 during which CLARB discussed the current regulatory environment and introduced the draft Model Law. Ms. Miller also reported that CLARB's Annual Meeting will be held on September 14-16 during which members will vote to approve the draft Model Law. Lastly, she added that the most recent LARE administration was from March 27-April 8, 2017 and that results would be released in May.

Mr. Bowden inquired if the draft Model Law is what CLARB is proposing to vote on in September, which Ms. Trauth confirmed. Mr. Taylor stated that he did not identify any major concerns upon his initial review of the draft Model Law when it was published in March. Mr. Bowden stated that he believes the intent of the Model Law is to draft provisions that all states could adopt if they chose to do so.

Ms. Nation advised that CLARB is providing information on how to provide feedback for the draft Model Law in May. Vickie Mayer suggested the Committee collaboratively address any concerns with the draft Model Law so staff can be prepared to respond to CLARB, accordingly.

Ms. Kjose stated that the current Model Law is brief and that the proposed draft has incorporated regulations from different states. She continued that the draft Model Law does not include provisions that define an approved school nor education and experience requirements. Ms. Trauth suggested discussing the draft Model Law during the upcoming Committee meeting on July 13, 2017 so that LATC representatives in attendance at the Annual Meeting will be able to convey the Committee's input. Mr. Taylor suggested confirming with CLARB whether the meeting in September will include an opportunity for feedback.

Ms. Trauth asked Christine Anderson, president-elect of CLARB, to clarify the timeframe during which comments about the draft Model Law can be offered. Ms. Anderson responded that she would verify with CLARB staff. Mr. Truscott asked Ms. Anderson if the meeting in September would consist of discussion and debate on issues pertaining to the Model Law. Ms. Anderson responded that the goal is for discussion to begin now in order for CLARB to review comments and finalize the draft Model Law in September. She added that comments should be submitted before CLARB's Board meeting in August.

Mr. Taylor asked Ms. Anderson to clarify the format of voting during CLARB's Annual Meeting in September. Ms. Anderson stated that the vote would be to adopt the draft Model Law. She added that CLARB has begun the process of collecting feedback. Mr. Bowden asked Ms. Anderson if the Model Law could be changed before the Annual Meeting. Ms. Anderson replied that CLARB would consider all comments at one time and that she would confirm the date with CLARB staff when comments would need to be provided. The Committee decided to discuss the draft Model Law and identify potential feedback at its next meeting scheduled for July 13, 2017.

H. Discussion and Possible Action on LATC's Draft *Consumer's Guide to Hiring a Landscape Architect*

Ms. Trauth asked for a motion to approve the draft *Consumer's Guide to Hiring a Landscape Architect*.

- **David Allan Taylor, Jr. moved to approve the draft *Consumer's Guide to Hiring a Landscape Architect*.**

Marq Truscott seconded the motion.

A public participant, Dustin Maxam, suggested that the professional qualifications chart in the *Guide* include all of LATC's pathways to licensure. Ms. Mayer asked whether modification to the postsecondary education column would also necessitate modification of the experience portion of the chart. Ms. Nation responded, "yes," and suggested the addition of a footnote at the bottom of the chart to specify the additional pathways. The Committee members agreed with the addition of a footnote.

Mr. Bowden noted that, according to the chart in the Landscape Architects Practice Act, there are multiple pathways to licensure. Mr. Taylor suggested the addition of verbiage referencing the Practice Act in the footnote to direct the public to further research additional pathways to licensure.

David Allan Taylor, Jr. moved to amend the motion to approve the draft *Consumer's Guide to Hiring a Landscape Architect* with the addition of a footnote to reference the Business and Professions Code (BPC) for additional pathways to licensure.

Marq Truscott seconded the amendment to the motion.

Rebecca Bon commented that it might be helpful to include the language of the regulation. Ms. Mayer suggested a footnote to refer readers to the regulations that address experience and education requirements. Ms. Bon suggested specifying CCR 2620 (Education and Training Credits) in the footnote and the Committee members agreed with this change.

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

I. Discussion and Possible Action to Recommend to the Board to Amend LATC's Disciplinary Guidelines and Title 16, California Code of Regulations (CCR) Section 2680 (Disciplinary Guidelines)

Ms. Miller reported that, where possible, the LATC is aligning its *Disciplinary Guidelines* with those of the Board. She continued that the Board approved their *Guidelines* on December 15, 2016 and more analysis is needed on the part of LATC staff in order to incorporate the approved changes. Ms. Miller advised that staff will present the *Guidelines* to the Committee at a later time.

M.* Review and Possible Action on Draft 2017-2018 Strategic Plan

Ms. Miller reported that the draft, two-year Strategic Plan was developed during a facilitated planning session with DCA SOLID on January 18, 2017. Mr. Truscott inquired whether the plan had to be approved today. Ms. Miller responded that the term of the LATC's draft Strategic Plan for FY 2017-18 has already begun.

- **Andrew Bowden moved to approve the draft Strategic Plan for FY 2017-18.**

Marq Truscott seconded the motion.

Tracy Morgan Hollingworth appreciated the addition of objective 3.6, which expands communication to licensees.

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

N.* Review and Confirm Future LATC Meeting Dates

Ms. Trauth advised that the next LATC meetings are scheduled for July 13 in Sacramento and November 1 in San Diego.

L.* Discussion and Possible Action to Recommend to the Board to Amend Title 16, CCR Section 2620.5 (Requirements for an Approved Extension Certificate Program)

Ms. Kjose noted that University of California (UC), Berkeley and UCLA are the accredited universities under which the UC Extension Programs are stationed. She continued that the former Board of Landscape Architects (BLA) formally established criteria to approve the Extension Programs, which mirrored Landscape Architectural Accreditation Board (LAAB) requirements. Ms. Kjose reported that in 2009, LAAB implemented changes to its accreditation standards and changed curriculum requirements, which prompted LATC to propose regulations to update its curriculum standards. Ms. Kjose advised that LATC's changes received a disapproval by OAL, due to not meeting the necessity standard.

Ms. Kjose reported that staff attempted to respond to OAL's disapproval; however, staff was advised by DCA Legal Counsel that an application, review and approval, appeal, denial, and annual reporting process would need to be set in regulation. Ms. Kjose also reported that while drafting the new language, LAAB standards changed from 8 broad categories to 9 categories with 41 subsections. She stated that it is very difficult to justify and substantiate all of the categories, and that staff is requesting guidance from the Committee on how to proceed.

Ms. Kjose noted that associate degree programs are administered by community colleges, and LATC accepts them without specifying additional requirements. She also noted that LATC accepts degrees from non-LAAB accredited schools as well. Ms. Kjose inquired whether it is necessary for LATC to set requirements for an accredited university's Extension Certificate Program.

Mr. Bowden expressed that he has a possible conflict of interest due to his membership as the Chair on the UCLA Landscape Architecture Guidance Committee and recused himself from the discussion.

At the Committee's request for comment, Ms. Landregan opined that LAAB does not need to meet standards similar to the Administrative Procedure Act (APA) in order to modify its requirements. She stated that UCLA's degree programs adhere to specific requirements; and thus, the Extension Certificate Program should as well. Ms. Landregan offered her assistance to the LATC in offering suggestions to simplify the review process.

Ms. Landregan suggested that the Committee require the UC Extension Programs to submit a detailed report on their curriculum in relation to LAAB's standards. She stated that this process would not require amendments to the regulations, but rather, establish a system according to academic requirements, which would not be fully dependent on LAAB's standards.

Ms. Landregan added that potential students may find the UC Extension Programs undesirable if they are not consistent with national standards.

Ms. Landregan stated that the LATC is attempting to mirror LAAB's requirements and not the process. She suggested that the LATC could promulgate regulations that are defensible by requiring the UC Extension Programs to submit a detailed report on their Extension Program. Ms. Landregan continued that if a program is being reviewed and LAAB's standards change, the UC Extension Programs would have two years to implement those changes. She concluded by offering to assist with an education subcommittee.

Mr. Truscott asked Ms. Landregan why the Extension Certificate Programs need LATC's approval. Ms. Landregan responded that UCLA would like its program to adhere to specific standards. She added that the dilemma comes from choosing to mirror LAAB requirements, which are used as review standards by universities. Mr. Truscott inquired whether the LATC's approval process could be as simple as a letter of qualification. Ms. Landregan responded that a detailed letter would suffice if the process for approval is codified in regulation. However, Ms. Landregan suggested a detailed report that would specify the qualifications of the education staff, the curriculum, and the percentage of licensed professors, amongst other criteria that the LATC determines necessary.

Ms. Trauth asked Ms. Kjose if self-evaluating would work with LATC's requirements. Ms. Kjose stated that LATC has a UC Extension Task Force that completes site reviews similar to site reviews for accredited programs. She questioned whether LATC should be reviewing programs as LATC does not review any of the degree programs. Ms. Mayer stated that the regulations could be amended to reflect self-evaluation or a more structured site review. Ms. Landregan suggested that LATC remain the programs' approving entity.

Ms. Trauth stated that monitoring consistency with LAAB's requirements is becoming more challenging and asked Ms. Landregan about the details of a self-evaluation report. Ms. Landregan stated that data is gathered from the university and a site review is conducted based on LAAB requirements. Ms. Trauth inquired if simplifying would entail removing the variable elements. Ms. Landregan responded that some elements are encouraged to be included in the curriculum.

Ms. Anderson commented that LATC had wanted to mirror LAAB requirements to make Extension Certificate Programs synonymous with first degree programs. She suggested a policy document rather than a regulation. Ms. Trauth asked Ms. Bon if simplifying to a form that the UC Extension Programs could complete in order to prove satisfying program requirements would be problematic. Ms. Bon stated that whatever the Committee requires must be set in regulation and that the Committee has to decide what standards to incorporate and be able to substantiate them.

Ms. Mayer stated that the LATC would have to substantiate the standards they plan on implementing. She added that the goal is not to eliminate credit nor disapprove the programs; but rather, to revise the regulations so the two programs have the authority to continue in such a way that would be consistent with LATC's regulations.

Ms. Bon advised that the Committee decide on policy changes in order to provide the Board with recommendations. Ms. Trauth stated that she is in favor of a policy document.

Ms. Mayer stated that staff could provide a draft of proposed regulatory amendments to the subcommittee as a starting point. Mr. Truscott opined that the Extension Certificate Programs are

necessary for the state and that the LATC should not go into the field to approve them. He agreed with the formation of a subcommittee.

- **Marq Truscott moved to form a subcommittee comprised of: one LATC member, one member from each extension certificate program, and two landscape architects to prepare regulatory changes for LATC's consideration.**

David Allan Taylor, Jr. seconded the motion.

Members Taylor, Truscott, and Chair Trauth voted in favor of the motion.

Member Bowden abstained. The motion passed 3-0-1.

J.* Public Forum Regarding Educational Requirements for Licensure and Related Areas of Study followed by Discussion and Possible Action on Strategic Plan Objective to Review Title 16, CCR Section 2620 (Education and Training Credits) to Expand Credit for Education Experience to Include Degrees in Related Areas of Study

Ms. Miller presented a PowerPoint presentation to inform the present participants about the purpose of the public forum: to discuss options for expanding degree requirements for licensure. She advised that this was the second public forum; a previous session was held in Sacramento on March 18, 2017. The public comment obtained that day was collected and provided in the Committee's meeting materials. Ms. Trauth opened the floor for public comment.

Mr. Maxam stated that, in his opinion, the landscape architecture profession has barriers to entry. He also noted that he possesses the skills needed to practice professionally and that diversity of educational background could benefit the industry. He added that LATC accepts an associate degree; therefore, a related bachelor's degree should be sufficient along with five years of experience. Mr. Maxam also cited the licensee list on LATC's website, which delineates that the LATC currently licenses 3,600 landscape architects. He commented that out of the 3,600 licensed landscape architects, 3,100 reside in state and half were issued under the BLA, which allowed related degrees. In addition, Mr. Maxam noted CLARB's pathway to licensure, which stipulates any bachelor's degree with six years of experience. He also noted that other states that have pathways that specify any bachelor's degree or experience-only.

Kelly Shannon noted that USC's landscape architecture program has been accredited since 2011 and has a long history of providing landscape architecture courses. She also stated that USC follows the standards set by the LAAB. Ms. Shannon opined that other professions are vying for employment and that the landscape architecture profession should be protected. She continued that diversity of the profession is fulfilled and enriched by the teaching of other professional practices. Ms. Shannon asserted that the LATC should not accept related degrees, which is public protection and not a barrier.

Jim Pickel suggested the formation of an Education Subcommittee to determine whether related degrees meet the standards of LAAB. He also suggested that technical experts review the qualifications of candidates who do not meet education and work experience requirements stipulated in the Practice Act. He stated that the Committee should not modify the education requirements and that, from his experience, the educational requirements are sufficient.

Esther Margulies stated that it is important to uphold practice standards. She agreed with the formation of an Educational Subcommittee, and suggested that the following questions be answered before modifying the regulations: 1) what is the data on common risk and liability in other states based on the acceptance of related degrees; 2) what are the pass rates for the examination in California based on related degrees; and 3) what can be determined in terms of candidates with a combination of various types of degrees and practice experience? Ms. Margulies opined that reducing educational standards would reduce competency, and that perhaps educational requirements should be stricter.

Ms. Anderson stated that if only a couple of people are seeking reciprocity, the Committee should not modify its regulations because a pathway already exists. She also noted that the prior Education Subcommittee made recommendations to the Committee regarding examination eligibility requirements to adopt; however, not all were adopted. She added that data has not been collected in regards to the adopted eligibility requirements and wondered how the Committee can make a determination in the absence of this data. Ms. Anderson continued that different states have different requirements and noted that the Committee already created a pathway by allowing one year of training credit for an associate degree. She concluded that the Committee cannot modify one component without affecting another, such as initial licensure. Mr. Bowden clarified that a candidate receives one year of credit for a two-year associate degree.

Ms. Kjose reported that CLARB does not have data available that shows LARE pass rates respective to a candidate's college and degree(s). She also stated that CLARB's draft Model Law requires an approved degree and experience, but does specify exactly what it deems acceptable. Ms. Anderson replied that the draft Model Law is a starting point due to disparities between other states.

Stephanie Landregan commented that changes to regulations need to be defensible due to the APA. She stated that the LATC must consider the broader implications of allowing related degrees into the profession. Ms. Landregan also stated that if pass rates fall, then it would reflect poorly on California. She opined that LATC has done a terrific job in providing access; however, data has not been collected from prior changes to the regulations that would support their need for modification. Ms. Landregan agreed with the formation of a subcommittee.

Jon Pride stated that he is in support of reciprocity and that the idea of reciprocity undermining education is a misconception. He opined that the work he has completed is highly acceptable and sufficient. He commented that the LARE measures competency, but most education comes from work experience. He added that people who pass the exam should be given an opportunity; therefore, the Committee should consider allowing related degrees if a person without a landscape architecture degree passes the exam. Mr. Truscott asked Mr. Pride if there was a direct relationship between his experience and passing the exam. Mr. Pride responded that his knowledge was mostly self-taught.

Pamela Brief stated that the pathways LATC has are sufficient and that students should learn the technical educational aspects of landscape architecture.

Ms. Hollingworth commented that practitioners could help the subcommittee. She opined that the public does not understand the premise for some regulations and the process of how they were

enacted. Ms. Hollingworth applauded CLARB's attempt to draft a Model Law as a national standard.

Steve Lang expressed concern for modifying the education requirements. He commented that what a candidate learns through instruction is invaluable. Mr. Lang explained that the role of the LATC is to protect the health, safety, and welfare of the public. He added that many people were involved in the previous Education Subcommittee and that the Committee should consider the data before making a decision.

Jennifer Olivares stated that the biggest barrier to becoming a landscape architect is enrolling in courses at the community college level. She also contended that the LATC should maintain the expectation of competency and standards.

Mr. Maxam stated that not accepting related degrees is a legal and moral issue. He commented on the lack of accessibility to landscape architecture courses using the examples of UC Berkeley and UCLA being the only two Extension Certificate Programs in the state. He opined that if architects and engineers can become licensed without an education requirement, then the same standard should apply for landscape architects. Mr. Maxam agreed with the formation of an Education Subcommittee.

Ms. Landregan stated that architects and engineers cover different areas and asserted disbelief on how one could challenge education experience through reciprocity. She reiterated that requirements have to be defensible in order to modify the regulations. She added that the practice of landscape architecture should not be compared to other licensed professions.

Shan Cai stated that she has a foreign landscape architect's degree verified by CLARB; however, the LATC does not accept CLARB's verification. She continued that she submitted an emailed inquiry regarding this matter and asked if the Committee would be able to validate her degree so she can take the exam. Ms. Miller requested from Ms. Cai the hardcopy of her emailed inquiry in order to investigate the matter.

K.* Discussion and Possible Action to Recommend to the Board to Amend Title 16, CCR Section 2615 (Form of Examinations) Regarding Reciprocity Requirements

Ms. Kjose reported that, at the January 17, 2017 Committee meeting, proposed regulatory language was presented to the Committee regarding reciprocal licensure requirements; however, after discussion, the Committee determined that the proposed timeframe (consistent employment for 10 of the last 15 years) for required post-licensure experience was excessive. She continued that the Committee moved to allow reciprocity candidates to become licensed in California if said candidate is licensed in another jurisdiction, has a license in good standing, has passed an equivalent exam, and has passed the CSE. Accordingly, Ms. Kjose presented draft, amended language to CCR section 2615 for the Committee's consideration. Ms. Kjose noted that the authority for this regulatory amendment is BPC 5651 (Examination of Applicants), which is referenced in the proposed regulatory language.

Mr. Bowden contended that the discussion at the January 17, 2017 LATC meeting was about education and not job experience. He continued that he felt the discussion was about reciprocity

candidates who are licensed in another jurisdiction but do not meet California's education requirement. Ms. Trauth responded that the discussion was about the requirement of 10 additional years of experience. Mr. Bowden stated that the 10 additional years of experience was to equate to education that the candidate did not possess. Ms. Bon commented that it was a combination of both.

Ms. KJose further suggested that BPC 5650 (Examinations – Qualifications, Applications, Fee) allows for a degree in landscape architecture and for a candidate to receive four years of education credit for such a degree.

Ms. Mayer advised the Committee that approving this proposed language would require that the current rulemaking file would be withdrawn and the LATC would commence a new rulemaking proposal.

During public comment, Mr. Maxam noted that it is important to approve the proposed language. Ms. Shannon contended that related degrees and reciprocity are not mutually exclusive. Ms. Hollingworth agreed with Ms. Shannon and inquired about the required number of years a candidate needs to have worked under the new proposed language. Ms. KJose responded that there is no requirement for the number of years worked; rather if a candidate is licensed in another jurisdiction and passes the CSE, then he/she is eligible for reciprocity licensure.

- **Marq Truscott moved to approve the proposed language to allow licensees in good standing from any U.S. jurisdiction, Canadian Province, or Puerto Rico who have passed a written examination substantially equivalent in scope and subject matter required in California as determined by the Board to be eligible for licensure upon passing the CSE.**

David Allan Taylor, Jr seconded the motion.

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

Ms. Shannon inquired on the appeal procedures for the proposed regulation. Ms. Bon stated that public comment can be given at the Board's upcoming meeting and during a 45-day public comment period for the regulatory amendment. She added that the rulemaking file requires the regulatory body to respond to any comments it receives as well.

O.* Adjournment

The meeting adjourned at 1:30 p.m.

**Agenda items for this meeting were taken out of order to meet the timeframe specified for the Public Forum (Agenda Item J). The order of business conducted herein follows the transaction of business.*

Agenda Item E

UPDATE ON THE DEPARTMENT OF CONSUMER AFFAIRS – DEAN R. GRAFILO, DIRECTOR

Dean R. Grafilo was appointed Director of the Department of Consumer Affairs (DCA or Department) on February 22, 2017. Director Grafilo will provide the Landscape Architects Technical Committee an update on the Department.

Agenda Item F

PROGRAM MANAGER'S REPORT ON ADMINISTRATIVE/MANAGEMENT, EXAMINATION, LICENSING, AND ENFORCEMENT PROGRAMS

The California Architects Board and Landscape Architects Technical Committee's (LATC) June 2017 Monthly Report provides a synopsis of current activities and is attached for the LATC's review.

Attachments:

1. Monthly Report (June 2017)
2. California Architects Board June 15, 2017 Meeting Notice



Edmund G. Brown Jr.
GOVERNOR


CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MEMORANDUM

DATE: July 7, 2017

TO: Board and Landscape Architectural Technical Committee Members

FROM: Doug McCauley, EA 

SUBJECT: Monthly Report

The following information is provided as an overview of Board activities and projects as of June 30, 2017.

ADMINISTRATIVE/MANAGEMENT

Board The Board met on June 15, 2017, in San Francisco. The next Board meetings are scheduled for September 7, 2017, at Woodbury University in Burbank and December 7, 2017 in Sacramento.

BreEZe The Department of Consumer Affairs (DCA) has been working with Accenture, LLP to design, configure, and implement an integrated, enterprise-wide enforcement case management and licensing system called BreEZe. This system supports DCA's highest priority initiatives of job creation and consumer protection by replacing aging legacy business systems with an industry-proven software solution that utilizes current technologies to facilitate increased efficiencies for DCA board and bureau licensing and enforcement programs. More specifically, BreEZe supports applicant tracking, licensing, license renewal, enforcement, monitoring, cashiering, and data management capabilities. Additionally, the system is web-based which allows the public to file complaints and search licensee information and complaint status via the Internet. It also allows applicants and licensees to submit applications, license renewals, and make payments online. BreEZe is being deployed department-wide via three separate releases. Release 1 was implemented on October 9, 2013; Release 2 was implemented on January 19, 2016; and Release 3 is planned to begin development in 2016. The Board is currently part of Release 3.

The State Auditor recommended that DCA conduct a cost-benefit analysis for Release 3 boards and bureaus. Absent any contrary finding in that

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analysis, DCA plans to bring the remaining boards and bureaus into BreZE, but likely will do so in smaller groups. DCA is developing a plan for the boards and bureaus that have not transitioned to the BreZE system. The path forward will include business process planning, during which existing business processes will be mapped (and potentially re-engineered), use cases developed, and solution requirements will be defined. Next, the Department of Technology's four-stage Project Approval Lifecycle will facilitate business analysis justification, alternatives and cost benefit analysis, solution development framework, and project approval. The final step of the process will be implementation, possibly following an agile or agile-hybrid development methodology. On July 11, 2017, staff will meet with DCA Office of Information Services to discuss the status of Release 3.

Budget Governor Edmond G. Brown, Jr. released his proposed 2017-18 state budget on January 10, 2017. The proposed budget eliminates a projected \$2 billion deficit and bolsters the state's "Rainy Day Fund" while continuing to invest in education, health care expansion, and other core programs. The Governor released the "May Revise" on May 11, 2017. This is an updated state budget, based upon new revenue projections. Under the May revision, the \$5.8 billion revenue shortfall forecast in January is now a \$3.3 billion shortfall - based primarily on higher capital gains. On June 27, 2017, the Governor signed the 2017-2018 State Budget with no program-specific impact on the Board..

Communications Committee The Communications Committee met on May 25, 2017, and is scheduled to meet again on September 28, 2017, to continue work on its assigned objectives from the 2017-2018 Strategic Plan. At its June 15, 2017, Board meeting, the Board approved the Communications Committee's recommendation concerning Strategic Plan objective 4.4.

Executive Committee The Executive Committee is scheduled to meet on November 15, 2017, to commence work on its assigned objectives from the 2017-2018 Strategic Plan.

Legislation Senate Bill (SB) 247 (Moorlach) states the intent of the Legislature to enact legislation that would reduce occupational licensing requirements. The bill failed passage in the Senate Business, Professions and Economic Development Committee.

SB 547 (Hill) extends the sunset date of the California Council of Interior Design Certification (CCIDC) and its certification program until January 1, 2022. At the March 2, 2017, meeting, the Board voted to support the extension of CCIDC's sunset date; a subsequent letter of support for SB 547 was sent to the Legislature on May 23, 2017. The bill is now with the Assembly Committee on Privacy and Consumer Protection.

Assembly Bill (AB) 1005 (Calderon) [Orders of Abatement] would amend BPC 125.9 to require a citation containing an order to pay an administrative fine to contain an order of abatement, fixing a period of no fewer than 30 days for abatement of the violation before the administrative fine becomes effective. The bill will not move forward as currently written.

AB 1489 (Brough) is The American Institute of Architects, California Council's (AIACC) bill that proposes two changes to the Architects Practice Act via Business and Professions Code section (BPC) 5536.25: 1) a clarification that an architect is not responsible for damage caused by "construction deviating from a permitted set of plans, specifications, reports, or documents"

not authorized or approved in writing by the architect; and 2) an update to the definition of “construction observation services” to clarify that those services do not include inspection, or determining or defining means and methods (the day-to-day activities a contractor employs to complete construction). The bill will not move forward as currently written.

Liaison Program Board members provided their respective liaison reports at the March 2, 2017, Board meeting.

Newsletter The latest issue of the *California Architects* newsletter was published March 13, 2017. The next issue is scheduled for publication in July 2017.

Personnel Recruitment efforts are underway to fill the Examination/Licensing Office Technician and the part-time Enforcement Technician positions.

Social Media In expanding the Board’s social media presence, a new Instagram account was launched on September 20, 2016; the Board currently has 159 followers. The Board currently has 1,082 Twitter followers (up from 925 this time one year ago). In addition, the Board launched its new Facebook account on June 6, 2017.

Training The following employee(s) have been scheduled to participate in upcoming training:

7/11/17	Learn to Lead (Kristin)
7/13/17	Excel Basics (Mel)
7/18/17	New Employee Orientation (Lauren)
7/19/17	Word 2016 Enhancing With Graphics (Greg)
7/20/17	Growing in Your State Career (Cecilia)
7/27/17	Research, Analysis, and Problem Solving (Lauren)
8/9/17	Excel 2016 Pivot Tables (Mel)
8/16/17	Effective Business Writing (Coleen)
8/22/17	Word 2016 Tables (Greg)
8/29/17	Managing Time and Workload (Coleen)
9/14/17	Basics of Enforcement (Lauren)

Website In June, staff posted the *Notice of Meeting* for the June 15, 2017, Board meeting. The Board’s website was also updated to include the approved Summary Report for the March 2, 2017, Board meeting.

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The pass rates for ARE divisions taken by California candidates between May 1-31, 2017, are shown in the following tables:

May 2017 ARE 5.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	12	5	42%	7	58%
Practice Management	43	22	51%	21	49%
Programming & Analysis	15	10	67%	5	33%
Project Development & Documentation	51	23	45%	28	55%
Project Management	23	13	57%	10	43%
Project Planning & Design	64	30	47%	34	53%

May 2017 ARE 4.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Building Design & Construction Systems	57	36	63%	21	37%
Building Systems	77	45	58%	32	42%
Construction Documents & Services	144	70	49%	74	51%
Programming, Planning, & Practice	152	64	42%	88	58%
Schematic Design	30	21	70%	9	30%
Site Planning & Design	105	65	62%	40	38%
Structural Systems	53	37	70%	16	30%

National pass rates for 2016 ARE 5.0 have not been released by the National Council of Architectural Registration Boards (NCARB) and are anticipated in early fall 2017. The results

for ARE 4.0 divisions taken by California candidates compared to all NCARB candidates for 2016 are shown in the following table:

2016 ARE 4.0

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Building Design & Construction Systems	968	60%	64%	-4%
Building Systems	973	59%	64%	-5%
Construction Documents & Services	2,036	48%	54%	-6%
Programming, Planning, & Practice	1,746	52%	56%	-4%
Schematic Design	819	71%	78%	-7%
Site Planning & Design	1,468	60%	65%	-5%
Structural Systems	863	63%	65%	-2%

California Supplemental Examination (CSE) CSE development is an ongoing process. Development of the CSE based upon the new CSE Test Plan concluded with the launching on March 1, 2017, of the first corresponding examination administrations. The Intra-Agency Contract Agreement (IAC) with the Office of Professional Examination Services (OPES) for examination development for fiscal year (FY) 2017/18 was approved by the Board on June 15, 2017.

CSE Results: For the period June 1-30, 2017, the computer-delivered CSE was administered to 83 candidates, of which 56 (67%) passed and 27 (33%) failed. The CSE has been administered to 1,096 candidates during FY 2016/17 (as of June 30, 2017) of which 712 (65%) passed and 384 (35%) failed. During FY 2015/16, the computer-delivered CSE was administered to 976 candidates, of which 661 (68%) passed and 315 (32%) failed.

NCARB Architectural Experience Program (AXP) On June 29, 2016, NCARB, as part of a profession-wide effort to retire the term "intern," renamed its Intern Development Program the AXP. NCARB also implemented the last phase of its two-part alignment/streamline process. Now AXP requires candidates to document 3,740 hours in 6 areas that cover all phases of architectural practice. NCARB also overhauled the experience settings and eliminated Setting S with the release of the new AXP Guidelines.

NCARB Integrated Path to Architectural Licensure (IPAL) Launched in fall 2015, IPAL is an initiative spearheaded by NCARB and designed to provide aspiring architects the opportunity to

complete requirements for licensure in a more integrated manner while earning their accredited degree. Programs from three California schools were accepted by NCARB for participation in the inaugural year: NewSchool of Architecture and Design, University of Southern California, and Woodbury University; to-date there are 21 programs at 17 schools.

The Board sponsored legislation (which became operative on January 1, 2017) that authorizes it to grant students enrolled in an IPAL program early eligibility for the ARE.

During the Board's March, June, and September 2016 and March 2017 meetings the California IPAL schools provided presentations on its respective program that included program details, status updates, and future plans. The Board will periodically invite accepted schools to its future meetings for updates.

Professional Qualifications Committee (PQC) The next PQC meeting is scheduled for October 18, 2017, in Sacramento. At the meeting, the PQC will commence work on its assigned objectives from the 2017-2018 Strategic Plan.

ENFORCEMENT PROGRAM

Collection Agency Contract The Board's 2015-2016 Strategic Plan contains an objective assigned to the Regulatory and Enforcement Committee (REC) to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties. At its November 5, 2015, meeting, the REC reviewed and discussed this objective, and voted to recommend to the Board that it should encourage staff to continue pursuing all avenues for collecting unpaid administrative fines, and specifically, start utilizing a collection agency for unpaid accounts aged beyond 90 days, or at the discretion of the Executive Officer (EO). The Board approved the REC's recommendation at its December 10, 2015, meeting. Following the meeting, staff identified outstanding accounts that could be referred to a collection agency and obtained quotes for full-service debt collection services, including "skip-tracing," credit reporting, and filing legal actions as appropriate. Staff is currently in the process of securing a contract with a collection agency through the informal solicitation method [Government Code section (GC) 14838.5] to allow the Board to refer unpaid accounts aged beyond 90 days to a collection agency. The collection agency contract is planned to be presented to the Board for review and possible action at its September 2017 meeting.

Enforcement Action(s) Kenneth Robert Vais (Carmel) The Board issued a one-count citation that included a \$2,500 administrative fine to Kenneth Robert Vais, dba ATELIER, an unlicensed individual, for alleged violations of BPC 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that on or about October 11, 2015, Vais, in response to a potential client, stated in an email, "Yes, I am very much a practicing architect and designer and I would be delighted to show you the Carmel-by-the-Sea residence." Vais' email signature line also included the word "Architect" under his name. On or about November 24, 2015, Vais emailed the client links to online articles on the websites carmelbuilding.com and houzz.com, where he was identified as an "Architect." On or about January 16, 2016, Vais drafted an Agreement and emailed it to the client offering to provide pre-conceptual design services to remodel the client's existing single-family residence located in Pebble Beach, California. The Agreement included the term "architectural" to describe the scope of services and was printed on

Vais' letterhead, which included the word "Architect" under his name. Vais' business card also included the word "Architect" under his name. In or around September 2016, Vais' company website, krvatelier.com, described his company's services as "architectural" and identified him as an "Architect." In addition, Vais' company's services were described as "architectural" on the website houzz.com. Vais was also identified as an "Architect" on the websites carmelbuilding.com and nshoremag.com. The citation became final on May 4, 2017.

<u>Enforcement Statistics</u>	<u>Current Month</u> June 2017	<u>Prior Month</u> May 2017	<u>FYTD</u> 2016/17	<u>5-FY Avg</u> 2011/12- 2015/16
Complaints				
Received/Opened (Reopened):	42 (0)	40 (0)	324 (1)	295 (3)
Closed:	29	32	291	303
Average Days to Close:	80 days	92 days	110 days	130 days
Pending:	115	106	82*	106
Average Age of Pending:	87 days	93 days	112 days*	164 days
Citations				
Issued:	1	4	25	40
Pending:	6	8	10*	11
Pending AG: †	3	3	5*	3
Final:	2	1	32	36
Disciplinary Actions				
Pending AG:	4	4	4*	3
Pending DA:	0	0	0*	2
Final:	0	0	4	2
Continuing Education (\$5600.05)**				
Received/Opened:	10	2	28	68
Closed:	0	2	17	68
Pending:	12	2	4*	26
Settlement Reports (\$5588)**				
Received/Opened:	8	4	35	29
Closed:	1	3	31	35
Pending:	13	6	7*	11

* Calculated as a monthly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

Most Common Violations The majority of complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations, or initiated by the Board upon the failure of a coursework audit.

During FY 2016/17 (as of June 30, 2017) 32 citations with administrative fines became final with 50 violations of the provisions of the Act and/or Board regulations. Below are the most common violations that have resulted in enforcement action during the current FY:

- BPC 5536(a) and/or (b) - Practice Without License or Holding Self Out as Architect [38%]

- BPC 5536.22(a) - Written Contract [14%]
- BPC 5579 - Fraud in Obtaining License [4%]
- BPC 5584 - Negligence or Willful Misconduct [4%]
- BPC 5586 - Disciplinary Action by a Public Agency [2%]
- BPC 5600.05(a)(1) and/or (b) - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [16%]
- Title 16, California Code of Regulations section (CCR) 160(b)(2) - Rules of Professional Conduct (Willful Misconduct) [6%]
- CCR 160(c)(4) - Rules of Professional Conduct (Conflict of Interest) [2%]
- CCR 160(f)(1) - Rules of Professional Conduct (Informed Consent) [4%]
- Other Violations [10%]

Regulatory Proposals CCR 152.5 (*Contest of Citations, Informal Conference*) - Staff developed proposed regulatory language to amend CCR 152.5 to allow the EO to delegate to a designee, such as the Assistant Executive Officer or the Enforcement Program Manager, the authority to hold an informal conference with a cited person and make a decision to affirm, modify, or dismiss a citation. The proposed regulatory language also contains additional revisions to CCR 152.5, including: changing the deadline for requesting an informal conference for consistency with the deadline for requesting a formal administrative hearing; authorizing the EO or a designee to extend the 60-day period for holding the informal conference for good cause; and clarifying that the decision to affirm, modify, or dismiss a citation is made following (rather than at the conclusion of) an informal conference, and a copy of the decision will be transmitted to the cited person within 30 days after the conference. The REC reviewed and discussed staff's draft proposed regulation to amend CCR 152.5 at its November 8, 2016, meeting, and voted to recommend to the Board that it approve the regulation and authorize staff to proceed with the regulatory change. At its December 15, 2016, meeting, the Board approved the proposed regulation to amend CCR 152.5, authorized staff to proceed with the required regulatory change to amend CCR 152.5, and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and make minor technical or non-substantive changes to the language, if needed. Staff is preparing the proposed regulatory package for submission to DCA for review, prior to publicly noticing with the Office of Administrative Law (OAL).

CCR 154 (*Disciplinary Guidelines*) - The Board's 2013 and 2014 Strategic Plans included an objective to review and update the Board's *Disciplinary Guidelines*. The REC reviewed recommended updates to the Board's *Disciplinary Guidelines* in 2013 and 2014. Additionally, at the request of the REC, staff consulted with a representative of AIACC to address a proposed modification to the "Obey All Laws" condition of probation. The representative concurred with the revision and indicated that there was no issue with the proposal. Staff then consulted with the REC Chair who agreed to provide the *Disciplinary Guidelines* with recommended revisions to the Board for consideration at its December 2014 meeting due to the target date established for the Strategic Plan objective. At its December 2014 meeting, the Board approved the proposed revisions to the *Disciplinary Guidelines* and authorized staff to proceed with a regulatory proposal to amend CCR 154 in order to incorporate the revised *Disciplinary Guidelines* by reference. Staff prepared the required regulatory documents for the Board's review and approval at its June 10, 2015, meeting. The Board approved the proposed regulatory language to amend

CCR 154 at its June 10, 2015, meeting and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes, if needed.

At its August 6, 2015, meeting, the Landscape Architects Technical Committee (LATC) reviewed recommended updates to LATC's *Disciplinary Guidelines* based on the revisions made to the Board's *Guidelines*. Following the meeting, Legal Counsel advised LATC staff that additional research may be necessary regarding Optional Conditions 9 (CSE) and 10 (Written Examination) in LATC's *Guidelines*. LATC staff subsequently discussed the matter with Legal Counsel on September 30, 2015. Board staff reviewed Legal Counsel's comments as they relate to the Board's *Disciplinary Guidelines*, and determined the Board's *Guidelines* would also need to be amended. On October 21, 2015, Board and LATC staff sent proposed edits to these conditions to Legal Counsel for review. Legal Counsel notified Board and LATC staff on November 12, 2015, that the proposed edits were acceptable, but substantive, and would require re-approval by the Board.

On November 25, 2015, Legal Counsel further advised staff to include the current version of the Board's Quarterly Report of Compliance form (1/11) as "Attachment A" in the Board's *Disciplinary Guidelines*, as this method was previously approved by OAL for the 2000 edition of the *Guidelines*. At its December 10, 2015, meeting, the Board reviewed and approved the additional recommended revisions to the Board's *Disciplinary Guidelines* and the proposed regulation to amend CCR 154, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for Legal Counsel's review and approval on March 15, 2016. On April 8, 2016, Legal Counsel advised staff that further substantive changes were necessary prior to submission to OAL. Staff developed recommended revisions to the *Guidelines* in response to Legal Counsel's concerns, and presented those revisions to the REC for review and consideration at its November 8, 2016, meeting. At the meeting, the REC voted to recommend to the Board that it approve the additional revisions to the *Disciplinary Guidelines* and authorize staff to proceed with the regulatory change to amend CCR 154. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR 154 were presented to the Board for consideration at its December 15, 2016, meeting. At the meeting, the Board approved the additional revisions to the *Disciplinary Guidelines* and the proposed regulation to amend CCR 154, authorized staff to proceed with the required regulatory change to amend CCR 154 in order to incorporate the revised *Guidelines* by reference, and delegated authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and make minor technical or non-substantive changes to the language, if needed. Staff is preparing the proposed regulatory package for submission to DCA for review, prior to publicly noticing with OAL.

Regulatory and Enforcement Committee (REC) The next REC meeting is planned for the summer in Sacramento. At the meeting, the REC will commence work on its assigned objectives from the 2017–2018 Strategic Plan.

Written Contract (BPC 5536.22) A proposal was previously submitted by the Board to the Senate Business, Professions and Economic Development Committee (BP&ED) for possible

inclusion in an omnibus bill. The amendment to BPC 5536.22 sought to clarify that the following elements are needed in architects' written contracts with clients for professional services: 1) a description of the project; 2) the project address; and 3) a description of the procedure to accommodate contract changes. BP&ED staff determined that the proposal was substantive and, as such, would need to be included in another bill. At its April 28, 2016, meeting, the REC accepted staff's recommendation to also include a: 1) statement identifying the ownership and/or reuse of instruments of service prepared by the architect; and 2) notification to the client that the architect is licensed by the Board, in the amendment to BPC 5536.22. Staff developed proposed language for BPC 5536.22 to include these two additional elements, and presented it to the REC for consideration at its November 8, 2016, meeting. At the meeting, the REC supported adding the two additional provisions to the written contract requirement, but expressed concerns that the use of the word "complaints" in the proposed language for subsection (a)(9) could result in frivolous complaints to the Board against architects. The REC ultimately voted to recommend to the Board that it approve the proposed language to amend BPC 5536.22 with the words "concerns about" instead of "complaints concerning" in the proposed subsection (a)(9). The Board considered the REC's recommendation at its December 15, 2016, meeting, and approved the proposed language to amend BPC 5536.22 with the exception of proposed subsection (a)(9); the Board returned subsection (a)(9) to the REC for further study and consideration of alternative methods of disclosure.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Committee The LATC met on April 18, 2017 in Pomona at the California Polytechnic University, Pomona. The next meeting is scheduled for July 13, 2017, in Sacramento.

Personnel Recruitment efforts are underway to fill the Licensing Coordinator position.

Training The following employee(s) have been scheduled to participate in upcoming training:

6/28/17	Word 2016 Track Changes and Collaborative Editing Tools (Stacy)
7/19/17	Leadership Fundamentals (Brianna)
8/22/17	Leader as Communicator (Brianna)
8/29/17	Labor Relations for Managers and Supervisors (Brianna)
8/30/17	Safety, Wellness, and Accommodation (Brianna)
8/31/17	Strategic Management (Brianna)

Website In June, staff published the updated "Licensee Search" lists to the website.

Social Media The LATC maintains a Twitter account that currently has 137 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) BPC 139 requires that an Occupational Analysis (OA) be conducted every five to seven years. An OA was completed by OPES for the LATC in 2014. The Test Plan developed from the 2014 OA is being used during content development of the CSE. The CSE development is based on an ongoing analysis of current CSE performance and evaluation of examination development needs. The current Intra-Departmental Contract with OPES for examination development expires on June 30, 2017. Staff recruits subject matter experts to participate in examination development workshops to focus on item writing and examination construction. Monthly examination development workshops began on August 25, 2016, and concluded on December 2, 2016. The questions developed have been added to the examination item bank and will be incorporated into the CSE beginning in September 2017. The new Intra-Departmental Contract with OPES for examination development for FY 2017/18 was approved by the Committee at the April 18, 2017, meeting.

CSE Results The CSE has been administered to 144 candidates during FY 2016/17 (as of June 22, 2017). Of these candidates, 74 (51%) passed and 70 (49%) failed. During FY 2015/16, the computer-delivered CSE was administered to 132 candidates, of which 94 (71%) passed and 38 (29%) failed.

Landscape Architect Registration Examination (LARE) The next LARE administration will be held from August 7–19, 2017. The candidate application deadline was June 23, 2017. Examination results are released five-six weeks following the last day of administration.

Legislation SB 800 (Hill) – BPC 5680.2 authorizes a license that has expired to be renewed within three years after its expiration. Existing law prohibits a license that is expired for more than three years from being renewed, restored, reissued, or reinstated but authorizes the holder of the expired license to apply for and obtain a new license if the applicant for the new license meets certain criteria, pays certain fees, and passes an examination or otherwise establishes to the satisfaction of the Board that the applicant is qualified to practice landscape architecture. This bill would instead authorize a license to be renewed within five years of its expiration. The bill would prohibit a license that is expired for more than five years from being renewed, restored, reissued, or reinstated but would authorize the holder of the expired license to apply for a new license, as specified. SB 800 passed out of the Senate with a unanimous vote (37-0) on May 22, 2017 and is in the Assembly Business and Professions Committee. Should these amendments take effect, the LATC will pursue repealing CCR 2624 and 2624.1.

Regulatory Proposals *CCR 2615 (Form of Examinations) – Reciprocity Requirements* - At its meeting on February 10, 2015, LATC directed staff to draft proposed regulatory language to specifically state that California allows reciprocity to individuals who are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. At the LATC meeting on November 17, 2015, the Committee approved proposed amendments to CCR 2615(c)(1), and recommended that the Board authorize LATC to proceed with a regulatory change. At its December 10, 2015, meeting, the Board approved the regulatory changes and delegated authority to the EO to adopt the corresponding regulations to amend CCR 2615 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed.

The LATC received extensive input during the public comment period expressing concern about the proposed length of post-licensure experience (at least 10 years, within the past 15 years) to be required of reciprocity candidates who do not meet California's educational requirements (specifically, a degree in landscape architecture). At its November 4, 2016, meeting, LATC reviewed and discussed the public comments, heard from several members of the audience, and directed staff to provide additional research and possible options for its next meeting in January 2017. At its January 17, 2017, meeting, the Committee directed staff to draft proposed regulatory language allowing reciprocity licensure to applicants licensed to practice landscape architecture by any US jurisdiction, Canadian province, or Puerto Rico, upon passing the CSE. Staff consulted with legal counsel to draft new, proposed regulatory language in accordance with the Committee's direction. Staff was also advised that it would be more timely to begin a new regulatory proposal for this new language in lieu of continuing with the existing proposal. Pursuant to Government Code section 11346.4, the one-year deadline to finalize the existing regulatory proposal is on August 12, 2017, which is not sufficient time to complete the required review/approval process through the control agencies.

At its April 18, 2017, meeting, the Committee approved the new proposed regulatory language to amend CCR 2615(c)(1) and recommended that the Board authorize LATC to proceed with the regulatory change. The LATC's recommendation was considered by the Board at its June 15, 2017, meeting. Following discussion, the Board voted to reject the proposed regulatory language. The Board directed staff to prepare a proposal that addresses both the LATC's initial and reciprocal licensure requirements, and that closely aligns with the Board's current licensure requirements. The Board requested that the LATC's proposal should be presented to the Board at its next meeting.

Staff is preparing proposed language to amend CCR 2620 (Education and Training Credits) that will be considered by the LATC at their July 13, 2017 meeting.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR 2615:

November 17, 2015	Proposed regulatory language approved by the LATC
December 10, 2015	Proposed regulatory language approved by the Board
August 2, 2016	Notice of Proposed Changes in the Regulations submitted to OAL
August 12, 2016	Notice of Proposed Changes in the Regulations published by OAL
September 27, 2016	Public hearing, public comments received during 45-day period
April 18, 2017	LATC voted to withdraw regulatory proposal and approved new proposed regulatory language
June 15, 2017	The Board requested the LATC prepare and present at its next meeting an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's

CCR 2620.5 (Requirements for an Approved Extension Certificate Program) – LATC established the original requirements for an approved extension certificate program based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). These requirements are outlined in CCR 2620.5. In 2009, LAAB implemented changes to their university accreditation standards. Prompted by the changes made by LAAB,

LATC drafted updated requirements for an approved extension certificate program and recommended that the Board authorize LATC to proceed with a regulatory change. At the December 15–16, 2010, Board meeting, the Board approved the regulatory change and delegated authority to the EO to adopt the regulations to amend CCR 2620.5 provided no adverse comments are received during the public comment period and make minor technical or non-substantive changes to the language, if needed. The regulatory proposal to amend CCR 2620.5 was published by the OAL on June 22, 2012.

In 2012, the LATC appointed the University of California Extension Certificate Program Task Force, which was charged with developing procedures for the review of the extension certificate programs, and conducting reviews of the programs utilizing the new procedures. The Task Force held meetings on June 27, 2012, October 8, 2012, and November 2, 2012. As a result of these meetings, the Task Force recommended additional modifications to CCR 2620.5 to further update the regulatory language with LAAB guidelines and LATC goals. At the November 14, 2012, LATC meeting, LATC approved the Task Force’s recommended modifications to CCR 2620.5, with an additional edit. At the January 24-25, 2013, LATC meeting, LATC reviewed public comments regarding the proposed changes to CCR 2620.5 and agreed to remove a few proposed modifications to the language to address the public comments. The Board approved adoption of the modified language for CCR 2620.5 at their March 7, 2013, meeting.

On July 17, 2013, a Decision of Disapproval of Regulatory Action was issued by OAL. The disapproval was based on OAL’s determination that the regulatory package did not meet the necessity standard of the GC section 11349.1, subdivision (a)(1). GC 11349(a) defines “necessity” as demonstrating the need for the regulatory change through evidence not limited to facts, studies, and expert opinion. Based on OAL’s disapproval, staff worked with DCA Legal Counsel and the Task Force Chair to refine the proposed language and identify appropriate justification that would meet OAL’s requirements.

In May 2014, the LATC Special Projects Analyst prepared draft language for CCR 2620.5 incorporating Legal Counsel’s recommendation that regulatory language be added to address the application, approval, denial, and annual review processes. On December 8, 2014, staff was advised by LAAB that the accreditation standards are scheduled to be reviewed and updated beginning with draft proposals in the spring of 2015. LAAB anticipated adopting new standards in early 2016. On December 30, 2014, staff met with the Task Force Chair to discuss proposed changes to CCR 2620.5 and the probability that new LAAB accreditation standards will be implemented in 2016. Staff also met with Legal Counsel on January 14, 2015, to discuss justifications to proposed changes and again on January 28, 2015, to further review edits and justifications.

Proposed regulatory language was presented to the LATC at its February 10-11, 2015, meeting. At this meeting, the Committee approved the appointment of a new working group to assist staff in substantiating recommended standards and procedures in order to obtain OAL approval. Linda Gates and Christine Anderson, former LATC members and University of California extension program reviewers, were appointed to the working group.

On June 5, 2015, LAAB confirmed that they are in the process of updating their Standards and Procedures for the Accreditation of Landscape Architecture Programs. The process included a public call for input and commentary that took place in the fall of 2014. LAAB met in the summer of 2015 to draft revisions to the Standards. In the fall of 2015, additional public input and comments were received.

On October 8, 2015, LATC received a copy of LAAB's proposed revisions which included several suggested changes to curriculum requirements. LAAB implemented its new Accreditation Standards and Procedures in March 2016, making significant changes to the curriculum requirements beginning in 2017. Staff recommended that LATC review the LAAB Accreditation Standards and Procedures at its January 2017 meeting, and determine how to proceed. Prior to the meeting, Stephanie Landregan, Director of the University of California Los Angeles Extension Certificate program, requested that discussion be postponed until the April 18, 2017, LATC meeting. Her request was granted, and this topic was tabled, accordingly.

At the April 18, 2017, LATC meeting, the Committee heard comments from Ms. Landregan and Christine Anderson, president-elect of the Council of Landscape Architecture Registration Boards, that offered insight on how LATC could incorporate LAAB accreditation standards and continue to approve University of California Extension Certificate programs. In addition, the LATC was presented with several written public comments addressing the University of California Extension Certificate programs. After discussion, the Committee directed staff to form a subcommittee to prepare regulatory changes for LATC's consideration at a later meeting date.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR 2620.5:

November 22, 2010	Proposed regulatory language approved by LATC
December 15, 2010	Proposed regulatory language approved by Board
June 22, 2012	Notice of Proposed Changes in the Regulations published by OAL (Notice re-published to allow time to notify interested parties)
August 6, 2012	Public hearing, no public comments received
November 30, 2012	40-Day Notice of Availability of Modified Language posted on website
January 9, 2013	Written comment (one) received during 40-day period
January 24, 2013	Modified language to accommodate public comment approved by LATC
February 15, 2013	Final rulemaking file submitted to DCA's Legal Office and Division of Legislative and Policy Review
March 7, 2013	Final approval of modified language by Board
May 31, 2013	Final rulemaking file submitted to OAL for approval
July 17, 2013	Decision of Disapproval of Regulatory Action issued by OAL
August 20, 2013	LATC voted not to pursue a resubmission of rulemaking file to OAL
February 21, 2014	Staff worked with Task Force Chair to draft justifications for proposed changes
December 8, 2014	LAAB reported that accreditation standards are scheduled to be reviewed and updated in 2015
February 10, 2015	LATC approved the appointment of a new working group to assist staff
October 8, 2015	LATC received LAAB's suggested revisions to curriculum requirements

March 2016	LAAB implemented its new Accreditation Standards and Procedures
April 18, 2017	LATC directed the formation of a subcommittee to prepare regulatory changes for LATC's consideration

CCR 2649 (Fees) – BPC 128.5 requires agencies within DCA to reduce license or other fees if the fund balance meets or exceeds 24 months in reserve at the end of any FY. The LATC had 24.7 months of funds in reserve at the end of FY 2012-13. To address the fund condition, the LATC initiated fiscal management measures consisting of a negative budget change proposal to reduce LATC's spending authority by \$200,000, and implemented a temporary license renewal fee reduction from \$400 to \$220 for one license renewal cycle, July 1, 2015 through June 30, 2017, with the intention of extending the license renewal fee reduction for an additional renewal cycle if the fund condition did not drop below the 24-month reserve level.

At the end of FY 2015/16, the LATC had 27.4 months of funds in reserve. Based on projections including the current temporary license renewal fee reduction of \$220, at the end of FY 2016/17, there will be approximately 20.6 months of funds in reserve. At the LATC meeting on May 24, 2016, the Committee approved the extension of the license renewal fee reduction through June 30, 2019. To extend the reduction of the license renewal fee, a regulatory change to amend CCR 2649 is necessary. Once the reduction completes its term, the LATC is projected to have 7.1 months of funds in reserve.

This regulatory proposal amends CCR 2649(f), to reduce the fee for the biennial renewal of a license from \$400 to \$220 for licenses expiring on or after July 1, 2017, through June 30, 2019.

The regulatory proposal was approved by OAL and will take effect on July 1, 2017.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR 2649:

May 24, 2016	Proposed regulatory language approved by LATC
June 9, 2016	Proposed regulatory language approved by Board
October 14, 2016	Notice of Proposed Changes in the Regulations published by OAL
November 30, 2016	Public hearing, no public comments received
December 14, 2016	Final rulemaking file submitted to DCA's Legal Office and Division of Legislative and Regulatory Review
March 23, 2017	Final rulemaking file submitted to Business, Consumer Services and Housing Agency (Agency) for approval
May 17, 2017	Final rulemaking file approved by Agency
May 18, 2017	Final rulemaking file submitted to OAL for approval
June 23, 2017	Regulation approved by OAL and filed with the Secretary of State to become effective July 1, 2017

2015-2016 Strategic Plan Objectives LATC's Strategic Plan for 2015-2016 contained numerous objectives. Below is a summary of progress made toward the objectives:

Create and Disseminate Consumer's Guide - to educate the public on the differences between landscape architects, landscape contractors, and landscape designers. At its November 17, 2015, LATC meeting, staff presented to the Committee a draft of the *Consumer's Guide to Hiring a*

Landscape Architect, which is based on the Board's *Consumer's Guide to Hiring an Architect*. The Committee reviewed the *Guide* and directed staff to continue revisions by adding information conveyed through the Department of Water Resources' Independent Technical Panel regarding water conservation measures and techniques; and a table illustrating the differences and requirements between landscape architects, designers, and contractors. Following discussion, the Committee agreed to create a subcommittee to complete revisions to the *Guide*. At its February 10, 2016, meeting, the Committee reviewed the *Guide* and recommended additional information regarding drought conditions and the Model Water Efficient Landscape Ordinance to be included in the guide. LATC agreed to review the revised draft at its next meeting in May to allow time for the subcommittee and staff to incorporate the recommended edits.

Staff presented the revised *Guide* to the Committee at its May 24, 2016, meeting. The Committee voted to approve the draft of the *Guide* for publication with minor edits to be made to the professional qualifications chart. Staff completed the edits and worked with DCA's Office of Publications, Design & Editing on the design of the *Guide*. Two LATC members reviewed the proposed graphics and design layout and provided images for replacement in the *Guide*. The LATC reviewed the revised design and layout at its November 4, 2016, meeting. At the meeting, a public comment was made expressing concern that the photographs and plant materials depicted in the *Guide* showed water features, high water use plant pallets and lawn dominated designs that do not support water conservation. The Committee agreed and asked staff to obtain and include graphics of compelling low water landscapes with California plant material for the LATC's consideration. Staff presented the updated *Guide* to the Committee at its April 18, 2017 meeting. At that time, a public comment was made expressing concern over the professional qualifications chart not referencing the multiple postsecondary education pathways to licensure. The Committee reiterated that the purpose of the *Guide* was for the consumer, and that one could consult the Landscape Architects Practice Act for additional information. The Committee approved the *Guide* with the addition of a footnote below the chart referencing CCR 2620 for other education and experience requirements. Completion of this *Guide* addresses the Strategic Plan objective to "create and disseminate printed document(s) to educate the public on the differences between landscape architects, landscape contractors, and landscape designers." Presently, the *Guide* is being finalized for distribution. Once this is achieved, staff will develop a distribution strategy to address the dissemination of the *Guide*.

Expand Credit for Education Experience - to include degrees in related areas of study, i.e., urban planning, environmental science or horticulture, etc., to ensure that equitable requirements for education are maintained. At the November 17, 2015, LATC meeting, the Committee directed staff to agendaize this objective at its next meeting. At its meeting on February 10, 2016, the Committee agreed to table the objective until its upcoming Strategic Planning session in January 2017. At its January 17, 2017, meeting, the Committee considered options of granting education credit for related, as well as unrelated, degrees in landscape architecture or architecture. After discussion and receiving public comments, the Committee directed staff to conduct a public forum to receive additional input from the public by the next scheduled meeting, on April 18, 2017. Accordingly, staff scheduled two public forums to take place in northern and southern California, respectively, to enhance accessibility for public participation.

The first public forum was held on March 17, 2017, in Sacramento. Twelve participants attended the forum, which was facilitated by the DCA SOLID office. Participants were advised that the forum was for the sole purpose of gathering public input for consideration by the Committee. Accordingly, the feedback collected ranged from comments of support, opposition, and general feedback toward the expansion of education requirements.

The second public forum was held on April 18, 2017, in Pomona during the LATC meeting. Seventeen participants attended the forum, which was opened with a PowerPoint presentation by Program Manager Brianna Miller. Chair Trauth called on members of the public for comment. Feedback collected during the forum addresses support and opposition to the expansion of education requirements. LATC staff also collected all submitted written comments and presented them to the Committee for consideration. The LATC will consider all comments provided and discuss the matter at its upcoming July 13, 2017, meeting in Sacramento with regard to expanding pathways to initial licensure.

Review Expired License Requirements (CCR 2624 and 2624.1) - to assess whether any revisions are needed to the regulations, procedures, and instructions for expired license requirements. At the August 6, 2015, LATC meeting, the Committee reviewed the procedures and expired license requirements contained in BPC 5680.2 (License Renewal – Three Years After Expiration) and CCR 2624 and 2624.1, and directed staff to assess whether the Board's procedures and requirements should be considered for use by LATC. At the November 17, 2015, LATC meeting, the Committee reviewed re-licensure requirements of various state landscape architect licensing boards and three DCA licensing boards, and directed staff to research re-licensure procedures for additional state boards and agendaize this objective at its next meeting. At its meeting on February 10, 2016, the Committee directed staff to draft proposed language to amend the LATC's relicensure procedures to require an individual whose license has been expired for less than five years to pay any accrued fees, and to require the holder of a license that has expired for more than five years to reapply for licensure and retake the CSE. At its meeting on May 24, 2016, the Committee voted to amend BPC 5680.2 and repeal CCR 2624 and 2624.1. Prior to the meeting, staff discovered BPC 5680.1 included language that would also need to be amended. It was noted to the Committee that BPC 5680.1 would be included when presented to the Board for its consideration. At its June 9, 2016, meeting, the Board voted to amend BPC 5680.1 and 5680.2 and repeal CCR 2624 and 2624.1. Staff worked with DCA Legal Counsel to draft the amendment of BPC 5680.1 and 5680.2 which was introduced in SB 800. Once the amendments to BPC 5680.1 and 5680.2 are passed by the Legislature and signed by the Governor, staff will prepare the rulemaking file to repeal CCR 2624 and 2624.1.

2017-2018 Strategic Plan On January 18, 2017, the LATC participated in a session to update its Strategic Plan for two years (2017–2018). The session was facilitated by the DCA SOLID team. The LATC developed objectives for four goal areas: Regulation and Enforcement, Professional Qualification, Public and Professional Outreach, and Organizational Effectiveness.

At the April 18, 2017, meeting, the Committee recommended for Board approval the 2017-2018 Strategic Plan. At the June 15, 2017 Board meeting, the Board approved the LATC's 2017-2018 Strategic Plan.

LATC ENFORCEMENT PROGRAM

Disciplinary Guidelines As part of the Strategic Plan established by LATC at the January 2013, meeting, LATC set an objective of collaborating with the Board in order to review and update LATC's *Disciplinary Guidelines*. At its December 2014 meeting, the Board approved the proposed updates to their *Disciplinary Guidelines* and authorized staff to proceed with the required regulatory change in order to incorporate the revised *Disciplinary Guidelines* by reference. At its February 10, 2015, meeting, LATC approved proposed revisions to its *Disciplinary Guidelines* based on the recent Board approval for their *Guidelines*. Staff provided the revised *Disciplinary Guidelines* to the new Deputy Attorney General Liaison for review. He suggested several amendments, which staff added to the *Guidelines*. The amended *Disciplinary Guidelines* and proposed regulatory package were approved by LATC at its August 6, 2015, meeting and by the Board at their September 10, 2015, meeting.

On October 21, 2015, staff sent DCA Legal Counsel suggested edits to the Optional Conditions section in the *Disciplinary Guidelines* for review. Legal Counsel notified staff on November 12, 2015, that the edited portions were sufficient and substantive, and would require re-approval by the Board. On November 25, 2015, Legal Counsel further advised staff to include the current version of the Board's Quarterly Report of Compliance form (1/11) as "Attachment A" in the *Disciplinary Guidelines*. At its December 10, 2015, meeting, the Board approved the revised *Disciplinary Guidelines* and the proposed regulation to amend CCR 2680, and delegated the authority to the EO to adopt the regulation, provided no adverse comments are received during the public comment period, and to make minor technical or non-substantive changes to the language, if needed. Staff prepared the proposed regulatory package for Legal Counsel's review and approval on March 15, 2016. On April 8, 2016, Legal Counsel advised staff that further substantive changes were necessary prior to submission to OAL. Board staff developed recommended revisions to the *Guidelines* in response to Legal Counsel's concerns, and presented those revisions to the REC for review and consideration at its November 8, 2016, meeting. At the meeting, the REC voted to recommend to the Board that it approve the additional revisions to the *Disciplinary Guidelines* and authorize staff to proceed with the regulatory change to amend CCR 154 in order to incorporate the revised *Guidelines* by reference. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR 154 were approved by the Board at its December 15, 2016, meeting. Staff is updating its *Guidelines* to include the approved revisions that are appropriate to the LATC. Staff will present the recommended changes to the Committee at its meeting on July 13, 2017.

<u>Enforcement Statistics</u>	<u>Current Month</u> June 2017	<u>Prior Month</u> May 2017	<u>FYTD</u> 2016/17	<u>5-FY Avg</u> 2011/12 - 2015/16
Complaints				
Received/Opened (Reopened):	2 (0)	2 (0)	24 (1)	26 (0)
Closed:	3	3	18	36
Average Days to Close:	115 days	141 days	151 days	360 days
Pending:	13	14	9*	21
Average Age (Pending):	105 days	91 days	110 days*	301 days
Citations				

Issued:	0	0	3*	3
Pending:	0	0	0*	2
Pending AG: †	0	0	0*	2
Final:	0	1	5	2
Disciplinary Actions				
Pending AG:	1	0	0*	1
Pending DA:	0	0	0*	0
Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	0	0	4	1
Closed:	0	0	1	1
Pending:	0	0	1*	1

* Calculated as a monthly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

CALENDAR OF EVENTS

July

4	<i>Independence Day</i>	<i>Office Closed</i>
13	LATC Meeting	Sacramento

September

4	<i>Labor Day</i>	<i>Office Closed</i>
7	Board Meeting	Burbank
14–16	Council for Landscape Architectural Registration Boards Annual Meeting	Boise, ID
28	Communications Committee Meeting	Sacramento

October

18	PQC Meeting	Sacramento
20–23	American Society of Landscape Architects Annual Meeting	Los Angeles

November

1	LATC Meeting	San Diego
10	<i>Veterans Day Observed</i>	<i>Office Closed</i>
15	Executive Committee Meeting	Teleconference
23–24	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

December

7	Board Meeting	Sacramento
25	<i>Christmas Day</i>	<i>Office Closed</i>



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF BOARD MEETING

June 15, 2017

10:00 a.m. to 3:00 p.m.

(or until completion of business)

Port of San Francisco

Pier 1 The Embarcadero - Bayside Conference Room

San Francisco, CA 94111

(415) 274-0400 (Port of San Francisco) or (916) 574-7220 (Board)

The California Architects Board will hold a Board meeting, as noted above. The notice and agenda for this meeting and other meetings of the Board can be found on the Board's website: cab.ca.gov. For further information regarding this agenda, please see below or you may contact Mel Knox at (916) 575-7221.

The Board plans to webcast this meeting on its website at cab.ca.gov. Webcast availability cannot, however, be guaranteed due to technical requirements. The meeting will not be canceled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at the physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Agenda

- A. Call to Order/Roll Call/Establishment of a Quorum
- B. President's Procedural Remarks and Board Member Introductory Comments
- C. Public Comment on Items Not on the Agenda (*The Board may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting [Government Code sections (GC) 11125 and 11125.7(a)].*)
- D. Review and Possible Action on March 2, 2017 Board Meeting Minutes
- E. Executive Officer's Report
 - 1. Update on Board's Administrative/Management, Examination, Licensing, and Enforcement Programs
 - 2. Update on Board's Budget

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(Continued)

- F. Discuss and Possible Action on Proposed Legislation:
 - 1. Senate Bill (SB) 547 (Hill) [Business and Professions Code Section (BPC) 5810 (Interior Designers)]
 - 2. Assembly Bill (AB) 1005 (Calderon) [Orders of Abatement]
 - 3. AB 1489 (Brough) [Liability; Damages Caused by Subsequent, Unauthorized, or Unapproved Changes or Uses of Plans, Specifications, Reports or Documents; Construction Observation Services]
- G. National Council of Architectural Registration Boards (NCARB)
 - 1. Review of 2017 NCARB Annual Business Meeting Agenda
 - 2. Consider and Take Action on Candidates for 2017 NCARB Officers and Directors
- H. Review and Possible Action on 2017/18 Intra-Departmental Contract with Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development
- I. Communications Committee Report
 - 1. Update on May 25, 2017 Communications Committee Meeting
 - 2. Discuss and Possible Action on the Committee's Recommendation to the Board Regarding the 2017-2018 Strategic Plan Objective About Exploring the Possibility of the Board Participating in Consumer Events as a Means of Communicating Directly with the Public
- J. Landscape Architects Technical Committee (LATC) Report
 - 1. Update on LATC April 18, 2017 Meeting
 - 2. Discuss and Possible Action to Amend Reciprocity Requirements in Title 16, California Code of Regulations Section (CCR) 2615 (Form of Examinations)
 - 3. Review and Possible Action on LATC's Draft 2017-2018 Strategic Plan
 - 4. Discuss and Possible Action on SB 800 (Committee on Business, Professions and Economic Development [Expired Landscape Architect License])
- K. Review of Future Board Meeting Dates
- L. Closed Session
 - 1. Review and Possible Action on March 2, 2017 Closed Session Minutes
 - 2. Pursuant to GC 11126(c)(3), the Board will Deliberate on Disciplinary Matters
 - 3. Pursuant to GC 11126(a)(1), the Board will Conduct an Annual Evaluation of its Executive Officer
- M. Reconvene Open Session
- N. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

GC 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting [GC 11125 and 11125.7(a)].

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Mel Knox at (916) 575-7221, emailing mel.knox@dca.ca.gov, or sending a written request to the Board. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (BPC 5510.15)

Agenda Item 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

The Landscape Architects Technical Committee's (LATC) Strategic Plan contains an objective to "Review California Code of Regulations (CCR), section 2620 to expand credit for education experience to include degrees in related areas of study." Currently, credit is granted for degrees or approved extension certificates in landscape architecture and architecture degrees accredited by the National Architectural Accreditation Board. Below is background information on the development of current training and educational credit outlined in CCR 2620 and a summary of the LATC's prior evaluation of alternative degrees.

Background Information

Prior to January 1, 1997, CCR 2620 included a provision to grant credit for any bachelors or associate degree towards the required six years of training and educational experience, allowed eligibility to applicants with six years of training experience under the direct supervision of a licensed landscape architect in lieu of requiring education, and also granted up to one year of training credit for experience as, or under the supervision of, a licensed architect, registered civil engineer, licensed landscape contractor or certified nursery person. In March 1994, the California Board of Landscape Architects (BLA) began discussing the possibility of increasing the maximum amount of credit allowed for experience as a licensed landscape contractor. The BLA reviewed CCR 2620 and determined that, in order to grant additional credit for landscape contractor experience, the education requirement should be changed. In November 1994, the BLA finalized revisions to CCR 2620 that would allow up to four years of training credit for landscape contractor experience and require all applicants to hold either a degree or approved extension certificate in landscape architecture in order to qualify for the licensing exams, and ultimately licensure. These regulatory changes took effect on January 1, 1997.

In August 2004, LATC formed an Education Subcommittee charged with evaluating California's eligibility requirements for the national Landscape Architect Registration Examination (LARE) to ensure that applicants have appropriate educational and training/work experience before the examination is taken. Specifically, the Subcommittee was to determine appropriate levels of experience as they relate to: 1) public health, safety, and welfare; and 2) successfully preparing applicants for the examination. The Subcommittee met between October 8, 2005 and February 27, 2007.

The Subcommittee discussed the acceptance of various "related" degrees that are either recognized by other states or were identified by Subcommittee members and/or LATC staff. Consideration of

accepting degrees related to landscape architecture was a result of the following: 1) the Joint Legislative Sunset Review Committee previously raised concerns regarding the fact that, prior to 1997, California applicants could receive educational credit for holding any type of bachelor's degree with a four-year curriculum; 2) Board grants educational credit for designated degrees related to architecture and unrelated degrees; 3) review of the neighboring and larger landscape architectural licensing jurisdictions (New York, Florida, Texas, Arizona, Hawaii, Nevada, New Mexico, Oregon, and Washington) revealed that at least six out of those nine jurisdictions recognize degrees related to landscape architecture; and 4) at the time, Council of Landscape Architectural Registration Boards (CLARB) allowed applicants to sit for the licensing examination with any type of bachelor's degree, plus three years of diversified experience under the direct supervision of a licensed landscape architect.

After extensive review of the research material and discussion at the June 17, 2005 meeting, the Subcommittee recommended that LATC accept accredited bachelor's degrees in architecture and civil engineering to satisfy the education requirement for examination eligibility with a caveat of conducting further research on other related degree programs. At the December 2, 2005 meeting, the Subcommittee discussed the additional research and agreed to recommend acceptance of accredited professional degrees in architecture and civil engineering (undergraduate and graduate degrees), as those degrees emphasize the acquisition of critical thinking and technical skills that are necessary to address health, safety, and welfare issues and are essential to the practice of landscape architecture. Also at this meeting, the Subcommittee agreed to recommend one-year of educational credit be granted for completion of these degree programs. One year of educational credit was agreed upon because the Subcommittee determined the curricula examined for such degree programs did not include sufficient specific exposure to landscape architecture related topics, but did address a certain measure of critical thinking and technical skills that are necessary to address health, safety, and welfare issues.

The Subcommittee determined that there was not clear and/or comparable rationale for granting similar credit for other related degree programs based on their insufficient curriculum and/or lack of accreditation standards. For example, urban design and horticulture degrees were considered and not included in this recommendation because they are either non-accredited or the coursework is not specifically related to the practice of landscape architecture.

The Education Subcommittee's findings and recommendations were approved by the LATC on May 9, 2006 and presented to the California Architects Board (Board) at its meeting on June 7, 2006. At this meeting, the Board questioned education credit parity between architects and landscape architects. As a result of the Board's parity question, the Education Subcommittee reconvened on November 8, 2006 and agreed to research the parity issue as it pertained to education curriculum for architects and civil engineers. At its February 27, 2007 meeting, the Subcommittee discussed the education curriculum research and decided to revise their earlier recommendation and recommend acceptance of accredited professional degrees in architecture, but not in civil engineering. Along with its earlier determination as to critical thinking and technical skills, the Subcommittee also noted that there were similar curriculum elements in the architectural degree programs in comparison to the landscape architecture programs and that it would warrant educational credit. The Education Subcommittee's final recommendations (see Attachment G.1)

were approved by the LATC on May 4, 2007 and the Board on June 15, 2007. As a result, CCR 2620 was amended to allow credit for an accredited degree in architecture.

As part of staff's research on the Strategic Plan objective, in July 2016, Department of Consumer Affairs legal counsel reviewed Business and Professions Code section 5650 (Examinations - Qualifications, Application, Fee) and determined that it does not impose a degree requirement. Instead, what it does impose is an experience requirement and allows a "degree from a school of landscape architecture approved by the board" to count as four years toward California's six-year experience requirement. Therefore, the LATC is not bound by statute to keep the current education requirement in place.

The history of changes in qualifying educational credit is as follows:

<u>Education Allowed</u>	<u>Maximum Credit Allowed</u>	<u>Time Period Accepted</u>
Approved degree in Landscape Architecture	4 years	Always
Non-approved degree in Landscape Architecture	3 years	Always
Associate degree in Landscape Architecture	1 year	Always
Approved extension certificate in Landscape Architecture	2 years	Always
Any bachelor's degree	2 years	Prior to January 1, 1997
Any associate degree	1 year	Prior to January 1, 1997
Accredited degree in architecture	1 year	After March 7, 2012
Partial completion of approved degree	1 year	After March 7, 2012
Partial completion of extension certificate	1 year	After March 7, 2012

A chart of degrees currently accepted by all CLARB jurisdictions is included as Attachment G.2. Of CLARB's 52 member board jurisdictions, 31 grant educational credit for accredited engineering degrees and 28 grant educational credit for any bachelor's degree. These jurisdictions require candidates to have additional experience credit in combination with their alternative degree to be eligible for licensure. Among these jurisdictions, 12 grant credit for engineering degrees at the discretion of the licensing board and 9 grant credit for any bachelor's degree in the same way. Of the jurisdictions that specify the amount of additional credit required in combination with an engineering degree, the average is 6 years (ranging from 2 to 10 years). Of the jurisdictions that specify the amount of additional credit required in combination with any bachelor's degree, the average is 5 years (ranging from 4 to 10 years).

At the January 17, 2017 LATC meeting, the Committee directed staff to hold a public forum to receive input on changes to CCR 2620 in terms of related degrees before the next scheduled LATC meeting. In an effort to increase accessibility to the public, staff held two forums: one in Northern California (Sacramento) on March 17, 2017, and another during the April 18, 2017 LATC meeting in Southern California (Pomona). The notification of the forums advised that interested parties could either provide comment via the public forums or by submitting a written statement to the LATC. Twelve individuals attended the March forum and 17 attended in April. The comments received at both forums have been consolidated for the Committee's review (Attachment G.3).

Also attached are written comments submitted to the LATC (Attachment G.4) and a list of degrees that are considered by other licensing jurisdictions related to landscape architecture (Attachment G.5).

At its June 15, 2017 meeting, the Board expressed that the LATC's initial and reciprocal licensure requirements should closely align with one another and, where possible, mirror those of the Board (which include an experience-only pathway). The Board directed the LATC to develop a proposal, accordingly, at its July 13, 2017 meeting.

In response to the Board's request, staff prepared and attached for the Committee's consideration a draft Table of Equivalents to amend CCR 2620 (Education and Training Credits) (Attachment G.6). Staff referenced the Board's Table of Equivalents in the suggested amendments. The proposed amended language grants credit for related and non-related degrees, while also adding an experience-only pathway for individuals with six years of training experience under a licensed landscape architect. For additional reference, Attachment G.7 outlines the Board's Table of Equivalents (CCR 117), which is used to evaluate architect candidates' training and educational experience.

At today's meeting, the Committee is asked to review the information provided and make a recommendation for the Board's consideration.

Attachments:

1. Education Subcommittee Final Report: The Evaluation of Education and Experience Requirements to Examine for Licensure (January 2010)
2. Degrees Accepted by CLARB Jurisdictions for Initial Licensure
3. Comments Received at March 17, 2017 and April 18, 2017 Public Forums
4. Written Comments Received for the LATC's Consideration at the April 18, 2017 Meeting
5. Requirements for Initial Licensure With Related Degrees Accepted by CLARB Jurisdictions
6. Draft Proposed Regulatory Language to Amend CCR Section 2620 (Education and Training Credits)
7. CCR Section 117 (Experience Evaluation) Architects Practice Act



Landscape Architects Technical Committee

THE EVALUATION OF
EDUCATION AND EXPERIENCE REQUIREMENTS
TO EXAMINE FOR LICENSURE

January 2010

Credits and Contact Information

The Landscape Architects Technical Committee would like to thank the Education Subcommittee volunteers for all their time, effort, and long-term commitment to the report.

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Approved January 2010

Table of Contents

Executive Summary	1
List of Recommended Changes as Approved by Landscape Architects Technical Committee and California Architects Board	
Other Eligibility Issues Reviewed and Retained	
Intent of Recommendations	
Examples of Impacts	
 Background/History	 5
History of Statutory and Regulatory Law	
The Practice of Landscape Architects	
Associated Professions	
Architects	
Civil Engineers	
Landscape Contractors	
Landscape Designers	
The Landscape Architects Technical Committee's Actions	
 Current Licensure Standard and Recommended Changes	 11
Statutory Law	
Regulatory Law	
 Education and Experience Requirement Comparison	 15
Landscape Architecture Examination	
Comparison with 'Model' Requirements used by CLARB for Examination Eligibility	
Synopsis of Current Paths to Qualify for Exam/Licensure	
Other CLARB Member Boards	
Other Board Requirements for Examination Eligibility	
California Architects Board	
Board of Professional Engineers and Land Surveyors	

California Board for Geologists and Geophysicists
Contractors State Licensing Board

Education **21**

Education Equivalences

Accredited Universities

Extension Certificate Programs

Community Colleges

Out of State

Foreign Education in Landscape Architecture

Experience **25**

Types of Experience

When is experience gained?

How is experience verified?

Is an Internship Required?

Experience Summary

Conclusion **27**

Improving Access to Licensure

Growth and Demand in the Profession

History of Licensees Chart

Appendices & Notes **31**

Appendix A--Approved Recommendations and Justification

Appendix B—Related Studies

October 2004 - Landscape Architects Body of Knowledge (LABOK)

December 2006 – DCA Office of Examination Resources, California Validation Report

2006 - Thompson Prometric National Task Analysis

Appendix C—Meeting Notes Summaries

Notes

EXECUTIVE SUMMARY

The Landscape Architects Technical Committee (LATC) formed an Education Subcommittee in 2004 in response to the Joint Legislative Sunset Review Committee's recommendation to further evaluate California's eligibility requirements and access to landscape architecture licensure in California. The intent of the evaluation was to ensure that applicants have appropriate educational and training/work experience prior to taking the required examination. Specifically, the Subcommittee was to determine appropriate levels of landscape architecture education and training preparation as related to public health, safety, and welfare in California and successfully preparing applicants for the examination.

As part of its charge, and with the assistance of LATC staff, the Educational Subcommittee also provides a comparative analysis of several related discipline's eligibility requirements as part of their assessment and basis for recommendations that were then vetted, modified and approved by the LATC and the California Architects Board (CAB):

- ∞ Council of Landscape Architectural Regulatory Boards (CLARB's) national eligibility requirements
- ∞ Eligibility requirements of neighboring and larger licensing jurisdictions
- ∞ Eligibility requirements of other design professional boards (CAB and Board for Professional Engineers and Land Surveyors)
- ∞ Eligibility requirements pertaining to the type and duration of training/work experience
- ∞ Any additional licensure requirements of other jurisdictions that may pertain to the subcommittee's charge including requirements for reciprocity
- ∞ Curricula of California landscape architectural programs with specific attention to licensing examination subject matter

List of Recommended Changes as Approved by Landscape Architects Technical Committee and California Architects Board

The following are the summary recommendations that were initiated by the Education Subcommittee with subsequent review and approval by the LATC and CAB. They were developed in response to the Joint Legislative Sunset Review Committee's findings regarding increasing access to landscape architecture licensure.

- ∞ Accept accredited professional architecture degree as meeting the education requirement for eligibility
- ∞ Based on a transcript review of major and support courses, grant credit for partial completion of an accredited landscape architecture degree allowing minimum “education” eligibility for examination
- ∞ Allow early eligibility to begin examination, prior to meeting work experience requirements, for candidates with an accredited degree or approved extension certificate in landscape architecture
- ∞ Develop and implement a candidate education/ experience tracking system and reciprocity candidate tracking system to collect objective data regarding preparation and success for examination
- ∞ Revise certificate of applicant’s experience form to include more specific information regarding the preparation recommended for California examination and licensure
- ∞ Develop and communicate additional student/ candidate/educator/employer information regarding examination and California licensure

Other Eligibility Issues Reviewed and Retained

The LATC thoroughly assessed the full spectrum of education and experience requirements and determined that the following should remain unchanged.

- ∞ Retain the six-year education/experience requirements
- ∞ Retain credit for associate degrees in landscape architecture
- ∞ Retain current reciprocity requirements
- ∞ Not implement a rolling time clock to limit the number of years for a candidate to obtain licensure
- ∞ Not allow licensure with work experience alone
- ∞ Not provide credit for teaching and research experience

As a result of the review, it was determined that further outcome assessment regarding candidate examination success and preparation would be needed to determine if additional modification to the eligibility requirements may be warranted. The Subcommittee recommended that additional candidate tracking procedures be implemented to provide the necessary data.

Intent of Recommendations

The LATC anticipates that implementing the recommendations will improve access to qualified individuals interested in becoming landscape architects. Examples of expanded eligibility access include:

- ∞ Applicants with an accredited degree in architecture will be determined to have met the educational access component for examination eligibility
- ∞ Applicants who can demonstrate successful completion of a majority of an accredited landscape architecture degree, will be determined to have met the minimum educational access component for examination eligibility
- ∞ Candidates will be allowed access to the multiple choice sections of the national licensure examination upon graduation thereby encouraging a clear and continuous path to licensure
- ∞ LATC will be better able to identify specific correlations with education and work experience preparation requirements with examination success
- ∞ Information guide(s) will identify preparation expectations for licensure success in California for candidates, educators and students
- ∞ Candidates and employers will be better able to identify on-the-job duties that relate to LARE and California examination

BACKGROUND/HISTORY

History of Statutory and Regulatory Law

With the roots of the profession in North America dating back to 1860, California became the first U.S. jurisdiction to regulate the practice of landscape architecture in 1953 with the formation of the Board of Landscape Architects (BLA). In 1997, the BLA was sunset by the California Legislature and restructured in 1998 as the Landscape Architects Technical Committee (LATC) under the California Architects Board (CAB). Today, 49 states, two Canadian provinces, and Puerto Rico regulate the practice of landscape architecture. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts the use to the title “landscape architect” to those who have been licensed by the LATC.

There are currently more than 20,000 licensed landscape architects in the United States. The LATC licenses more than 3,700 landscape architects, who are responsible for the design and planning of millions of dollars worth of public sector, private development, and residential projects.

The Practice of Landscape Architects

Landscape architecture is a profession that involves planning and designing the use, allocation and arrangement of land and water resources through the creative application of biological, physical, mathematical, and social processes. Based on environmental, physical, social and economic considerations, landscape architects produce overall guidelines, reports, master plans, conceptual plans, construction contract documents, and construction oversight for landscape projects that create a balance between the needs and wants of people and the limitations of the environment. Specific services include city planning and development, environmental restoration, regional landscape planning, urban/town planning, park and recreation planning, ecological planning and design, landscape design, code research and compliance, cost analysis, and historic preservation. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as that of the public and environment. Therefore, it is essential that landscape architects meet minimum standards of competency.

The LATC's regulation of the practice of landscape architecture protects both direct consumers of landscape architectural services and the public at large – the millions of people who use or visit the spaces designed by landscape architects.ⁱ

The California Business and Professions Code defines the practice of landscape architecture as:

§ 5615. "Landscape Architect" — Practice of Landscape Architecture

"Landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this chapter.

A person who practices landscape architecture within the meaning and intent of this article is a person who offers or performs professional services, for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation. Landscape preservation, development and enhancement is the dominant purpose of services provided by landscape architects. Implementation of that purpose includes: (1) the preservation and aesthetic and functional enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, (3) design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architects perform professional work in planning and design of land for human use and enjoyment. Based on analyses of environmental physical and social characteristics, and economic considerations, they produce overall plans and landscape project designs for integrated land use.

The practice of a landscape architect may, for the purpose of landscape preservation, development and enhancement, include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

This practice shall include the location, arrangement, and design of those tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities, in accordance with the accepted public standards of health, safety, and welfare."ⁱⁱ

Associated Professions

Architects

Architects are licensed by CAB. They research, plan, design, and administer building projects for clients, applying knowledge of design, construction procedures, zoning and building codes, and building materials. They consult with clients to determine functional and spatial requirements of new structure or renovation, and prepare information regarding design, specifications, materials, color, equipment, estimated costs, and construction time. They also plan the layout of the project and integrate engineering elements.

The California Business and Professions Code defines the practice of architecture as:

§ 5500.1 Practice of Architecture Defined

"(a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.

(b) Architects' professional services may include any or all of the following:

- (1) Investigation, evaluation, consultation, and advice.
- (2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.
- (3) Coordination of the work of technical and special consultants.
- (4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.
- (5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.
- (6) Contract administration.
- (7) Construction observation."

Under the Landscape Architects Practice Act, a licensed architect is exempt from the provisions of the Landscape Architects Practice Act except that an architect may not use the title "landscape architect" unless he or she holds a landscape architect license as required.

Civil Engineers

Civil engineers are licensed by the Board for Professional Engineers and Land Surveyors. They plan, design, and direct civil engineering projects, such as roads, railroads, airports, bridges, harbors, channels, dams, irrigation systems, pipelines, and power plants; analyze reports, maps, drawings, blueprints, tests, and aerial photographs on soil composition, terrain, hydrological characteristics, and other topographical and geologic data to plan and design a project. They calculate costs and determine feasibility of projects based on analysis of collected data, applying knowledge and techniques of engineering, and advanced mathematics.ⁱⁱⁱ

The California Business and Professions Code defines the practice of civil engineer as:

§ 6701. Professional Engineer Defined

"Professional engineer,' within the meaning and intent of this act, refers to a person engaged in the professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment or projects, and supervision of construction for the purpose of securing compliance with specifications and design for any such work."

§ 6702. Civil engineer defined

"Civil engineer" as used in this chapter means a professional engineer in the branch of civil engineering and refers to one who practices or offers to practice civil engineering in any of its phases."

Under the Landscape Architects Practice Act, a licensed professional engineer is exempt from the provisions of the Landscape Architects Practice Act except that a licensed engineer may not use the title "landscape architect" unless he or she holds a landscape architect license as required.

Landscape Contractors

Landscape contractors are licensed by the Contractors State License Board, and must install their own designs or the design work of landscape architects. Landscape contractors cannot prepare independent landscape plans they do not install. A landscape contractor constructs, maintains, repairs, installs, or subcontracts the development of landscape systems and facilities for public and private gardens and other areas. In connection therewith, a landscape contractor prepares and grades plots and areas of land for the installation of any architectural, horticultural and decorative treatment or arrangement.

California Code of Regulations

Title 16, Division 8, Article 3. Classifications: C27 - Landscaping Contractor

"A landscape contractor constructs, maintains, repairs, installs, or subcontracts the development of landscape systems and facilities for public and private gardens and other areas which are designed to aesthetically, architecturally, horticulturally, or functionally improve the grounds within or surrounding a structure or a tract or plot of land. In connection therewith, a landscape contractor prepares and grades plots and areas of land for the installation of any architectural, horticultural and decorative treatment or arrangement."

Under the Landscape Architects Practice Act, a licensed landscape contractor may design systems and facilities for work to be performed and supervised by that landscape contractor. A licensed landscape contractor may not use the title "landscape architect" unless he or she holds a landscape architect license.

Landscape Designers

A landscape designer is unlicensed and may only prepare plans, drawings, and specifications for the selection, placement, or use of plants for single-family dwellings; and drawings for the conceptual design and placement of tangible objects and landscape features. Due to limitations provided in the Landscape Architects Practice Act regarding unlicensed practitioners, they may not prepare construction documents, details, or specifications for tangible landscape objects or landscape features or prepare grading and drainage plans for the alteration of sites. Unlicensed individuals may not use the title “landscape architect,” “landscape architecture,” “landscape architectural,” or any other titles, words or abbreviations that would imply or indicate that he or she is a landscape architect.

Landscape Architects Technical Committee Actions

During the 1996 Joint Legislative Sunset Review Committee (JLSRC) review, it was recommended that Department of Consumer Affairs (DCA) review the six-year education and experience requirement to determine if it is justified. This review did not occur due to the sunset of the Landscape Architects Board in 1998.

The JLSRC 2004 Recommendations and the 2004 LATC Strategic Plan directed the LATC to identify examination eligibility issues, propose solutions and report to DCA and the Legislature if changes should be made to this requirement. The Strategic Plan further directs the LATC to, if necessary, modify examination eligibility requirements under California Code of Regulations (CCR), Title 16, Division 26, Section 2620, and prepare “guidelines” for meeting examination experience requirements.^{iv}

An Education Subcommittee was formed August 2004 and charged with evaluating California’s eligibility requirements for the national Landscape Architects Registration Examination (LARE) to ensure that applicants have appropriate educational and training/work experience before the examination is taken. Specifically, the Subcommittee’s charge was to determine appropriate levels of experience as they relate to: 1) public health, safety and welfare in California, and 2) successfully preparing applicants for the examination. The Subcommittee met between October 8, 2005 and February 27, 2007. After subsequent meetings with the LATC and the California Architects Board (CAB), the recommendations were shared with the California Council of the American Society of Landscape Architects and approved by the LATC on May 4, 2007 and CAB on June 15, 2007. A summary of the meeting notes is included in Appendix C.

CURRENT LICENSURE STANDARD AND RECOMMENDED CHANGES

Statutory Law

California Business and Professions Code Section 5650-Examinations-Qualifications, Application, Fee states:

“Subject to the rules and regulations governing examinations, any person, over the age of 18 years, who has had six years of training and educational experience in actual practice of landscape architectural work shall be entitled to an examination for a certificate to practice landscape architecture. A degree from a school of landscape architecture approved by the board shall be deemed equivalent to four years of training and educational experience in the actual practice of landscape architecture. Before taking the examination, a person shall file an application therefore with the executive officer and pay the application fee fixed by this chapter.”

Regulatory Law

California Code of Regulations are stated below with the impact of the LATC recommended changes in ~~strike-out~~ / underline format:

§ 2615. Form of Examinations.

(a) (1) A candidate who has a combination of six years of education and training experience as specified in section 2620 shall be eligible and may apply for the Landscape Architect Registration Examination.

(2) Notwithstanding subdivision (a)(1), a candidate who has a Board approved degree in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board approved school in accordance with section 2620(a)(3) shall be eligible and may apply for the multiple choice sections of the Landscape Architect Registration Examination.

(b) A candidate shall be deemed eligible and may apply for the California Supplemental Examination upon passing all sections of the Landscape Architect Registration Examination.

(c) All candidates applying for licensure as a landscape architect shall pass all sections of the Landscape Architect Registration Examination or a written examination substantially equivalent in scope and subject matter required in California, as determined by the Board, and the California Supplemental Examination subject to the following provisions:

~~(a)~~ (1) A candidate who is licensed as a landscape architect in a U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter required in California as determined by the board shall be eligible for licensure upon passing the California Supplemental Examination.

~~(b)~~ (2) A candidate who is not a licensed landscape architect and who has received credit from a U.S. jurisdiction, Canadian province, or Puerto Rico for a written examination substantially equivalent in scope and subject matter required in California shall be entitled to receive credit for the corresponding sections of the Landscape Architect Registration Examination, as determined by the Board, and shall be eligible for licensure upon passing any remaining sections of the Landscape Architect Registration Examination and the California Supplemental Examination.

2620. Education and Training Credits-Operative on

~~January 1, 1997~~

The Board's evaluation of a candidate's training and educational experience is based on the following table:

Experience Description	Education Max. Credit Allowed	Training and/or Practice Max. Credit Allowed
(a) Experience Equivalent:		
(1) Degree in landscape architecture from an approved school.	4 years	

Experience Description	Education Max. Credit Allowed	Training and/or Practice Max. Credit Allowed
(2) Degree in landscape architecture from a non-approved school.	3 years	
(3) Extension certificate in landscape architecture from an approved school.	2 years	
(4) Associate degree in landscape architecture from a city/community college which consists of a least a 2-year curriculum.	1 year	
(5) Extension certificate as specified in subdivision (a)(3) and a degree from a university or college which consists of a 4-year curriculum.	4 years	
(6) Associate degree from a college specified in subdivision (a)(4) and an extension certificate as specified in subdivision (a)(3) of this section.	3 years	
<u>(7) Partial completion of a degree in landscape architecture from an approved school.</u>	<u>1 year</u>	
<u>(8) Partial completion of an extension certificate in landscape architecture from an approved school where the applicant has a degree from a university or college which consists of a four-year curriculum.</u>	<u>1 year</u>	
<u>(9) A degree in architecture which consists of at least a four-year curriculum that has been accredited by the National Architectural Accrediting Board.</u>	<u>1 year</u>	
(7) 10 Self employment as, or employment by, a landscape architect licensed in the jurisdiction where the experience occurred shall be granted credit on a 100% basis.		5 years
(8) 11 Self employment as, or employment by, a licensed architect or registered civil engineer in the jurisdiction where the experience occurred shall be granted credit on a 100% basis.		1 year
(9) 12 Self employment as a California licensed landscape contractor or a licensed landscape contractor in another jurisdiction where the scope of practice for landscape contracting is equivalent to that allowed in this state pursuant to Business and Professions Code Section 7027.5 and Cal. Code Regs. Title 16, Section 832.27 shall be granted credit on a 100% basis.		4 years

(b) Education Credits.

- (1) Candidates shall possess at least one year of educational credit to be eligible for the examination.
- (2) A degree from a school with a landscape architecture program shall be defined as one of the following:
 - (A) Bachelor of Landscape Architecture.
 - (B) Bachelor of Science in landscape architecture.
 - (C) Bachelor of Arts in landscape architecture.
 - (D) Masters degree in landscape architecture.

(3) The maximum credit which may be granted for a degree or combination of degrees from an approved school shall be four years of educational credit.

(4) A degree from a school with a landscape architecture program shall be deemed to be approved by the Board if the landscape architectural curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB) as specified in its publication: "Accreditation Standards for Programs in Landscape Architecture" dated February 26, 1990 or the Board determines that the program has a curriculum equivalent to a curriculum having LAAB accreditation.

(5) For purposes of subdivisions (a)(7) and (8), "partial completion" shall mean that the candidate completed at least 80 percent of the total units required for completion of the 4-year degree or extension certificate program.

~~(36)~~ No Except as provided in subdivisions (a)(7) and (8), no credit shall be granted for academic units obtained without earning a degree or extension certificate ~~under categories of subsection (a)(1), (2), (3) or (4) of this section.~~

~~(47)~~ A candidate enrolled in a degree program where credit earned is based on work experience courses (e.g., internship or co-op program) shall not receive more than the maximum credit allowed for degrees under subdivision (a)(1), (2) or (3) of this section.

~~(58)~~ Except as specified in subdivision (a)(5) and (6) of this section, candidates with multiple degrees shall not be able to accumulate credit for more than one degree.

~~(69)~~ The Board shall not grant more than four years of credit for any degree or certificate or any combination thereof

for qualifying educational experience.

(c) Training Credits

(1)(A) Candidates shall possess at least two years of training/practice credit to be eligible for the examination.

(B) At least one of the two years of training/practice credit shall be under the direct supervision of a landscape architect licensed in a United States jurisdiction, and shall be gained in one of the following forms:

1. After graduation from an educational institution specified in subdivision (a)(1), (2), (3), ~~or~~ (4) or (9) of this section.

2. After completion of education experience specified in subdivision under (a)(7) and (8) of this section.

(C) A candidate shall be deemed to have met the provisions of subdivision (c)(1)(B) if he or she possesses a degree from a school specified in subdivision (a)(1) and has at least two years of training/practice credit as a licensed landscape contractor or possesses a certificate from a school specified in subdivision (a)(3) and has at least four years of training/practice credit as a licensed landscape contractor.

(2) Candidates shall be at least 18 years of age or a high school graduate before they shall be eligible to receive credit for work experience.

(3) A year of training/practice experience shall consist of 1500 hours of qualifying employment. Training/practice experience may be accrued on the basis of part-time employment. Employment in excess of 40 hours per week shall not be considered.

(d) Miscellaneous Information

(1) Independent, non-licensed practice or experience, regardless of claimed coordination, liaison, or supervision of licensed professionals shall not be considered.

(2) The Board shall retain inactive applications for a five (5) year period. Thereafter, the Board shall purge these records unless otherwise notified by the candidate. A candidate who wishes to reapply to the Board, shall be required to re-obtain the required documents to allow the Board to determine their current eligibility.^v

EDUCATION AND EXPERIENCE REQUIREMENT COMPARISON

In California, the LATC is the governing body over the practice of landscape architecture. In keeping with its highest priority of protection of the public, the LATC has established licensure eligibility and professional qualifications minimums that candidates must meet through a combination of preparation requirements. They include direct experience in the discipline, landscape architectural education and demonstration of knowledge through examination.

Landscape Architecture Examination

There are two separate examinations that candidates must successfully complete as a part of the licensure process in California. The first is the Landscape Architects Registration Examination (LARE). The LATC maintains a contract with the Council of Landscape Architects Registration Boards (CLARB) for them to develop, administer and grade the LARE. The LATC is a member of CLARB. CLARB is the sole provider for the LARE that is used by all 48 member boards throughout the United States and Canada.

The second examination is the California Supplemental Examination developed and administered by the LATC. This examination consists of 100 multiple-choice questions designed to assess a candidate's landscape architecture knowledge specific to California. The LARE must be successfully completed in order to be *eligible* for the California Supplemental Examination.

The LARE is an inter-related, multi-section examination consisting of five interdependent sections covering landscape architecture competencies. There are three multiple-choice sections (A,B and D) and two graphic response sections (C and E) that require a drafted solution.

- ∞ Section A - Project and Construction Administration
- ∞ Section B - Inventory, Analysis and Program Development
- ∞ Section C - Site Design
- ∞ Section D - Design and Construction Documentation
- ∞ Section E - Grading, Drainage and Stormwater Management

As developed by CLARB and employed by the LATC in the execution of its regulatory duties the LARE *“is designed to determine whether applicants for landscape architectural licensure possess sufficient knowledge, skills and abilities to provide landscape architectural services without endangering the health, safety and welfare of the public.”*

In 2004, CLARB computerized all multiple-choice sections and began administering them at centralized testing centers. As an efficiency measure in 2009, the LATC enacted regulatory changes to allow the ability to further contract the administration of the graphic sections of the LARE to CLARB. CLARB now administers all five sections of the LARE for California.

Comparison with ‘Model’ Requirements used by CLARB for Examination Eligibility

CLARB member licensing jurisdictions enforce their own eligibility requirements or delegate the responsibility to CLARB, who applies established model law identifying eligibility requirements to evaluate prospective applicants.

- ∞ Hold a four or five year Landscape Architectural Accreditation Board [LAAB] or Canadian Society of Landscape Architects Accreditation Council [LAAC] accredited undergraduate degree in landscape architecture, or a LAAB or LAAC accredited graduate degree program in landscape architecture (or will complete by the exam administration date), or
- ∞ Hold a **National Architectural Accrediting Board [NAAB]** accredited degree in architecture, and have completed (or will complete by the exam administration date) one year of diversified experience in landscape architecture under the direct supervision of a licensed landscape architect, or
- ∞ Hold a Accreditation Board for Engineering and Technology [ABET] accredited degree in engineering, and have completed (or will complete by the exam administration date) one year of diversified experience in landscape architecture under the direct supervision of a licensed landscape architect, or
- ∞ Hold a non-accredited undergraduate degree in landscape architecture, or a non-accredited graduate degree program in landscape architecture, and have completed (or will complete by the exam administration date) one year of diversified experience in landscape architecture under the direct supervision of a licensed landscape architect, or
- ∞ Hold a bachelor's degree in any subject and have completed (or will complete by the exam administration date) three years diversified experience in landscape architecture under the direct supervision of a licensed landscape architect, or
- ∞ Have applied to and been approved by a CLARB member board.

A side-by-side examination eligibility comparison between California education and experience requirements used by the LATC and model law used by CLARB was carried out in December 2008. This comparison identified the differences between the two standards. CLARB accepts applicants with no experience if they have an accredited landscape architecture degree. Unaccredited landscape architecture degrees, accredited architecture or civil engineering degrees are all accepted with only one year of experience under a landscape architect. CLARB also accepts any bachelor degree with three years experience under the direction of a landscape architect.

In contrast, along with the recommended educational preparation of an accredited landscape architectural degree (four or five years), the LATC accepts candidates with a variety of other educational preparations including an associate degree with five years experience under the direction of a landscape architect or a certificate from a University of California Extension Program with four years experience under a landscape architect. In California, the UC Extension Program has two landscape architecture programs and four two-year colleges that offer associate degrees in landscape architecture. These programs are somewhat unique to California and provide a significant number of California citizens with access to an education in landscape architecture. The table below identifies the comparison:

Synopsis of Current Paths to Qualify for Exam/Licensure

LATC				CLARB	
Education	Max Ed Credit		Education + Experience Combinations equals <u>six</u> credits	Education	Education + Experience Combinations equals <u>five</u> credits
Accredited LA Degree	4	A	2 yrs as or under LA	Accredited LA Degree	no experience required

After degree is awarded, one year training/experience under LA is required except for pattern E.		B	1 yr as or under LA 1 yr as or under an Arch		
		C	1 yr as or under LA 1 yr as or under CE		
		D	1 yr as or under LA 1 yr holding C-27 license		
		E	2 yrs holding C-27 license		
Unaccredited LA Degree (includes approved Foreign degrees)	3	F	3 yrs as or under LA	Unaccredited LA Degree	1 yr under an LA
		G	2 yrs as or under LA 1 yr as or under Arch		
		H	2 yrs as or under LA 1 yr as or under CE		
		I	2 yrs as or under LA 1 yr holding C-27		
		J	1 yr as or under LA 2 yrs holding C-27		
		K	1 yr as or under LA 1 yr holding C-27 1 yr as or under Arch		
		L	1 yr as or under LA 1 yr holding C-27 1 yr as or under CE		
Approved Extension Certificate in LA	2	M	4 yrs as or under LA	not accepted	
After Certificate is awarded, one year training/experience under LA is required except for pattern V.		N	3 yrs as or under LA 1 yr as or under Arch		
		O	3 yrs as or under LA 1 yr as or under CE		
		P	2 yrs as or under LA 2 yrs holding C-27		
		Q	2 yrs as or under LA 1 yr as or under Arch 1 yr holding C-27		
		R	2 yrs as or under LA 1 yr as or under CE 1 yr holding C-27		
		S	1 yr as or under LA 3 yrs holding C-27		
		T	1 yr as or under LA 2 yrs holding C-27 1 yr as or under Arch		
		U	1 yr as or under LA 2 yrs holding C-27 1 yr as or under CE		
		V	4 yrs holding C-27		
Approved Extension Certificate in LA + 4 yr degree in any Subject	4	A	2 yrs as or under LA	not accepted	
After Certificate is awarded, one year training/experience under LA is required except for pattern E.		B	1 yr as or under LA 1 yr as or under an Arch		
		C	1 yr as or under LA 1 yr as or under CE		
		D	1 yr as or under LA 1 yr holding C-27 license		
		E	2 yrs holding C-27 license		
Associate LA Degree	1	W	5 yrs as or under LA	not accepted	
		X	4 yrs as or under LA 1 yr as or under Arch		
		Y	4 yrs as or under LA 1 yr as or under CE		
		Z	4 yrs as or under LA 1 holding C-27		
		AA	3 yrs as or under LA 2 yrs holding C-27		
		BB	3 yrs as or under LA 1 yr holding C-27 1 yr as or under Arch		
		CC	3 yrs as or under LA 1 yr holding C-27 1 yr as or under CE		
		DD	2 yrs as or under LA 3 yrs holding C-27		
		EE	2 yrs as or under LA 2 yrs holding C-27 1 yr as or under Arch		

		FF	2 yrs as or under LA 2 yrs holding C-27 1 yr as or under CE		
		GG	1 yr as or under LA 4 yrs holding C-27		
		HH	1 yr as or under LA 3 yrs holding C-27 1 yr as or under Arch		
		II	1 yr as or under LA 3 yrs holding C-27 1 yr as or under CE		
not accepted				Accredited Arch Degree	1 yr as or under LA
not accepted				Accredited CE Degree	1 yr under LA
not accepted				Any Bachelors Degree	3 yr under LA

Other CLARB Member Boards

In 2002, the LATC discussed the need to review its current eligibility requirements for appropriateness, as well as compare the requirements of other CLARB member jurisdictions and other design profession boards. At that time, staff research revealed that California's requirements were comparable to other licensing jurisdictions. For example, 45 licensing jurisdictions recommended that applicants have a degree in landscape architecture as a primary means of satisfying the educational requirement for the examination. Of those that did not specifically require a degree in landscape architecture, a range of between eight and twelve years of work experience was required.

In addition, the LATC assessed that California candidates are offered flexibility in meeting the educational requirement, as accredited and unaccredited bachelors and masters' degrees, extension certificates, and associate degrees in landscape architecture are recognized.

Further, the extension certificate programs allow individuals the opportunity to more easily transition into a landscape architectural career by offering evening course schedules.

Candidates are also able to satisfy the experience requirements with self-employment as a licensed landscape contractor, and self-employment, or employment by, a licensed architect or registered civil engineer. Therefore, upon reviewing its requirements, the LATC assessed that they remain appropriate for California, and that a more thorough evaluation should be conducted once data becomes available through the candidate tracking process.

As a part of the examination eligibility review process, the LATC Education Subcommittee evaluated the acceptance of various "related" degrees that are either recognized by other states or were identified by Subcommittee members and/or LATC staff. Consideration of accepting degrees related to landscape architecture was a result of the following: 1) the Joint Legislative Sunset Review Committee (JLSRC) previously raised concerns regarding the fact that, prior to 1997, California applicants could receive educational credit for holding any type of bachelors degree with a four-year curriculum; 2) CAB grants educational credit for designated degrees related to architecture;

3) a review of California's neighboring and the larger landscape architectural licensing jurisdictions (New York, Florida, Texas, Arizona, Hawaii, Nevada, New Mexico, Oregon, and Washington) revealed that at least six out of those nine jurisdictions recognize degrees that are related to landscape architecture; and 4) model law used by CLARB to determine eligibility currently allows applicants to sit for the licensing examination with any type of bachelors degree, plus three years of diversified experience under the direct supervision of a licensed landscape architect.

In addition, a survey sent out by LATC staff in May 2005 to the neighboring and larger landscape architectural licensing jurisdictions confirmed that: 1) many of the states accept various related degrees; 2) a few of the states accept any degree; and 3) most of the states that accept non-landscape architecture degrees accept architecture and civil engineering degrees.

Other Board Requirements for Examination Eligibility

California Architects Board

To be eligible to begin the examination and licensure process, candidates seeking an architect license must provide verification of at least five years of education and/or architectural work experience. Candidates can satisfy the five-year requirement as follows:

- 1) Providing verification of a three-year, five-year, or six-year professional degree in architecture through a program that is accredited by NAAB or Canadian Architectural Certification Board (CACB).
- 2) Providing verification of at least five years of educational equivalents. Candidates are granted educational equivalents in various amounts pursuant to the Board's Table of Equivalents:

- ∞ A maximum of four years for a non-accredited professional degree in architecture
- ∞ Various amounts for other degrees and for units earned toward degrees, including: an undergraduate degree in architecture, a degree in a field related to architecture or in another field of study, and, to a limited extent, units earned toward some degrees
- ∞ Work experience under the direct supervision of a licensed architect^{vi}

Board for Professional Engineers and Land Surveyors

To obtain a license as an engineer in training and civil engineer, applicants must:

- ∞ Have completed three years of course work in a Board-approved engineering curriculum (any curriculum approved by the Engineering Accreditation Commission [EAC] of the Accreditation Board for Engineering and Technology [ABET]) or three years or more of engineering-related work experience anywhere in the world.
- ∞ Successfully pass the first division of the examination.
- ∞ The applicant shall be eligible to sit for the first division of the examination after satisfactory completion of three years or more of college or university education in a board-approved engineering curriculum or after completion of three years or more of board-approved experience.

The applicant for registration as a professional engineer shall comply with all of the following:

- ∞ Furnish evidence of six years or more of qualifying experience in engineering work satisfactory to the board evidencing that the applicant is competent to practice the character of engineering in the branch for which he or she is applying for registration.
- ∞ The applicant must successfully pass the second division of the examination. The applicant for the second division of the examination shall successfully pass the first division examination or shall be exempt therefrom.

Contractors State License Board

To obtain a C-27 landscape contractor's license a candidate must pass the written Law and Business Examination and a specific trade examination if required. Examination eligibility

requires candidates to document at least four full years of journey-level or higher experience in the classification for which he or she is applying. This experience must have occurred within the last ten years. The Contractors State License Board may grant up to three years of credit toward the four-year requirement for completed education and/or apprenticeship programs.^{vii}

EDUCATION

Education Equivalences

The LATC determined that in order to best ensure the critical thinking skills necessary to appropriately provide public health and safety protection, landscape architects should continue to be required to have both a formal education and direct experience. Fortunately, in comparison with many other member boards, California provides a number of recognized, as well as non-traditional opportunities to obtain formal education in landscape architecture. The LATC offers candidates flexibility in meeting the educational requirement for a landscape architectural degree by accepting bachelors, masters, or associate degrees, as well as approved extension certificate programs in landscape architecture.

As of January 2010, there are five accredited and four unaccredited landscape architecture bachelor and master degree programs in California. Additionally, there are two LATC approved UC Extension Programs, as well as four associate degree programs in landscape architecture from various community colleges. The following list illustrates the range of opportunities available within California to fulfill the education requirement:

Accredited Undergraduate Programs:

- ∞ California Polytechnic State University, San Luis Obispo (BLA)
- ∞ California State Polytechnic University, Pomona (BSLA)
- ∞ University of California, Davis (BSLA)

Accredited Graduate Programs:

- ∞ California State Polytechnic University, Pomona (MSLA)
- ∞ University of California, Berkeley (MLA)

Unaccredited Undergraduate Programs:

- ∞ University of California, Berkeley (BLA)

Unaccredited Graduate Programs:

- ∞ University of Southern California (MLA) (undergoing accreditation candidacy)
- ∞ New School of Architecture and Design, San Diego (MLA)

University of California Extension Programs:

- ∞ University of California, Berkeley
- ∞ University of California, Los Angeles

Associate Degree Programs:

- ∞ Mesa College, San Diego (AS)
- ∞ Mira Costa College, Oceanside (AA)
- ∞ Modesto Junior College, Modesto (AS)
- ∞ Southwestern College, Chula Vista (AS)
- ∞ West Valley College, Saratoga (AS)

Accredited Universities

The Landscape Architecture Accrediting Board (LAAB) recognized by the Council for Higher Education Accreditation, accredits educational programs leading to first professional degrees at the master's or bachelor's level. Therefore, in addition to assessing how well a program meets its own specific and institutional educational mission and objectives, LAAB evaluates all programs against standards that ensure programs contain the essential educational components leading to entry-level professional competence. These standards are developed by community-of-interest consensus and are regularly reviewed and assessed.

Accreditation has four constituencies: the public, the students, the institution, and the profession. To the public and to students, accreditation assures that the program has been independently reviewed and found to meet professional higher-education standards. It also assists in transfer of credit and acceptance into other programs. To the institutions, accreditation provides a consultative peer review and stimulus to continually improve their educational offerings. To the profession, accreditation provides the opportunity for participation in establishing entry-level skills.

A degree in landscape architecture from an accredited school is granted four years of educational credit towards licensure. Some programs offered by California schools lead to a degree in landscape architecture although they are not accredited. The latter are granted three years of educational credit. The LAAB does not currently review extension or community college programs in landscape architecture.

Extension Certificate Programs

Candidates for licensure receive credit for University of California Extension Programs that are approved by the LATC. To gain approval, these programs are reviewed by site teams appointed by the LATC. The teams conduct site visits to determine the program's compliance with California Code of Regulations Section 2620.5, Requirements for an Approved Extension Certificate Program.

Candidates who successfully complete an extension program in landscape architecture are granted two years of educational credit. Extension program certificate holders receive four years of educational credit when combined with a four-year degree in any subject, and three years of educational credit when combined with an associate degree in landscape architecture.

Community Colleges

Candidates with an associate degree in landscape architecture are granted one year of educational credit.

Out of State

Candidates' education degrees awarded outside of California are verified via the Accredited Programs in Landscape Architecture list and the Historical List of Programs Accredited by the LAAB.

Foreign Education in Landscape Architecture

Foreign education transcripts are submitted by the candidate to an approved foreign evaluation service for a general evaluation of the courses equating the degree to an accredited master or bachelor degree in the United States. Foreign education determined equivalent to an accredited master or bachelor degree in landscape architecture in the United States receive four years of educational credit. No credit is provided for unaccredited or other foreign degrees.^{viii}

EXPERIENCE

Through its examination eligibility review, the LATC has determined that maintaining flexibility in the combination of formal landscape architecture education with directed work experience, provides the greatest access to licensure *and* preparation for examination.

Types of Experience

Education and work experience credits are combined to achieve the required total of six years credit towards eligibility to examine for the landscape architect license. There are multiple training/experience variations for a candidate to qualify in California; however, the LATC requires candidates to have completed a minimum of one year education credit and two years of recognized work experience.

One year of training consists of 1,500 hours of qualifying employment. Training received under the following circumstances receives credit as indicated:

- ∞ Employment by a licensed landscape architect equals up to five years credit
- ∞ Self-employment as or employment by a licensed architect equals up to one year credit
- ∞ Self-employment as or employment by a registered civil engineer equals up to one year credit
- ∞ Self-employment as a licensed landscape contractor equals up to four years credit^{ix}

When is experience gained?

Candidates must possess a minimum of two years of training credits to be eligible for the examination. At least one year of training must be gained post graduation and under direct supervision of a landscape architect licensed in a United States jurisdiction. There is an exception to this post graduation requirement for candidates qualifying with experience as a self-employed landscape contractor and holding an extension certificate, master or bachelor degree in landscape architecture.

How is experience verified?

Candidates submit a Certification of Applicant's Experience and Qualifications signed under penalty of perjury from each licensed supervisor verifying the candidate's training and experience. The certifying person must have supervised the candidate directly and have knowledge of the candidate's qualifications. The certifying individual must hold a valid license to practice landscape architecture, architecture and/or civil engineering.

Is an internship required?

There is no internship requirement for landscape architects at this time. The current work experience requirements shall be weighted with the same value as internships required for architects and civil engineers.

Experience Summary

As with the educational requirement, there are numerous variations of training experience permitted to achieve the minimum requirement. The LATC review and subsequent adjustment of California examination eligibility requirements has determined that at this time, the flexibility in training and education allowances that are provided, recognize a variety of personal and economic circumstances, and thereby offer wide access to licensure while maintaining the necessary assurances for public health, safety and well being.

CONCLUSION

Improving Access to Licensure

In 2004, the JLSRC recommended that the Department of Consumer Affairs review the six-year education and experience requirement to determine if it is justified. The LATC formed the Education Subcommittee to research and respond to this request. The results are presented here and suggest opening up entry to the LARE for applicants with partially completed landscape architect degrees and those with accredited degrees in architecture. All recommendations were based on current knowledge. In attempt to improve candidate success and retention rates, the LATC also recommends allowing candidates to sit for the multiple-choice sections of the LARE before acquiring the required experience.

The LATC thoroughly assessed the full spectrum of education and experience requirements and assessed that the following should remain unchanged. Some requirements were determined to be adequate, while others could not be assessed due to insufficient data. To counter this deficiency in the future, the LATC began collecting data and plans to interpret information as it becomes available and determine the best course of action.

- ∞ Retain the six-year education/experience requirements
- ∞ Retain credit for associate degrees in landscape architecture
- ∞ Retain current reciprocity requirements
- ∞ Not implement a rolling time clock to limit the number of years for a candidate to obtain licensure
- ∞ Not allow licensure with work experience alone
- ∞ Not provide credit for teaching and research experience

In addition to specific changes to the LATC education and experience requirements, outcomes of the review include several projects that have been identified for completion in the LATC strategic plan:

- ∞ Development of a tracking system for candidate data that will allow assessments to demonstrate whether experience and type of education reflect on the success of California candidates taking the LARE.
- ∞ Revision of the certificate of applicants experience form to provide both the candidate and the employer a better understanding of the experience required to pass the examinations.
- ∞ Development of criteria and recommend curriculum for an associate degree in landscape architecture.
- ∞ Development of a candidate/educator/employer expectations guide with the intent to improve examination success rates.

The guide will be used in conjunction with the LATC's strategic and communication plan objectives to communicate and provide outreach to university faculty, students, and practitioners in the field that mentor future licensees. By communicating required criteria, faculty, students and mentors will be able to better focus their efforts and assignments towards candidates' success.

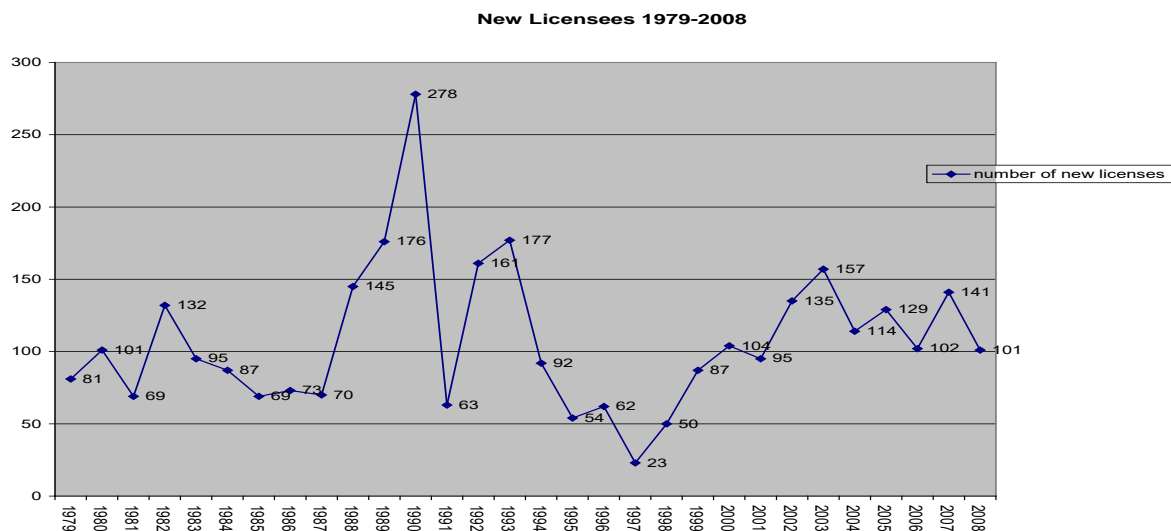
Draft regulatory language incorporating the recommended changes to examination eligibility is prepared. Once the regulatory language is approved by the LATC and CAB, the State's rulemaking process will ensue.

Growth and Demand in the Profession

The future holds the promise of new developments and challenges for the ever-broadening practice of landscape architecture. According to the December 11, 2008 of *U.S. News & World Report*, landscape architecture is projected to grow 18 to 26 percent by 2016 and is listed as one of the top thirty careers in 2009. *Outside* magazine (May 2008 issue) called landscape architecture one of the 50 best jobs in the United States in 2008.

With environmental concerns becoming increasingly important, landscape architects are being called upon to solve complex problems. Rural concerns are attracting landscape architects to farmland preservation, small town revitalization, landscape preservation, energy resource development, and water conservation. Trends in computer technology have streamlined plan preparation and consultant communication and coordination for the practice.

History of Licensees Chart



See endnote^x

In comparison, the total number of licensed landscape architects has continued to increase as indicated.

Year - # of licensees:

- α 2009 - 3706
- α 2008 - 3501
- α 2007 - 3438
- α 2006 - 3338
- α 2005 - 3289
- α 2004 - 3189

Landscape architects who develop strong technical skills, such as computer design; communication skills; and knowledge of environmental codes and regulations will capture the best opportunities. Those with additional training or experience in urban planning increase their prospects for employment in landscape architecture firms that specialize in site planning, as well as landscape design.

The future also promises increased cooperation among landscape architects and other design professionals. As interest in the profession continues to grow, an increasing number of students desire to study the profession. Nearly 60 universities and colleges in the United States and Canada now offer accredited baccalaureate and post-graduate programs in landscape architecture.

During the past decades, landscape architects have responded to the increased demand and professional responsibilities with new skills and expertise. More and more businesses appreciate the profession and the value that it brings to a project. The public praises the balance achieved between the built and natural environments.^{xi}

APPENDICES & NOTES

A - Approved Recommendations & Justification	32
B - Related Studies	40
C – Education Subcommittee Meeting Summaries	44
Notes	46

APPENDICES & NOTES

Appendix A

Approved Recommendations and Justification - Approved by the California Architects Board (CAB) and the Landscape Architects Technical Committee (LATC)

After reviewing the multiple studies addressed and referenced within this report, the following recommendations were approved by the LATC on May 4, 2007, and received final CAB approval on June 15, 2007.

1. Accept Accredited Professional Architecture and Civil Engineering Degrees

The LATC Education Subcommittee discussed the acceptance of various “related” degrees that are either recognized by other states or were identified by Subcommittee members and/or LATC staff. Consideration of accepting degrees related to landscape architecture was a result of the following: 1) the Joint Legislative Sunset Review Committee (JLSRC) previously raised concerns regarding the fact that, prior to 1997, California applicants could receive educational credit for holding any type of bachelors degree with a four-year curriculum;^{xii} 2) CAB grants educational credit for designated degrees related to architecture and unrelated degrees;

3) a review of the neighboring and larger landscape architectural licensing jurisdictions (New York, Florida, Texas, Arizona, Hawaii, Nevada, New Mexico, Oregon, and Washington) revealed that at least six out of those nine jurisdictions recognize degrees related to landscape architecture;^{xiii} and 4) CLARB currently allows applicants to sit for the licensing examination with any type of bachelors degree, plus three years of diversified experience under the direct supervision of a licensed landscape architect.

In addition, a survey sent out by LATC staff in May 2005 to the landscape architectural licensing jurisdictions^{xiv} listed above confirmed that: 1) many of the states accept various related degrees; 2) a few of the states accept any degree; and 3) most of the states that accept non-landscape architecture degrees accept architecture and civil engineering degrees.

After extensive review of the research material and discussion at the June 17, 2005 meeting, the Subcommittee gave preliminary approval to accept accredited bachelor degrees in architecture and civil engineering to satisfy the education requirement for examination eligibility with a caveat of conducting further research on other related degree programs. At the December 2, 2005 meeting, the Subcommittee discussed the additional research^{xv} and agreed to recommend acceptance of accredited professional degrees in architecture and civil engineering (undergraduate and graduate degrees), as those degrees emphasize the acquisition of critical thinking and technical skills that are necessary to address health, safety, and welfare issues and are essential to the practice of landscape architecture. The Subcommittee agreed to recommend one-year of educational credit be granted for completion of these degree programs.

The Subcommittee felt there was not clear and/or comparable rationale for granting similar credit for other related degree programs based on their insufficient curriculum and/or lack of accreditation standards. For example, urban design and horticulture degrees were considered and not included in this recommendation because they are either non-accredited or the coursework is not specifically related to the practice of landscape architecture. One year of educational credit was agreed upon because the Subcommittee determined the curricula examined for such degree programs did not include sufficient specific exposure to landscape architecture related topics, but did address a certain measure of critical thinking and technical skills that are necessary to address health, safety and welfare issues related to the practice of landscape architecture.

The LATC presented the Final Findings and Recommendations to CAB at its meeting on June 7, 2006. At this meeting, CAB questioned education credit parity between architects and landscape architects. As a result of

CAB's parity question, the Education Subcommittee reconvened on November 8, 2006 and agreed to research the parity issue as it pertained to education curriculum for architects and civil engineers. At its February 27, 2007 meeting, the Subcommittee discussed the education curriculum research ^{xvi} and decided to revise their earlier recommendation and recommend acceptance of accredited professional degrees in architecture and not in civil engineering. Along with their earlier belief in critical thinking and technical skills, the Subcommittee also believed there were similar curriculum elements in the architectural degree programs in comparison to the landscape architecture programs and that it would warrant educational credit. Accredited professional degrees in architecture would receive one-year of educational credit.

Recommendation:

- *The Subcommittee recommends that the LATC accept accredited professional degrees in architecture towards satisfying the education requirement for examination eligibility and that one year of credit be granted for completion of such program.*

2. Grant Credit for Partial Completion of an Accredited Landscape Architecture Degree

At the March 4, 2005 Education Subcommittee meeting, it was noted that the LATC had previously granted credit for partial completion of accredited and unaccredited degrees in landscape architecture and that CAB currently grants credit for partial completion of various degree programs (i.e., accredited and unaccredited architecture degrees and related degrees with a four-year curriculum). During the June 17, 2005 meeting, some Subcommittee members voiced an interest in granting credit for partial completion of accredited degrees in landscape architecture; however, it was noted that they would need to take a closer look at how credit would be determined. At the December 2, 2005 meeting, the Subcommittee examined the issue further ^{xvii} and determined that one year of educational credit should be granted for partial completion of an accredited degree in landscape architecture. In addition, the Subcommittee determined that an applicant applying for examination under such circumstances must demonstrate that he/she has completed at least 80% of the total units required for the degree.

In addition to the former regulatory provision granting educational credit for partial completion of degree programs, the Subcommittee recognized that CAB accepts partial completion of various degree programs (i.e., architecture degrees and related degrees) and that granting educational credits would provide an expanded avenue to licensure.

Recommendation:

- *The Subcommittee recommends that the LATC grant credit for partial completion of an accredited degree in landscape architecture, that one year of educational credit be granted for such, and that an applicant demonstrate that he/she has completed at least 80 % of the total units required for such degree program.*

3. Allow Early Eligibility for Examination with an Accredited Degree or Approved Extension Certificate in Landscape Architecture

At the June 17, 2005 Education Subcommittee meeting, it was noted that, under Council of Landscape Architectural Registration Boards (CLARB) current standards, candidates are allowed to take the multiple-choice sections of the LARE with either an accredited undergraduate or graduate degree in landscape architecture and no work experience. A number of CLARB member jurisdictions follow this standard and allow candidates to sit for the multiple-choice sections of the LARE upon receipt of an accredited degree in landscape architecture (a total of nine states were examined by the Subcommittee and staff, and four states allow candidates to sit for the examination under such circumstances ^{xviii}). At the meeting, the Subcommittee indicated that they were open to considering this option for California candidates and directed staff to obtain additional background information from CLARB to assist with a recommendation with respect to this issue. The background information ^{xix} was reviewed and evaluated by two Subcommittee members and a recommendation to allow this option for California candidates was presented to the Subcommittee on December 2, 2005. The Subcommittee discussed the benefits of offering this option to candidates, and in the absence of contrary data relative to pass rates, supported allowing candidates to sit for the multiple-choice sections of the LARE prior to meeting the experience requirement for examination. No quantifiable evidence regarding pass-rate success was found to support either position, but the Subcommittee felt this option would encourage graduates to continue the path to licensure immediately after attaining their accredited degree. At the November 8, 2006 meeting, the Subcommittee agreed to also allow candidates with an approved extension certificate plus four-year degree to qualify for the multiple-choice sections of the examination based on the belief that extension certificate holders are equally qualified for early eligibility as accredited degree holders.

Recommendations:

- *The Subcommittee recommends that the LATC allow candidates with an accredited degree in landscape architecture or approved extension certificate plus four-year degree to sit for the three multiple-choice sections of the LARE (Sections A, B, and D) prior to meeting training/work experience requirements.*
- *If this option is approved, the Subcommittee recommends that the LATC closely monitor the success of these candidates on the examination via the proposed Candidate Education/Experience Tracking Chart (discussed under Recommendation 4).*

4. Implement a Candidate Education/Experience Tracking System and Reciprocity Candidate Tracking System

At the October 8, 2004 meeting, the Subcommittee directed staff to gather information pertaining to the most recent 100 individuals that became licensed in California and develop a chart to determine if there was a correlation between a candidate's number of attempts to pass each section of the licensing examination and: 1) the landscape architecture program attended; 2) the type of degree earned, and 3) the type of training/work experience earned. This request was made to assist the Subcommittee with its evaluation of California's eligibility requirements for examination. After a review of this information^{xx}, it was noted by the Subcommittee that candidate data should be tracked on an ongoing basis so that the data is more readily available for future evaluation of eligibility requirements. It was also noted by the Subcommittee that similar

information pertaining to reciprocity candidates should be tracked. At the December 2, 2005 meeting, the Subcommittee reviewed and approved the final Candidate Education/Experience Tracking Chart and the Reciprocity Candidate Tracking Chart.^{xxi} The Subcommittee felt the candidate education/experience tracking charts would allow the LATC to analyze existing and future regulatory related decisions. The LATC would like the tracking to begin immediately, excluding candidates' names and social security numbers from the charts.

Recommendation:

- *The Subcommittee recommends that LATC staff implement a Candidate Education/Experience Tracking System and Reciprocity Candidate Tracking System and collect data by utilizing tracking charts.*

5. Revise Certificate of Applicant's Experience Form

As part of the Subcommittee's charge, the eligibility requirements pertaining to the type and duration of training/ work experience were reviewed and discussed. The Subcommittee reviewed the current certificate of applicant's experience form, which is completed by a candidate's supervisor(s) to meet the training/work experience requirement for examination eligibility.

After discussion, the Subcommittee felt that, in an effort to aid candidates/employers with acquiring/providing appropriate knowledge and work experience for success on the examination, the form should be expanded to include a list or description of specific practice categories that are tested on the examination. This modification, as well as the new Candidate/Education/ Employer Brochure, would therefore be important tools in further ensuring success on the examination (discussed under Recommendation 6).

Staff obtained samples of employment verification forms from other regulatory boards, which will assist with revising the LATC's certificate of applicant's experience form that will be developed in the future.

Recommendation:

- *The Subcommittee recommends that the LATC revise the certificate of applicant's experience form to include specific practice categories that are tested on the LARE.*

6. Develop Candidate/Educator/Employer Information

The Subcommittee discussed the need to create relatively detailed candidate/educator/employer information that discusses preparation for examination/licensure and recommends appropriate work experience in order to be successful on the examination. The brochure would assist candidates, educators and employers to ensure that candidates successfully prepare for examination and licensure as well as understand what is expected for their success. The candidate/educator/employer information would be made available by hardcopy, the LATC's website and email.

Recommendations:

- *The Subcommittee recommends that the LATC develop Candidate/Educator/Employer Information.*
- *The Subcommittee recommends that the LATC reference CAB's Comprehensive Intern Development Program Handbook when developing such information.*

7. Retain Six-Year Education/Experience Requirement

At the June 17, 2005 Subcommittee meeting, it was noted that: 1) the six-year combined education and experience requirement under Business and Professions Code Section 5650 has been in effect since 1953; 2) a review of the requirements of other states revealed that they have similar requirements with respect to combined education and experience ^{xxii}; 3) the traditional route to licensure in California, and in most other states, has been to obtain an accredited degree in landscape architecture and two years of experience under the direct supervision of a licensed landscape architect; 4) there appear to be no past or present issues with respect to the six-year requirement; and 5) the combination of education and experience appears to provide the greatest protection to the public's health, safety, and welfare.

Recommendation:

- *The Subcommittee recommends that the six-year combined education/experience requirement be retained at this time.*

8. Retain Existing Credit for Associate Degrees in Landscape Architecture

A thorough review of California associate degree curricula ^{xxiii} was conducted by the Subcommittee at its March 4, 2005 meeting. Although some discrepancies were noted between the programs with respect to subject areas and required units, it was determined the LATC should not assume the responsibility of reviewing associate degree programs and that the discrepancies were not serious enough to reconsider the one year of educational credit currently granted for completion of such programs. The LATC noted: 1) education is a necessary component of licensure, 2) all criteria for landscape architecture requirements cannot be met solely with experience, and 3) one year of educational credit for an associate degree in landscape architecture provides an additional opportunity for licensure.

In the past, the California Community Colleges Chancellor's Office requested that LATC examine certification of their landscape architecture programs. The LATC determined as a consequence of the number of programs, variety, and indeterminate curricular approval and oversight, it was not practical for the LATC to review community college programs for purposes of educational eligibility standards.

At the February 27, 2007 Subcommittee meeting, as part of CAB's parity question and discussion on education credits, the Subcommittee agreed the LATC should monitor the success of candidates receiving educational credit and qualifying for the licensing examination with an associate degree.

Recommendations:

- *The Subcommittee recommends that the LATC should not take on the responsibility of reviewing associate degree programs at this time.*
- *The Subcommittee recommends that one year of educational credit continue to be granted for completion of an associate degree in landscape architecture.*
- *If this option is approved, the Subcommittee recommends that the LATC closely monitor the success of these candidates on the examination via the proposed Candidate Education/Experience Tracking Chart (discussed under Recommendation 4).*

9. Retain Current Reciprocity Requirements

At the June 17, 2005 meeting, the Subcommittee reviewed and discussed California, Nevada, Texas and Washington's current requirements for reciprocity ^{xxiv} to determine if changes to California reciprocity requirements should be considered.

Currently, a reciprocity applicant must: 1) hold a current license in another U.S. jurisdiction, Canadian province, or Puerto Rico; 2) have passed a written examination equivalent to that which is required in California at the time of application; and 3) have passed the California Supplemental Examination if, at the time of application, it is required of all California applicants.

However, it was noted by the Subcommittee that changes to the current requirements could potentially present barriers for out-of-state candidates wanting to gain licensure in California and that, to date, there have not been any issues or problems identified. At the December 2, 2005 meeting, the Subcommittee confirmed its recommendation to retain California's current requirements for reciprocity and institute a reciprocity tracking system as part of Recommendation 4.

Recommendations:

- *The Subcommittee recommends that the LATC retain its current requirements for reciprocity.*
- *The Subcommittee instead recommends that LATC staff track reciprocity candidate information via the proposed Reciprocity Candidate Tracking Chart (discussed under Recommendation 4) and, once enough data is gathered, bring this issue back for the LATC to reconsider its position.*

10. Rolling Time Clock for Examination Candidates

At the June 17, 2005 Subcommittee meeting, it was noted that Texas and Washington have implemented a five-year time limit for candidates to complete the examination process and become licensed. It was also noted that CAB plans to adopt a five-year “rolling time clock” that applies only to examination scores. Finally, it was noted by LATC staff that, presently, most California landscape architectural candidates complete the examination process within a five-year period and that, currently, there does not appear to be a problem with respect to this issue. However, the Subcommittee agreed to recommend a tracking system to monitor this issue as part of Recommendation 4.

Recommendations:

- *The Subcommittee recommends that the LATC not implement a “rolling time clock” for examination candidates at this time.*
- *The Subcommittee instead recommends that LATC staff track candidates’ number of attempts to pass each section of the LARE via the proposed Candidate Education/ Experience Tracking Chart (discussed under Recommendation 4) at this time and, after two years, gather data from CAB and other CLARB member jurisdictions and have the LATC reassess whether implementing a “rolling time clock” would be appropriate at that time.*

11. Eligibility for Examination with Experience Only

At the March 4, 2005 Subcommittee meeting, it was noted that a limited number of states allow candidates to sit for the examination with specified work experience alone (and no education). Data relative to pass rate differences between candidates with university level education in landscape architecture and those without has not been available. As comparative background, CAB allows architectural candidates to sit for its licensing examinations with work experience alone (and no education).^{xv} CAB has also recently implemented the national Intern Development Program (IDP) and Comprehensive IDP that require new candidates to obtain appropriate levels of work experience in specified areas of practice. Upon considering this information, reviewing eligibility requirements for the other states that require licensing, and the absence of pass-rate data, the Subcommittee agreed to maintain requiring appropriate educational experience, obtaining appropriate work experience, and then testing for minimal competency through the LARE. The Subcommittee felt that some form of formal education provides basic knowledge of landscape architecture and experience alone was not equivalent to that knowledge.

Recommendations:

- *The Subcommittee recommends that candidates not be allowed to sit for the examination with work experience alone at this time and notes that education of some form is required to succeed.*
- *The LATC recommends tracking data from reciprocal candidates and LARE success rates, then bringing this matter back for future consideration once enough data is gathered. In addition, data from other states should be analyzed if it is available.*

12. Credit for Teaching and/or Research

At the March 4, 2005 Subcommittee meeting, it was noted that a few states accept teaching and/or research experience towards fulfilling examination requirements^{xvi}. However, the Subcommittee felt teaching and/or research experience does not provide the same skills that are acquired while working under a licensed professional. Additionally, teaching and/or research experience varies significantly, thus making it difficult to

assess the equivalent relationship to the practice of landscape architecture and the health, safety and welfare of the public.

Recommendation:

- *The Subcommittee recommends that credit not be granted for teaching and/or research experience at this time.*

APPENDICES & NOTES

Appendix B

Related Studies

October 2004 – Landscape Architects Body of Knowledge

The Landscape Architecture Body of Knowledge (LABOK) study was designed to address the core competencies that help define the landscape architecture profession and the fundamental body of knowledge that should be expected of all graduates from accredited landscape architecture degree programs. The approach used to answer these two questions consisted of several iterative steps that required input from incumbents in the field of landscape architecture. During these steps both detailed knowledge and competency statements identifying the components of the Body of Knowledge for consideration by the academic community or for post-graduation on-the-job learning were developed.

The LABOK Task Force was established in response to these questions raised through the Landscape Architectural Accreditation Board's regular review of accreditation standards. The Task Force consisted of representatives of the American Society of Landscape Architects (ASLA), the Canadian Society of Landscape Architects (CSLA), the Council of Educators in Landscape Architecture (CELA), the Council of Landscape Architectural Registration Boards (CLARB), and the Landscape Architectural Accreditation Board (LAAB). The Task Force authorized The Chauncey Group International to perform the Body of Knowledge study described in this part of the report. Chauncey Group's role was to facilitate the multiple interactions with landscape architect subject matter experts and/or incumbents in the field.

By building upon the information from the earlier task analysis for landscape architects and input from the Task Force, then augmenting that information through consultation with multiple panels of subject matter experts, the Task Force developed a survey that covered the body of knowledge thoroughly. The distribution of the survey reached the varied groups desired and resulted in a strong indication of the knowledge and competencies that are required upon graduation from a degree program and those that should be developed on the job. It was necessary for each of the contributing organizations to carefully examine the data and make the most efficient use of the information that is available. As suggested in the cover letter to the survey respondents, this information may be used to make curricula determinations, to guide the development of continuing education activities, and to continue strong requirements for licensure through the regulatory bodies. Based on the apparent high agreement among the various subgroup responses and the process used to develop the Body of Knowledge in this study, it is reasonable to conclude that the goals of the study were obtained.^{xxvii}

2006 - Thompson Prometric National Task Analysis

The Council of Landscape Architecture Registration Boards contracted with Thomson Prometric to conduct a job analysis in order to maintain the currency of the Landscape Architects Registration Examination. Job analysis refers to procedures designed to obtain descriptive information about the tasks performed on a job and/or the knowledge, skills, or abilities thought necessary to adequately perform those tasks. The specific type of job information collected for a job analysis is determined by the purpose for which the information will be used. For purposes of developing workplace certification examinations, a job analysis should identify important tasks, knowledge, skills, and/or abilities. The use of job analysis (also known as task analysis, practice analysis, or role delineation) to define the content domain is a critical component in establishing the content validity of certification examinations. Content validity refers to the extent to which the content covered by an examination overlaps with the important components (tasks, knowledge, skills, or abilities) of a job. A well-designed job analysis should include the participation of a representative group of subject-matter experts who reflect the diversity within the job. Diversity refers to regional or job context factors and to subject-matter expert factors such as length and type of experience, gender, and race/ethnicity. Demonstration of content validity is accomplished through the judgments of subject-matter experts. The process is enhanced, when feasible, by the inclusion of large numbers of subject-matter experts who represent the diversity within the relevant areas of expertise. The job analysis involved a multi-method approach that included meetings with subject-matter experts and the conduct of a survey.

On November 12-13, 2004, a panel of landscape architects, selected by CLARB, attended a meeting with the primary purpose of developing an updated survey for distribution in first quarter, 2005. Prior to the meeting, participants received a Job Analysis Procedures Manual and selected information from the 1998 Job Analysis report and the Landscape Architecture Body of Knowledge Study.

The first topic of discussion at the meeting was a general description of the successful licensee. The group then talked about the places where a licensee might work and gave examples of what they might do. The task force agreed that it was important to keep all approaches to practice in mind when we proceed to design the job analysis tool. The key issue is maintaining health, safety and welfare within the practice. The group then turned their attention to defining the major domains for the survey. Following the identification of the domains, the full group assigned the tasks from the 1998 survey to the new domains. Teams were then recruited to work on specific domains to review, edit, and/or delete the tasks. The next activity was to review the knowledge statements that appeared in the 1998 survey. Each of the task force members was asked to indicate whether the knowledge topic appeared in the 2004 LABOK study. Only those knowledge statements that were not included in the LABOK were added to the survey. The development of the skills list and the background questions completed the work of the group at the meeting.^{xxviii}

The contents of the proposed survey were shared with CLARB staff for initial review. Following approval of the components, Thomson Prometric staff created the survey using Web-based software. The survey was shared with the development committee for initial review. Their suggestions were incorporated and the revised survey was presented to a pilot

group to take. The responses and individual comments were shared with CLARB staff and final revisions to the survey were made.

In early May, the survey was officially closed and the data analysis begun. Preliminary results were shared with CLARB staff in preparation for the meeting to develop the test specifications. Decisions about the appropriate subgroup analyses were made prior to the meeting.

The completion of the job analysis process consisted of a review of the job analysis results. A committee reviewed the background questions and began the review of the tasks. The respondents were offered opportunities to suggest additional tasks. The whole panel reviewed these and suggested additional examples for current tasks or noted those that are emerging topics. Following the review of the tasks, the committee proceeded to the review of the knowledge statements and the skills.^{xxix}

December 2006 – Department of Consumer Affairs Office of Examination Resources, California Validation Report

The Landscape Architects Technical Committee requested the Office of Examination Resources conduct a validation study to identify critical job activities performed by landscape architects licensed in California. The occupational analysis is part of the LATC's comprehensive review of the practice of landscape architecture. The purpose of the occupational analysis is to define practice for California licensed landscape architects in terms of actual job tasks that new licensees must be able to perform safely and competently. The result of the occupational analysis serves as a basis for the examination program for landscape architects in California.

OER followed testing standards and guidelines to develop a legally defensible examination outline for landscape architects in California and implemented a content validation strategy to describe the content of the landscape architect profession. OER conducted interviews with California licensed landscape architects, researched the profession, analyzed material prepared by CLARB, facilitated four focus groups California licensees, and sent a questionnaire surveying all California licensed landscape architects.

The initial two focus groups reviewed and refined task and knowledge statements of the landscape architecture profession in California. Based on these specific task and knowledge statements of the profession, Office of Examination Resources was able to develop a comprehensive survey to be sent to landscape architects throughout the state. The third focus group reviewed and approved the survey results and links specific job tasks with knowledge statements in order to construct the examination outline. The final focus group evaluated the examination outline for concurrence and to prepare for the development of examination questions.^{xxx}

APPENDICES & NOTES

Appendix C

Meeting Note Summaries

May 9, 2006 – Landscape Architects Technical Committee

- Voted on the preliminary approval of the Education Subcommittee's response to the JLSRC recommendations.
- Approved retaining the six-year education/experience requirement.
- Approved maintaining eligibility for examination with current education requirements.
- Approved initiate tracking upon candidacy.
- Suggestions were made to look into accrediting standards and determining how schools are measured in order to clarify subject relationship to examination topics and into education standards as it relates to health, safety and welfare concerns.^{xxxix}

June 7, 2006 – California Architects Board

- The LATC's recommendations regarding the eligibility requirements for examination were presented to CAB.
- All recommendations were approved under the condition that the LATC review recommendation 1, Accept Accredited Professional Architecture and Civil Engineering Degrees, and provide an analysis to CAB on parity of the requirements to apply for examination between licensure of architects versus landscape architects prior to the recommendations moving forward. As a result of the preliminary approval, Strategic Planning objectives to 1) begin identifying variables that impact LARE pass rates by tracking and maintaining data, and 2) investigating potential reasons for low examination pass rates and develop an appropriate response to issue to the JLSRC were initiated.^{xxxix}

August 25, 2006 - Landscape Architects Technical Committee

- Discussed CAB's action and various related issues identified. The LATC voted to reconvene the Education Subcommittee in order to fully address all issues that were identified as a result of the proposed changes.^{xxxix}

November 8, 2006 – Education Subcommittee

- Met to discuss the renewed charges from the LATC, review existing reports and documentation, and develop a plan of action. Staff was tasked with: 1) incorporating revisions to the Report, 2) updating CCR 2620 – Education and Training Credits to reflect the discussion, 3) providing curriculum data for accredited degrees in architecture and civil engineering and documenting data to compare the two, and 3) revising the charts outlining education and experience credits given to architects and landscape architects, and drafting narrative explaining the differences.
- Finalize the Issues and Recommendations Report to proceed with preparing a draft report for the LATC and CAB to approve for forwarding to the DCA and the Legislature.^{xxxix}

January 16, 2007 – Education Subcommittee

- Held a teleconference and reviewed additional information illustrating the parity of educational requirements to architects and civil engineers.
- Expanded the information substantiating the recommendations and began a review of CCR 2620.
- Remaining agenda items to review: curriculum comparison for landscape architects with those of architects and civil engineers, completion of a review and proposed changes to CCR 2620, and a table of contents for the report to the Legislature were postponed.^{xxxix}

February 27, 2007 – Education Subcommittee

- Finalized recommendations to the LATC.
- Reconfirmed that education is a critical qualification in combination with work experience and examination.
- Recommendations were to: 1) maintain the educational credit requirement, 2) continue one year of educational credit for an associate degree in landscape architecture, 3) continue four years of educational credit for foreign education equivalent to an accredited master or bachelor degree in landscape architecture in the United States, 4) maintain two years of educational credit for an approved extension certificate in landscape architecture, 5) institute one year of educational credit for an accredited degree in architecture, 6) not grant educational credit for a degree in civil engineering, and 7) not grant experience credit for foreign/international experience.^{xxxvi}

May 4, 2007 - Landscape Architects Technical Committee

- Approved the Subcommittee's recommended response and recommendations.^{xxxvii}

June 15, 2007 – California Architects Board

- The parity issue and the recommendations were presented and approved by CAB. The full report to DCA and to the Legislature, containing the approved recommendations, will be presented for approval once complete.^{xxxviii}

NOTES

NOTES

ⁱ Landscape Architects Technical Committee 2003 Sunset Review Report response. Vol. 1, tab #4

ⁱⁱ Landscape Architects Technical Committee, "Landscape Architects Practice Act with Rules and Regulations 2007", includes amendments through October 3, 2007. Vol. 3, tab #56

ⁱⁱⁱ Professional Engineers Act (Business and Professions Code Section 6700-6799), includes amendments made during the 2009 legislative session (Effective January 1, 2010, unless otherwise noted), Vol. 3, #55

^{iv} 2004 Joint Legislative Sunset Review Committee Recommendations. Vol. 1, tab #5

^v Landscape Architects Technical Committee, "Landscape Architects Practice Act with Rules and Regulations 2007", includes amendments through October 3, 2007. Vol. 3, tab #56

^{vi} California Architects Board, "Architects Practice Act"; effective January 1, 2009. Vol. 3, tab #57

^{vii} <http://www.cslb.ca.gov/Contractors>, accessed November 2008, © 2008 State of California, Contractors State Licensing Board. Vol. 3, tab #39

^{viii} See endnote 5.

^{ix} See endnote 5.

^x Landscape Architects Technical Committee's April 20, 2009, meeting agenda item C.3-C.4, Vol. 3, tab #58

^{xi} See endnote 5.

^{xii} 2005 Outline of Landscape Architecture Eligibility Requirements (AZ, CA, FL, HI, NV, NM, NY, OR, TX, and WA) – Examination/Licensure Requirements (Landscape Architects): Snapshot. (3/05, D.1), Vol. 2, tab #24

^{xiii} See endnote 12.

^{xiv} Council of Landscape Architectural Registration Boards (CLARB) member board jurisdictions; Arizona State Board of Landscape Architects; Florida Board of Landscape Architecture; Hawaii Board of Professional Engineers, Architects, Surveyors & Landscape Architects; Nevada State Board of Landscape Architects; New Mexico Board of Landscape Architects; New York State Board for Landscape Architects; Oregon State Landscape Architects Board; Texas Board of Architectural Examiners and Washington Department of Licensing, Landscape Architecture Division - 2005 Survey Results; Examination/Licensure Eligibility Requirements. (6/05, C), Vol. 2, tab #20

^{xv} Accrediting Boards for Architecture, Civil Engineering and Planning - 2005 Description, course outlines, number of years and units required to earn an accredited Planning degree in all seven California accredited planning degree programs. (12/05, D.1), Vol. 2, tab #17

^{xvi} Comparison of Curriculum for Accredited Degrees in Architecture and Civil Engineering (2/07, C.4) Vol. 2, tab #27

^{xvii} Transcripts and Course Requirements for Three Accredited Undergraduate Landscape Architecture Degree Programs. (12/05, D.2), Vol. 2, #28

^{xviii} 2005 Survey Results; Examination/Licensure Eligibility Requirements, see endnote 17.

^{xix} Council of Landscape Architectural Registration Boards (CLARB) - 2005 Information provided from the Council of Landscape Architectural Registration Boards (CLARB) regarding member board jurisdictions allowance of early eligibility to take the multiple-choice sections of the Landscape Architectural Registration Examination (LARE) (12/05, D.3), Vol. 2, tab #29

^{xx} Comparison of Education, Experience and Exam results of last 100 California Landscape Architects covering 11/2003 - 12/2004. (3/05, G), Vol. 2, tab #32

^{xxi} Final Candidate Education/Experience Tracking Chart and Reciprocity Candidate Tracking Chart. (12/05, C), Vol. 2, tab #33

^{xxii} 2005 Outline of Landscape Architecture Eligibility Requirements (AZ, CA, FL, HI, NV, NM, NY, OR, TX, and WA) – Detailed Comparison of Examination/Licensure Requirements (Landscape Architects). (3/05, D.3), Vol. 2, tab #24

^{xxiii} California Community Colleges; Mesa, Modesto Junior, Southwestern and West Valley - 2005 Description, course outline and units required to earn an Associate Degree in Landscape Architecture in California. (3/05, E), Vol. 2, tab #35

^{xxiv} Detailed Comparison of Examination/Licensure Requirements (Landscape Architects), see end note 22

^{xxv} Examination/Licensure Requirements (Landscape Architects): Snapshot, see endnote 13

^{xxvi} Examination/Licensure Requirements (Landscape Architects): Snapshot, see endnote 13

^{xxvii} American Society of Landscape Architects, Landscape Architecture Body of Knowledge Study Report, published October 28, 2004, All Rights Reserved. Vol. 1, tab #8

^{xxviii} Council of Landscape Architecture Registration Boards, performed by Thompson Prometric, Job Analysis 2006. Vol. 3, tab #37

^{xxix} 1996 Joint Legislative Sunset Review Committee Findings and Recommendations, Vol. 1, tab #5

^{xxx} California Department of Consumer Affairs, Office of Examination Resources, Validation Report Landscape Architects Technical Committee, December 2006, Vol. 3, tab #60fr

^{xxxi} Landscape Architects Technical Committee, May 9, 2006, Summary Report, Vol. 3, tab #46

^{xxxii} California Architects Board's June 7, 2006, Minutes, Vol. 3, tab #47

^{xxxiii} Landscape Architects Technical Committee's August 25, 2006, Summary Report-Final, Vol. 3, tab #48

^{xxxiv} Education Subcommittee's November 8, 2006, Meeting Minutes, Vol. 3, tab #59

^{xxxv} Education Subcommittee's teleconference January 16, 2007, Summary Report-Draft, Vol. 3, tab #50

^{xxxvi} Education Subcommittee's February 27, 2007, Summary Report-Draft, Vol. 3, tab #51

xxxvii Landscape Architects Technical Committee's May 4, 2007, Summary Report-Final, Vol. 3, tab#52
xxxviii California Architects Board's June 15, 2007, Minutes, Vol. 3, tab#53

Degrees Accepted by CLARB Jurisdictions for Initial Licensure

(as of 1/11/17)

Jurisdiction	Accredited Architecture Degree Accepted	Accredited Engineering Degree Accepted	Any Bachelors Degree Accepted	Non Accredited LA Degree Accepted
Alberta	Yes	Yes	Yes	Yes
Arizona	Yes	Yes	Yes	Yes
Arkansas	Yes	Yes	Yes	Yes
British Columbia	Yes	Yes	Yes	Yes
Colorado	Yes	Yes	Yes	Yes
Connecticut	Yes	Yes	Yes	Yes
Florida	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	Yes
Hawaii	Yes	Yes	Yes	Yes
Idaho	Yes	Yes	Yes	Yes
Iowa	Yes	Yes	Yes	Yes
Louisiana	Yes	Yes	Yes	Yes
Maine	Yes	Yes	Yes	Yes
Maryland	Yes	Yes	Yes	Yes
Mississippi	Yes	Yes	Yes	Yes
Montana	Yes	Yes	Yes	Yes
Nebraska	Yes	Yes	Yes	Yes
Nevada	Yes	Yes	Yes	Yes
New Hampshire	Yes	Yes	Yes	Yes
New Mexico	Yes	Yes	Yes	Yes
New York	Yes	Yes	Yes	Yes
Oklahoma	Yes	Yes	Yes	Yes
Ontario	Yes	Yes	Yes	Yes
Oregon	Yes	Yes	Yes	Yes
Pennsylvania	Yes	Yes	Yes	Yes
South Carolina	Yes	Yes	Yes	Yes
Utah	Yes	Yes	Yes	Yes
Virginia	Yes	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes
Delaware	Yes	Yes	No	Yes
Rhode Island	Yes	Yes	No	Yes
California	Yes	No	No	Yes
Alaska	No	No	No	Yes
Illinois	No	No	No	Yes
New Jersey	No	No	No	Yes
Alabama	No	No	No	No
Indiana	No	No	No	No
Kansas	No	No	No	No
Kentucky	No	No	No	No
Massachusetts	No	No	No	No
Michigan	No	No	No	No
Minnesota	No	No	No	No
Missouri	No	No	No	No
North Carolina	No	No	No	No
Ohio	No	No	No	No
Puerto Rico	No	No	No	No
South Dakota	No	No	No	No
Tennessee	No	No	No	No
Texas	No	No	No	No
West Virginia	No	No	No	No
Wisconsin	No	No	No	No
Wyoming	No	No	No	No

*Training experience is also required by all states that accept the degrees above.

Comments Received at March 17, 2017 and April 18, 2017 Public Forums

Comments in Support of Expanding Degree Requirements

1. The current California licensure standard for landscape architects needs to be updated. The current regulation is limiting fair competition per the North Carolina Case and Little Hoover Commission discussion. These compel us to re-evaluate licensing practices that have no benefit to the public or to the profession.
2. The population of licensees prior to 1997 is nearing retirement, thereby creating a crisis in the workforce to replace those individuals.
3. LATC should meet the same education standards as California architects, engineers, and standards set forth by the Council of Landscape Architectural Registration Boards (CLARB).
4. LATC should consider options for accepting any degree. The issue with accepting related degrees is: how do you define what is related a degree (if the LATC limits related degrees)?
5. Every time a new degree is granted, the Committee would need to visit the requirements.
6. Design studio may be the only education component that is different in course work between landscape architect degree and related degrees.
7. Currently, training experience makes up the educational difference between associate degrees and bachelor degrees.
8. By limiting education are we placing barriers/limitations to innovation?
9. The LATC should consider alternate pathways to reduce barriers.
10. Align the California Landscape Architect Practice Act with that of other states.
11. We should move toward consistency with engineers and architects practice acts by expanding pathways to licensure.
12. The LATC should consider alternate pathways for degrees accepted.
13. The LATC should include related degrees in its qualification requirements. This increases access to the profession.

Comments in Opposition of Expanding Degree Requirements

1. Opposed to broadening the education requirements, because it would affect consumer protection.
2. My number one question is: Is this being pushed by a vocal minority or is it being asked by the majority of the public? This proposal may be trading access and expediency for quality. The knowledge and skills are acquired via education.

3. You cannot have reduced knowledge and still maintain competence. Where is the line between passing the test and ensuring quality?
4. Landscape architects should be taught grading and draining and not typography. This is a big example of the differences between accredited versus related degrees.

Suggestions

1. It is difficult to make comparisons between LATC and CAB because CAB requires applicants to complete a structured internship (Architectural Experience Program) and LATC does not. Education, experience, and examination process need to be synonymous in order to compare.
2. LATC should slow down and take time to address this issue and review the revised Model Law to be adopted by CLARB.
3. If the LATC considers related degree programs, at the very least, the programs need to be accredited and the LATC must determine equivalency.
4. CLARB *Determinants of Success Research Study* identified that the higher the level of education obtained by exam candidates, the better they did on the first two sections of the Landscape Architect Registration Examination (LARE).
5. This issue needs to be looked at holistically with regard to licensure qualification and examinations. If changes happen to licensure requirements, you need to look at how it impacts internships, examinations, etc.
6. If we are looking at related degrees, it should be done by an accredited institution.
7. Associate degrees in landscape architecture are currently accepted. Licensure requirements should be based on minimum competency.
8. With regard to the LARE, people pass sections 1-3 pretty quickly. However, section 4 is more difficult to pass because it pertains to grading and drainage.
9. We should start advocating more at the community college level to start offering programs.

General Comments

1. LATC should look up the course work associated with suggested degrees to make determinations.
2. LATC should apply more weight for accredited degrees.
3. Science based degrees could be considered related.
4. Interactions between professions candidates will deal with on the job counts for something.
5. LATC should consider an applicant's course work on a case by case basis versus identifying specific degrees.

Comments Received at April 18, 2017 Public Forum

Comments in Support of Expanding Degree Requirements

1. The profession of landscape architecture in California has barriers to entry. Diversity of educational background could benefit the industry. LATC accepts an associate degree; therefore, a related bachelor's degree should be sufficient along with five years of experience. The licensee search list located on LATC's website delineates that the LATC currently licenses 3,600 landscape architects. Out of the 3,600 licensed landscape architects, 3,100 reside in state and half were issued under the former Board of Landscape Architects (BLA), which allowed related degrees. In addition, CLARB's pathway allows any bachelor's degree with six years of experience, and other states have pathways that specify any bachelor's degree or experience only.
2. The idea that accepting related degrees would undermine education is a misconception. The LARE measures competency, but most education comes from work experience. People who pass the exam should be given an opportunity; therefore, the Committee should consider allowing related degrees if a person without a landscape architecture degree passes the exam.
3. Not accepting related degrees is a legal and moral issue. There is a lack of accessibility to landscape architecture education; the University of California (UC), Berkeley and UCLA being the only two Extension Certificate Programs in the state. If architects and engineers can become licensed without an education requirement, then the same standard should apply for landscape architects.

Comments in Opposition of Expanding Degree Requirements

1. The University of Southern California's (USC) landscape architecture program has been accredited since 2011 and has a long history of providing landscape architecture courses. USC follows the standards set by the Landscape Architectural Accreditation Board (LAAB). Other professions are vying for employment and the landscape architecture profession should be protected. Diversity of the profession is fulfilled and enriched by the teaching of other professional practices. LATC should not accept related degrees. The current education requirement is a protection and not a barrier.
2. If only a couple of people are seeking reciprocity, the Committee should not modify its regulations because a pathway already exists.
3. Different states have different requirements and the Committee already created a pathway by allowing one year of training credit for an associate degree program.
4. LATC must consider the broader implications of allowing related degrees into the profession. If pass rates fall, then it would reflect poorly on California.
5. The pathways LATC has are sufficient and that students should learn the technical educational aspects of landscape architecture.
6. What a candidate has to learn to meet the current education requirement is invaluable. The role of the LATC is to protect the health, safety, and welfare of the public. Many people were

involved in the previous Education Subcommittee and the Committee should consider the data before making a decision.

7. The biggest barrier is education at the community college level. The LATC should maintain the expectation of competency and standards.
8. The Committee should not modify the education requirements.
9. Reducing educational standards would reduce competency, and perhaps educational requirements should be stricter.

Suggestions

1. An education subcommittee should be formed to determine whether related degrees meet the standards of the LAAB. Technical experts could review the qualifications of candidates who do not meet the education and work experience requirements stipulated in the Practice Act.
2. It is important to uphold practice standards. The Committee should form an educational subcommittee, and the following questions should be answered: 1) what is the data on common risk and liability in other states based on the acceptance of related degrees, 2) what are the pass rates for the examination in California based on related education, and 3) what can be determined in terms of candidates with a combination of various types of degrees and practice experience.
3. Data has not been collected in regards to the adopted eligibility requirements for California; how can the Committee make a determination in the absence of this data?
4. Practitioners could help the subcommittee. The public may not understand the premise for some regulations and the process of how they were enacted.

General Comments

1. LATC has done a terrific job in providing access; however, data has not been collected from prior changes to the regulations that would support their need for modification.
2. The prior Education Subcommittee made recommendations to the Committee regarding examination eligibility requirements for adoption; however, not all were adopted.
3. The Committee cannot modify one component without affecting another such as initial licensure.
4. Changes to regulations need to be defensible.
5. Architects and engineers cover different areas and the practice of landscape architecture should not be compared to other licensed professions.

Nation, Kourtney@DCA

From: LATC@DCA
Sent: Wednesday, March 01, 2017 8:30 AM
To: Nation, Kourtney@DCA
Subject: FW: Entry level education requirements for landscape architects in California

Follow Up Flag: Follow up
Flag Status: Completed

From: Jim Rios [<mailto:jimr@riosdesign.com>]
Sent: Tuesday, February 28, 2017 6:08 PM
To: LATC@DCA
Subject: Entry level education requirements for landscape architects in California

Kourtney,

As a licensed landscape architect who graduated from an accredited university in 1984 and who passed the UNE in 1989,

I would like to offer my opinion on the matter of **Entry level education requirements for Landscape Architects is California.**

Unfortunately, I won't be able to attend the public forum that are to be held in Los Angeles and Sacramento.

I agree with the current requirements of a combination of 6 years credit for education & training experience before qualifying to take the licensing examination.

I think that those that have received a related degree such as architecture, engineering, planning should be given 2 years credit for their education and still need 4 years of apprenticeship to qualify to take the license exam.

However, I am adamantly opposed to giving any educational credit for those that have a degree in an unrelated field. They should pass through the current requirements to take the licensing exam.

I have noticed that groups such as the APLD, Association of Professional Landscape Designers, have been making moves to try to expand the scope of work that the Business and Profession Code allows them.

Meetings and conversations with that group have made it perfectly clear that they wish to be granted the ability to prepare Construction Documents without having to prove competence at any level, including the passing of the licensing examination. The public perception does not distinguish between Landscape Architect and Landscape Designer and they tend to form a judgement on the whole group based on what they see from the other.

I feel that the high standards need to be maintained for those that wish to practice in the field of Landscape Architecture and represent themselves as Landscape Architects.

Respectfully submitted,

Jim Rios

Landscape Architect #2979, CID, CLIA



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VIA EMAIL

March 15, 2017

Patricia Trauth, Chair
Landscape Architect's Technical Committee

Re: LATC Announcement of Public Forums, March 17, 2017 and April 5, 2017

Dear Chair Trauth, Committee Members, and LATC Staff:

Thank you for this opportunity to address the education issues raised by the LATC at its February 2017 meeting and also proposed in The Notice of Public Forums.

1. Should LATC continue reviewing the Extension Programs?

First it should be noted that the Extension programs were founded by the Board of Landscape Architecture on the principle that the citizens of California might need additional, focused training for specific careers that required specialized technical expertise. This venue has been an alternate pathway for 40 years. California's Universities do not allow individuals to return for a second Bachelor's degree, and access to Master degree programs is impacted. These Extension Programs were the first "alternative pathway" provided by the BLA and a source of pride.

Fast forward to the most recent Sunset Review (2014), the Extension programs as presented to the Sunset Committee were notable in their uniqueness in addressing alternative paths to licensure.

From the LATC 2014 Sunset Review Information re: Education Requirements for Licensure

The University of California Extension Certificate Program Task Force: One of the pathways to licensure is successful completion of the extension certificate program, currently established within the University of California system and approved by the LATC. The University of California Extension Certificate Program Task Force is charged with: 1) reviewing extension certificate programs in landscape architecture; 2) conducting site visits of the program to determine their compliance with the requirements of California Code of Regulations section (CCR) 2620.5 (Requirements for an Approved Extension Certificate Program); 3) making recommendations to the LATC regarding the continued approval of the extension certificate programs and; 4) developing procedural documents for review of the programs. The Task Force is composed of seven members consisting of four current and former LATC members and three educators.

Any change to this charge should be addressed by a reconvened or new Education Subcommittee. The reports by the last two California Extension Certificate Program Task Force indicated that the Approved Extension Certificate Programs met or exceed expectations. This review is above and beyond University Accreditation, which does not review or accredit PROFESSIONAL education. With the education credit received for an Approved Extension Certificate Program being equal to an accredited BSLA, BLA and MLA, changes to the method that assures comity (i.e., using the basis of the LAAB accreditation) should only be addressed by an education committee of both Extension and

University academics, practitioners and members of the LATC. At present, California is the only state providing this alternative educational path, addressing adult learners, and providing an evening alternative to working adults.

It should also be noted that California's landscape architecture departments and programs may have the most diverse student bodies in the nation.

2. Should LATC accept degrees in related areas of study?

The question, of should the LATC accept degrees in related areas of study, is quite complex. Landscape Architecture Programs have courses that are common to the related fields of planning, urban design, architecture, geography, horticulture and engineering. Yet Landscape Architecture, as well as each of those fields, considers themselves separate disciplines.

An "area of study" has courses, when combined, provide synthesis and depth. It is the full curriculum as an "area of study" that is important in degrees leading to a professional license. Professional programs weave in the health, safety and welfare concerns into courses.

The question goes beyond sufficient overlap, course content, and curriculum focus. Also the areas of study or concentrations vary from university to university. A reconvened or new Education Subcommittee, who can make defensible decisions on these academic relationships, should make this assessment.

3. Other Education and Training concerns

In CCR 2620, changes were made to allow credit for a partial degree. This was a recommendation from the Education Committee, and at the time, the *Gainful Employment Act* did not exist. With the *Gainful Employment Act*, completion of a degree is a high metric used for Universities to qualify to offer Federal Financial Aid. By providing credit to students who fail to complete, or students who chose not to complete their capstone, thesis or final year, can harm Universities' completion numbers that are key to continued access to Federal loans, scholarships and grants. While reviewing all of CCR 2620, I would request that a revived or new Education Subcommittee review this partial degree credit's value as a pathway vs. the potential harm to federal funding for Universities.

We look forward to presenting to the LATC in Sacramento and at the rescheduled April meeting in Los Angeles.

Sincerely,



Stephanie V. Landregan, F.A.S.L.A.
Director, UCLA Extension
Landscape Architecture Program



Eddie Chau
Program Director, UC Berkeley Extension
Landscape Architecture Program

15 March 2017

To: Landscape Architects Technical Committee
Department of Consumer Affairs
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Re: Proposed revision to the educational requirements for licensure

To the Committee,

As Professor and Chair of the Department of Landscape Architecture and Environmental Planning at UC Berkeley I would like express my deepest concern regarding the proposed change in the educational requirements for landscape architecture licensure in California.

Allowing access to licensure from a larger range of educational backgrounds is not in the best interests of the consumers of California. As stated by the American Society of Landscape Architects: "Licensure is a critical government function necessary to ensure the protection of the public from unqualified or incompetent individuals who engage in professional practice. The fundamental function for any form of professional regulation, including the licensing of landscape architects, is to protect the public health, safety, and welfare. As such, landscape architects are licensed in all 50 states." (<https://www.asla.org/NewsListingDetails.aspx?id=49436><https://www.asla.org/NewsListingDetails.aspx?id=49436>) Licensure and its long-standing requirements for specialized education have served the people of California very well in providing safe and healthy public and private places for recreation, habitat restoration, community gathering, mobility, and humane housing.

I urge the committee to consider not only the current issues regarding health, safety and welfare but also the urgency to address issues of the future. Landscape architects have a proven track record in professional practice in addressing issues of drought, climate change, energy, walkable cities, urban heat island effects, green infrastructure, and sea level rise. As these issues will increasingly and palpably impact the health, safety, and welfare of Californians, diminished specialized educational

requirements for licensure will, inevitably, not prepare landscape architects to meet these complex problems. To build a sustainable, thriving future landscape for the consumers of California requires the dedicated, substantive, and up-to-date education that programs in landscape architecture and the closely related field of architecture can provide. The complexity of creating a sustainable California landscape cannot be underestimated, and to provide licensure without suitable and essential education is well short of meeting the current and future necessary expertise to ensure the health, safety, and welfare of Californians.

In diminishing the educational requirements for landscape architecture licensure does a disservice to the people of California who have been able to rely on the professional expertise of landscape architects very well in the past. This professional expertise will prove even more critical in confronting the challenges issues in the built environment in the decades to come. I urge the committee to maintain the educational requirements for licensure in the interest of the future of California.

With best regards,

A handwritten signature in blue ink, reading "Louise A. Mozingo". The signature is fluid and cursive, with the first name "Louise" and last name "Mozingo" clearly legible.

Louise A. Mozingo
Professor & Chair
Department of Landscape Architecture & Environmental Planning
Director, Center for Resource Efficient Communities
California Landscape Architecture License #3337

Nation, Kourtney@DCA

From: LATC@DCA
Sent: Thursday, March 16, 2017 10:47 AM
To: Nation, Kourtney@DCA
Subject: FW: Forums to discuss education requirements

From: Chris Brown [<mailto:chris@floorassociates.com>]
Sent: Thursday, March 16, 2017 10:34 AM
To: LATC@DCA
Subject: Forums to discuss education requirements

I will be unable to attend the scheduled forums to discuss the entry level education requirements, however, I wanted to voice my strong opinion that the current rules are too restrictive with regard to practicing professionals that have demonstrated professional experience and/or degrees in related fields in addition to professional experience.

I strongly support revising the statute to accept degrees in related areas of study such as civil engineering in combination with demonstrated experience practicing landscape architecture.

Best regards,



Christopher Brown, FASLA | LEED-AP BC+D
Partner
California LA #5767
1425 N. 1st Street, STE 200 | Phoenix, AZ 85004 -1632
chris@floorassociates.com | d 602.445.7136 c 602.321.2818
www.floorassociates.com

Christine A. Anderson, PLA #3377, ASLA
9030 Folkstover Ct.
Elk Grove, CA 95624

March 22, 2017

Patricia Trauth, Chair
Landscape Architects Technical Committee

VIA EMAIL

RE: LATC Announcement of Public Forums

Dear Chair Trauth, Committee Members and Staff

Thank you for giving me the opportunity to comment on the education and training requirements for landscape architectural licensing in California. I am a licensed landscape architect, former member of the LATC, former education subcommittee member, and currently president-elect of the Council of Landscape Architecture Registration Boards (CLARB).

Many of us are beginning to realize that occupational licensure is under greater scrutiny nationally and as a result it will be very important to reduce perceived unnecessary friction in the licensure process. However, I would first ask for the committee to consider: what is the problem they are trying to solve? I have not heard yet that there is a problem. In fact, during the first public forum held in Sacramento, it was demonstrated that very few applicants request reciprocity holding alternative degrees. If that is the case, why is the LATC considering a wholesale change to educational requirements given such a small number of applicants if this issue could be solved through an appeals process with a technical expert?

As with any wide-ranging change, it is important to slow down and take a thoughtful, data-driven approach to the deliberation of education requirements. Taking a deeper dive into the education requirements has many implications to other areas of the Practice Act and could create unintended consequences that may worsen the problem. There is no way to "silo" the discussion of education without also discussing experience and examination (the other "two legs of the stool"). I would also encourage the committee to seek input from CLARB, the Council of Educators in Landscape Architecture (CELA) and the Landscape Architecture Accrediting Board (LAAB) on these issues to further inform their process as there are studies, new approaches, and

data currently being created and collected, such as CLARB's draft model law, which should inform the committee's work.

As a former member of the LATC's education subcommittee, I can say without question that we worked tirelessly over a period of 5 years to develop new education and experience guidelines to address perceived barriers to entry into the profession. Through our exhaustive research, we found that there was a disparity of education and experience requirements on a jurisdiction-by-jurisdiction basis making comparisons difficult. There was also a significant lack of data to support claims made to reduce the education or experience requirements, with two key exceptions at the time: CLARB's Task Analysis and the LABOK study. *[It should be noted that CLARB's task analysis was recently updated (2016) and should be used to inform the committee's work.]* The comparison of these two studies is fascinating. The education subcommittee found that even formal, accredited Landscape Architecture education is "a narrow slice of the services that landscape architects perform". In addition, many "related degree programs" do not have a formal accrediting body, further weakening their educational disposition. While it seems as though the ink is barely dry on the original education subcommittee's work, it may be time to reconsider it IF the committee fully articulates that it is fundamental to the problem they are trying to solve. After all, it has been 8 years, two rounds of LAAB accreditation and Extension program approvals, and one task analysis update since the adoption of the subcommittee's findings. But I would caution the committee that the work is tedious and difficult, particularly in light of limited resources. The education subcommittee ended up making 13 separate recommendations to the committee, each of which were carefully considered by 7 subcommittee members and many rounds of stakeholder conversations.

On the heels of the subcommittee's work, CLARB completed the Determinants of Success (2011) further supporting many of the subcommittee's findings. Within this study, there were three key conclusions that should be used to inform the LATC's work in this area. "Based on the findings of this study, candidates should consider the following actions to optimize their performance on the L.A.R.E.:

1. Obtaining a landscape architecture degree from an LAAB- or CSLA- accredited institution.
2. Taking the L.A.R.E. closer to college graduation rather than waiting to gain more years of experience in landscape architecture.
3. Gaining diversified experience in the years spent working in landscape architecture..."

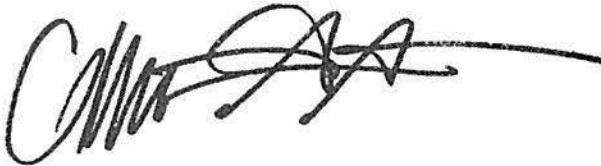
Christine A. Anderson, PLA #3377, ASLA
9030 Folkstover Ct.
Elk Grove, CA 95624

I implore the committee to thoroughly review the Determinants of Success study, coupled with an ongoing dialog with CLARB staff to ensure updated information. I would also urge that the committee defer a final decision until the committee had an opportunity to fully explore the potential benefits and risks of alternative approaches to educating future landscape architects.

I completely understand the desire of this committee to have laws that are synchronous with the California Architects Board (CAB). But the two cannot be compared "apples to apples". CAB's educational requirements are a direct result of their experience requirements and CAB's experience requirement can only be held as either/or because of the existence of NCARB's structured internship program. While that system is admirable, it also has many drawbacks, one of which is length of internship/experience before entry into examination, which creates a barrier in and of itself. CLARB and the LATC has no such structured internship in part because of the perceived burden it might put on state board staff resources. I would encourage the LATC to study this issue carefully before deciding on "experience only" or alternative education paths supported with experience to the licensing exam. Once again I appeal to the committee to thoroughly review these internship/experience programs to ensure that the LATC is not creating unintended consequences for future licensure candidates.

Finally, I will tell you that the CLARB Board of Directors just approved a draft model law to move forward to the membership for final vetting and approval. As an insider, I can tell you that there are changes in the model law that would significantly impact this conversation. However, the new model law will not be voted on by the membership until the Fall. As a result, I strongly encourage the LATC to postpone any decision until the new model law is adopted, reconvene or reform the education subcommittee, and establish a thorough data gathering and fact finding directive that is based on the goals of ensuring the protection of the people of the State of California.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christine A. Anderson', with a long horizontal flourish extending to the right.

Christine A. Anderson PLA #3377, ASLA

Christine A. Anderson, PLA #3377, ASLA
9030 Folkstover Ct.
Elk Grove, CA 95624

April 3, 2017

Dear Landscape Architects Technical Committee,

I write this letter to express my concerns regarding the barriers for qualified individuals to enter the landscape architecture profession due to the current licensing eligibility requirements. The current options for working professionals with related experience and education to enter the landscape architecture profession are severely limited for people living and working in the San Diego area. The lack of an accredited four-year program in the area, an unbalanced education credit system, and the absence of an accredited extension certificate program creates inequitable burdens for San Diegans to become eligible for the licensure exam.

As a student of landscape design, I have learned how the field of landscape architecture was founded by people from diverse backgrounds including engineers, architects, and planners. Landscape architecture is truly the most interdisciplinary professional design field. Landscape architects must be generalists by nature, understanding and coordinating everything from electrical systems to water quality and endangered species protections. The unique necessity to understand many areas of study required in the practice of landscape architecture is recognized by nearly every landscape architectural organization including the ASLA and LATC.

However, in Southern California, and more specifically in San Diego, the options available for people to take the licensure exam are severely limited. Those who have not attended a four year program out of high school, find a very difficult path to meet the eligibility requirements. In the San Diego region, there are no accredited four year program options available. So qualified individuals with related degrees wanting to move into landscape architecture after gaining other related career experience, are faced with a difficult path to licensure. Engineers, architects, and planners all have specific qualifications that transfer over to the practice of landscape architects, however the current requirements do not reflect an equivalent value for these degrees and if you do not have access to an accredited extension program, you get no credit for your degree.

In addition, the current eligibility requirements provide someone with a bachelor's degree in Landscape Architecture four years of education credit towards the total 6 years education and training requirement. There are currently only three accredited four-year programs in California. Two are located in Northern California and the one option in Southern California is located in Pomona, 120 miles north of San Diego making this an impractical option for those already living and working in the southern part of the state. For those with families, already in a career, or owning a home while pursuing the move into the landscape architecture profession, this is just not an option.

While there is one accredited college in the San Diego area, people with a four-year degree in a related field and this two-year associates degree are given only one year of credit towards the total six years education and training requirement. Comparatively, someone with a bachelor's degree in Landscape Architecture from California Polytechnic University receives all four years of education credit even though one third of the classes required for the degree are general education classes. It is unbalanced that someone with a four year degree plus an associate's degree in Landscape Architecture only receives one year of education credit.

As someone with a bachelor's degree in Planning, a closely related field, several of the courses I took are directly comparable to coursework that is part of a landscape architecture curriculum and at least ten percent of the courses required for a bachelor's degree in Landscape Architecture are planning related but I do not receive any credit for this coursework. Similarly, someone with a bachelor's degree in Architecture only receives one year of credit compared to the full 4 years given to someone with a bachelor's degree in Landscape Architecture even though the similar general education course that would have been taken and the many courses that would overlap in content.

The University of California Berkley, extension program website identifies that a multidisciplinary and comprehensive education is required to successfully work in landscape architecture. The website for the extension program at the University of California in Los Angeles similarly declares that the field of landscape architecture requires multidisciplinary education and an understanding of not only design but environmental systems, sustainability, water conservation, and land use policy.

This concept is not reflected in the current Landscape Architect Registration Examination eligibility requirements. Options for eligibility for professionals working in San Diego is limited due to the lack of four-year landscape architecture programs available in San Diego and the Southern California region. In addition, the amount of education credit awarded for related degrees and the lack of an accredited extension program in San Diego, mean people with extensive experience working in related fields find it difficult to meet the eligibility requirements to transition into the profession.

Frederick Law Olmstead who worked and studied in many different fields until his contribution to the design of Central Park would not have been eligible to practice landscape architecture today. John Nolen attended the Wharton School of Finance and Economics at the University of Pennsylvania and worked in city planning before becoming a landscape architect. Cerda was originally trained as a civil engineer and is considered a major figure in city planning although his contribution to landscape architecture and the urban greening movement cannot be denied. It was these people with different perspectives and career experiences that contributed to our understanding of what landscape architecture is today. I am extremely pleased to hear that you are considering some of the barriers that qualified individuals wishing to move into the landscape architecture field face and how those limitations can affect progress in the practice of landscape architecture in the region.

Respectfully,

Darren Genova

James H. Curtis, ASLA
California License No. 1961
1634 Marguerite Avenue
Corona Del Mar, CA 92625

April 8, 2017

Ms. Patricia Trauth, Chair
Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

Via E-Mail: latc@deca.ca.gov

Re: LATC Announcement of Public Forums | March 17, 2017 and April 18, 2017

Dear Chair Trauth, Committee Members, and LATC Staff:

I am writing to you to voice my concerns about two issues that are before you. I very much appreciate this opportunity to address the education and licensure issues that were raised during the LATC meeting in February 2017 and prior to your scheduled public forum at California State Polytechnic University, Pomona on April 18, 2017.

1. Should LATC continue reviewing the Extension Programs?

Currently, California is the only state that has an alternative educational path through extension programs that addresses the needs of working adults. These extension programs provide a proven route to careers in Landscape Architecture through affordable evening classes. As a long-time instructor in the UCLA Extension Landscape Architecture Program, I have had the pleasure of helping to launch the careers of many students who have become successful landscape architects in private and public practice and volunteer environmental conservancy organizations. In short, they have made California a better place for all of us.

The last two California Extension Certificate Program Task Force Reports indicated that the Approved Extension Certificate Programs met or exceeded expectations. Since the education credit received for an Approved Extension Certificate Program is considered to be equal to that of an accredited BSLA, BLA or MLA program, changes to the review and accreditation method, which assures comity (that is, based on the LAAB accreditation) should only be addressed by an education committee of both Extension and University academics, practitioners and members of the LATC.

As in the past, changes to the education requirements should be carefully considered and thoughtfully implemented with the help of educators and practitioners. A reconvened or new Education Subcommittee must assess and approve any change to the landscape architecture education requirements prior to any policy change.

Chair Trauth, Committee Members, and LATC Staff
LATC Announcement of Public Forums
April 8, 2017
Page 2 of 2

2. Should LATC accept degrees in related areas of study?

Educations programs for landscape architecture and those for related fields including planning, urban design and architecture and to a lesser degree programs, in geography, horticulture and engineering have similar structures and overlapping coursework, but they are separate and different “areas of study.” Although they share areas of knowledge and practice, landscape architecture and each of these fields are distinct disciplines with different missions, concerns, requirements and licensure criteria.

An “area of study” is a curriculum with a set of values and a range of courses that provides synthesis and depth, a way of thinking about the world – the environment and design in the case of landscape architecture. It is the entire curriculum that is important to a degree that leads to professional licensure. Unlike the programs of the related fields, a professional landscape architecture program weaves in the health, safety and welfare concerns that are specific to licensure as a landscape architect.

Current California law provides many “pathways” to licensure; additional ones must be carefully considered and thoughtfully implemented with the help of educators and practitioners. A reconvened or new Education Subcommittee must assess and approve degrees in related “areas of study” prior to any policy change to enable the LATC to make defensible decisions based upon their academic and professional relationships to landscape architecture.

Thank you for taking the time to consider my concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Curtis". The signature is stylized with a large initial "J" and a horizontal line at the end.

James H. Curtis, ASLA
California License No. 1961

Nation, Kourtney@DCA

From: Ari Tenenbaum
Sent: Monday, May 01, 2017 12:27 PM
To: LATC@DCA
Cc: Nation, Kourtney@DCA
Subject: Comment to include at July 13th meeting

Please include the following comments at the upcoming meeting:

To Whom it May Concern,

I am writing this because I would like to express my opinion regarding acceptable pathways for LARE exam qualification. I hold a BS in Plant Science from UC Santa Cruz and have been a licensed C-27 owner/contractor since 2009. I will soon be completing an associates degree in Landscape Architecture from an accredited program and would like to have the opportunity to sit for the LARE exam. I feel that the combined educational and occupational experience I have should allow me to qualify to take the test and, if passed, become a licensed Landscape Architect.

Thank you for your consideration on this issue.

Ari Tenenbaum

www.revolutionlandscape.com

CA C-27 Lic# 948821

Nation, Kourtney@DCA

From: LATC@DCA
Sent: Friday, May 12, 2017 11:49 AM
To: Nation, Kourtney@DCA
Cc: Miller, Brianna@DCA
Subject: FW: Public Comment for Upcoming LATC Meeting

From: Chris McGee [[link](#)]
Sent: Friday, May 12, 2017 11:31 AM
To: LATC@DCA
Subject: Public Comment for Upcoming LATC Meeting

Good Morning

The following comment is something I would like to be made public for your upcoming meeting regarding the current requirements for taking the LARE:

I have been unable to take the LARE because I've never worked in a design firm but have been employed by two separate landscape contractors for the previous six years. Your current requirement will allow someone to take the LARE who has been self employed as a landscape contractor for four years.

Theoretically I could get a landscape contractors license and landscape simple residential backyards- spreading mulch and planting plants- for four years and be eligible to take the LARE but the experience I have had, landscaping for such firms as SWA, CMG, Andrea Cochran, RHAA, GLS, Fletcher Studio etc., does not make me qualified.

I have completed competitive bids for these projects, learned extensively about current material and construction techniques, how to cut costs, and deal with clients, but these six years of landscaping commercial projects that have won ASLA Awards of Excellence, Honor Awards, and Merit Awards do not apply.

I feel my work experience makes me much more qualified to be a licensed landscape architect than someone who has run their own small landscaping business. This requirement should either be more stringent for people who run their own company or, what I would prefer, people who have worked for a landscape or general engineering contractor should get some credit towards the experience requirement.

This requirement deters and discourages future landscape architects who could have had a promising career as a design professional. Personally I don't think there should be any experience requirement to take the exam. Attorneys do not need to work for a firm before they can take the bar exam, why should our profession have this requirement? Because it's a design profession? Then our education requirement should require internships.

Thank you.

Christopher S. McGee
SUNY Environmental Science and Forestry- Bachelor of Landscape Architecture '09.
Bauman Landscape & Construction, Inc.

Requirements for Initial Licensure

Education	Years of Training	States
LAAB-accredited degree	N/A (degree only)	ID, MS, UT
	1	AL, FL, LA, WV (MLA)
	2	AL, AR, CA, CO, CT, DE, GA (18 MO), HI (MLA), IL, KY, ME, MD, MA, MT, NV, NM, PA, RI, SC, SD, TX, WV (BLA), WI
	3	HI (BLA), IN, IA, KS (MLA), MN (MLA), MO, NH, OH, OK, OR, TN, VT, VA, WA, WY
	4	KS (BLA), MN (BLA), NJ, NY, NC
Non-accredited B.L.A. or M.L.A.	1	NE
	2	HI (MLA), LA, RI
	3	CA, CO, FL, HI (BLA), ME, MT
	4	AR, IA, MD, NM, OR, VA
	5	AZ, MS, NH, SC
	6	DE, NY
	9	AL
	board determined	CT, GA, ID, IL, NV, NJ, OK, PA, UT, WA
Related 4-year degree <i>*see reverse for related fields</i>	2	RI
	3	CO, FL, NE, NV
	4	AR, MD, MT, OR
	5	CA (NAAB), HI, ME, MS, NH, NM, SC
	6	DE, VA
	7	NY, WA
	board determined	AZ, CT, GA, ID, IA, OK, PA, UT
Any 4-year degree	3	NE
	4	LA, MT
	5	CO, FL, HI, ME, MS
	6	MD, OR, VA
	7	SC, WA
	board determined	AZ, AR, CT, GA, ID, IA, NV, NH, NM, NY, OK, PA, UT
Extension certificate in landscape architecture	4	CA
AA/AS in LA	4	NV
	5	CA
Any AA/AS	6	MT
N/A (training only)	Average = 8 years	AL, AZ, AR, CO, CT, FL, HI, ID, IA, LA, ME, MD, MA, MI, MS, MT, NV, NM, NY, OK, OR, PA, RI, UT, VY, VA, WA, WV

Requirements for CLARB Certification

Education	Years of Training
LAAB-accredited degree	3
Non-accredited B.L.A. or M.L.A.	4
NAAB-accredited B.Arch. or M. Arch.	4
ABET-accredited degree in Civil Engineering	4
Any Bachelor's degree	6

Related Degrees Accepted by CLARB Jurisdictions

Related Degree Field	States
Architecture (non-accredited)	AZ, NV, SC
Engineering (non-accredited)	NV, SC
Horticulture	NV
Horticultural Science	SC
Landscape Architectural Technology	WA
Landscape Design	AZ
Urban Planning	SC
Any design related degree	MD
NAAB accredited B. Arch. or M. Arch.	AZ, AR, CA, CO, CT, DE, FL, GA, ID, IA, ME, MD, MS, MT, NE, NV, NH, NM, NY, OK, OR, PA, RI, SC, UT, VA, WA
ABET accredited engineering degree	AZ, AR, CO, CT, DE, FL, GA, ID, IA, ME, MD, MS, MT, NE, NV, NH, NM, NY, OK, OR, PA, RI, SC, UT, VA, WA

Draft Proposed Regulatory Language to Amend CCR Section 2620 (Education and Training Credits)

The draft Proposed Regulatory Language to Amend CCR Section 2620 (Education and Training Credits) is being reviewed by the Department of Consumer Affairs legal counsel and will be provided at the Landscape Architects Technical Committee meeting on July 13, 2017.

§ 117 Experience Evaluation

The Board's evaluation of candidates' training and educational experience is based on the Board's *Table of Equivalents* as listed below.

The Table is comprised of four columns. Column A lists the types of experience for which credit may be granted. Columns B and C specify the maximum credit that may be granted to a candidate who was determined by the Board to be eligible for the Architect Registration Examination (ARE), the California Supplemental Examination, or licensure prior to January 1, 2005 and who is active in the examination process or to a candidate who is otherwise exempt from the IDP/IAP requirement specified in [Section 116\(b\)](#). Column D specifies the maximum credit that may be granted to a new or inactive candidate who was determined by the Board to be eligible for the ARE on or after January 1, 2005 and who is subject to the IDP/IAP requirement.

(a) Experience Equivalents:

Table of Equivalents			
<i>Column A</i>	<i>Column B</i>	<i>Column C</i>	<i>Column D</i>
Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(1) A professional degree in architecture, where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB), or units toward such a degree.	5 years		5 years
(2) A professional degree in architecture, where the degree program has not been accredited by NAAB or CACB and the program consists of at least a five-year curriculum, or units toward such a degree.	4 years		4 years
(3) A four-year degree in architecture Baccalaureus Atrium (BA), Atrium Baccalaureus (AB), Bachelor of Science (BS), or units toward such a degree.	3 ½ years		3 1/2 years
(4) A degree from a school/college which has an NAAB-accredited or CACB-accredited professional degree program in architecture, where the degree could be accepted for entry into a two-year NAAB-accredited or CACB-accredited Master of Architecture program, or units toward such a degree.	3 ½ years		3 1/2 years
(5) A degree which consists of at least a four-year curriculum in a field related to architecture as defined in subsection (b)(6), or units toward such a degree.	2 years		2 years
(6) Any other university or college degree which consists of at least a four-year curriculum.	1 year		1 year
(7) (A) Any other city/community college degree which consists of at least a two-year curriculum.	6 months		6 months
(B) Any other city/community college degree or technical school certificate in a field related to architecture.	1 year		1 year
(8) Experience under the direct supervision of an architect(s) licensed in a United States jurisdiction shall be granted 100% credit.	5 years	3 years	5 years
(9) Certification by the National Council of Architectural Registration Boards (NCARB) shall be granted a maximum of eight years credit upon receipt in the Board office of the candidate's current and valid NCARB blue cover file, transmitted by NCARB.	5 years	3 years	8 years

(10) While a candidate is enrolled in a college or university, credit shall be granted:

- | | | | |
|--|--------|-----------|--------|
| (A) 100% for experience obtained under the direct supervision of architect(s) licensed in the U.S. | 1 year | or 1 year | 1 year |
| (B) 50% for experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer and/or a licensed landscape architect licensed in a United States jurisdiction. | | 1 year | 1 year |
| (C) 50% for experience as, or experience obtained under the direct supervision of, a California licensed general building contractor. | | 1 year | 1 year |
| (D) 50% for experience as, or experience obtained under the direct supervision of, a California certified building official as defined in subsection (c)(7). | | 1 year | 1 year |

Column A	Column B	Column C	Column D
Experience Description	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible Prior to January 1, 2005 or Otherwise Exempt from IDP/IAP Requirement	Candidates Eligible January 1, 2005 or After and Subject to IDP/IAP Requirement
	Education Equivalents Max. Credit Allowed	Training and/or Practice Equivalents Max. Credit Allowed	Max. Credit Allowed
(E) 50% for experience as, or experience obtained under the direct supervision of, a foreign licensed architect licensed in the qualifying foreign country where the experience occurred.		1 year	1 year
(11) Completion of the Intern Development Program (IDP) of the National Council of Architectural Registration Boards or the Intern Architect Program of Canada shall be granted a minimum of three years credit, upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB or documentation transmitted by a Canadian provincial architectural association, respectively.	2 years	3 years	5 years
(12)(A) Experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer, and/or a licensed landscape architect licensed in a United States jurisdiction shall be granted 50% credit.		2 years	2 years
(B) Experience as, or experience obtained under the direct supervision of, a California licensed general building contractor shall be granted 50% credit.		1 year	1 year
(C) Experience as, or experience obtained under the direct supervision of, a California certified building official as defined in subsection (c)(7) shall be granted 50% credit.		1 year	1 year
(13) Experience as a licensed architect practicing in another U.S. jurisdiction with a verified record of substantial architectural practice shall be granted 100% credit.		8 years	8 years
(14)(A) A post professional degree in architecture or with an emphasis on architecture consisting of a Master, Master of Science, or Ph.D. degree, or units toward such a degree, or		1 year	1 year
(B) Teaching and/or research in NAAB-accredited or CACB-accredited architectural curriculums shall be granted 100% credit only for those hours worked if verified by the college or university.		1 year	1 year
(15)(A) Experience under the direct supervision of an architect licensed in the qualifying foreign country where the experience occurred shall be granted 50% credit.	5 years	2 years	5 years
(B) Experience as a foreign licensed architect licensed in the qualifying foreign country with a verified record of substantial architectural practice shall be granted 50% credit.	5 years	2 years	5 years

(b) Education Equivalents:

"Education equivalents" shall mean Table categories (a)(1) through (a)(9), (a)(10)(A), (a)(11), (a)(13), and (a)(15)(A) and (B).

- (1) For the purposes of this section, NAAB shall refer to the National Architectural Accrediting Board, and CACB shall refer to the Canadian Architectural Certification Board.
- (2) A "professional degree program" shall be defined as one of the following types of programs: 1. Bachelor of Architecture, five-year program; 2. Bachelor of Architecture for individuals with a prior degree; 3. Master of Architecture, four-year undergraduate program in architecture plus a two-year graduate program in architecture; 4. Master of Architecture, four-year undergraduate program in another discipline plus a three-year graduate program in architecture.
- (3) Where a candidate is seeking education equivalents for having obtained a professional degree or units towards such a degree from an NAAB-accredited or CACB-accredited program, he or she shall be eligible for such credit if such program is or was accredited by NAAB or CACB either at the time of graduation or within two years after the date of graduation or termination of enrollment.
- (4) Credit allowed for units obtained without a degree shall only be computed within the categories of subsections (a)(1) through (5) or (a)(14)(A) of this section. No credit for units obtained under subsections (a)(6) or (7) shall be recognized unless such units have been transferred to and accepted by a school within subsections (a)(1) through (5) of this section.
- (5) Academic units based on the categories specified in subsections (a)(1) through (5) or (a)(14)(A) of this section shall be evaluated up to the maximum allowed for that subsection. Where a candidate has not obtained a degree, the maximum credit allowed for the categories contained in subsections (a)(1) through (5) or (a)(14)(A) shall be six months less than the maximum credit that would have been granted if the candidate had obtained a degree in that category. Fractions greater than one-half of an academic year shall be counted as one-half of a year and smaller fractions will not be counted. 30 semester units or 45 quarter units is considered to be one academic year.
- (6) Degrees in a field related to architecture shall be evaluated under subsection (a)(5) and defined as the following: Architectural Design; Architectural Engineering; Architectural Studies; Architectural Technology; Building Science; City and Regional Planning; Civil, Mechanical, Structural, or Electrical Engineering; Construction Engineering; Construction Management; Environmental Design; Interior Architecture; Landscape Architecture; and Urban and Regional Design.
- (7) (A) Experience obtained as, or experience obtained under the direct supervision of, a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while a candidate is enrolled in a college or university shall be allowed maximum credit for

- educational/training equivalents of 1 year as defined in subsections (a)(10)(A) through (E). A candidate who obtains experience under the direct supervision of a licensed professional as defined in subsections (a)(8), (a)(12), and (a)(15)(A) or (B) while enrolled in a college or university shall have his/her education and/or experience evaluated according to the method which provides the candidate the most credit.
- (B) A candidate enrolled in a degree program where credit earned is based on work experience courses (i.e., internship or co-op programs) shall not receive more than the maximum credit allowed for degrees earned under subsections (a)(1) through (7).
- (C) A candidate who is certified as having completed the requirements of IDP, as referenced in [section 109\(b\)\(2\)](#), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, is exempt from the provisions of subsection (b)(7)(B) relating to maximum credit allowed for degrees where credit is earned based on work experience courses.
- (8) A candidate who possesses a degree and possesses units from more than one college or university shall have the degree evaluated first prior to evaluating additional education credits.
- (9) A candidate with multiple degrees shall not be able to accumulate credit for more than one degree unless he or she has received one professional degree in architecture and one post professional degree in architecture or with an emphasis on architecture as specified in subsection (a)(14)(A). Otherwise, the degree that receives the most credit as determined by subsection (a) shall take priority over any other degree.
- (10) A candidate who possesses a professional degree and also possesses a post professional degree in architecture or with an emphasis on architecture as specified in subsection (a)(14)(A) shall be granted one additional year credit for the post professional degree.
- (11) Degrees from a foreign college or university shall be granted credit, as determined by the applicable category contained in subsections (a)(1) through (7). A transcript(s) certified by the college or university must be evaluated by NAAB or an educational evaluation service, approved by the National Association of Credential Evaluation Services, Inc. (NACES) equating the degree toward a comparable U.S. degree. Any cost of evaluation shall be the responsibility of the candidate. Professional degrees accredited by CACB shall be accepted by the Board and shall not be required to be evaluated by NAAB or an NACES education evaluation service equating the degree toward a comparable U.S. degree.
- (12) Units from a foreign college or university shall be granted credit, as provided for in the applicable category contained in subsections (a)(1) through (5) upon submission of a transcript(s) certified by the college or university. These certified documents must be evaluated by NAAB or an NACES educational evaluation service equating the units toward a comparable U.S. degree. Any cost of evaluation shall be the responsibility of the candidate. Professional degrees accredited by CACB shall be accepted by the Board and shall not be required to be evaluated by NAAB or an NACES education evaluation service equating the degree toward a comparable U.S. degree.
- (c) Training Equivalents:
- "Training equivalents" shall mean Table categories (a)(8) through (a)(15).
- (1) Candidates shall be at least 18 years of age or a high school graduate before they shall be eligible to receive training credit for work experience.
- (2) Except as provided below, work experience shall be granted training credit only when:
- (A) The supervising professional is licensed in a United States jurisdiction or a Canadian province and the work experience is obtained or the project is located in a United States jurisdiction or Canadian province, or
- (B) The supervising professional is licensed in a qualifying foreign country where the work experience is obtained or project is located.
- Training credit shall be granted for work experience obtained under the authority of or on the property of the United States Federal Government when the work experience is obtained as or under the direct supervision of a licensed professional as defined in subsections (a)(8), (a)(12)(A), and (a)(13).
- The term "qualifying foreign country" shall mean a foreign country whose standards and qualifications for issuing a license to practice architecture are equivalent to those required in this state.
- (3) Employment shall be considered on the basis of a calendar month of 40-hour work weeks. Credit may be given for overtime.
- (4) Every candidate shall earn at least one year of training credit for experience as or under the direct supervision of an architect(s) licensed in a United States jurisdiction granted at 100% credit or at least two years of experience under the direct supervision of an architect(s) registered in a Canadian province granted at 50% credit.
- (5) Any combination of credit received under subsections (a)(10)(B) and (a)(12)(A) shall not exceed the two years maximum credit allowed for experience as, or experience obtained under the direct supervision of, a registered civil or structural engineer and/or a licensed landscape architect licensed in a United States jurisdiction. Any combination of credit received under subsections (a)(10)(C) and (a)(12)(B) shall not exceed the one year maximum credit allowed for experience as, or experience obtained under the direct supervision of, a California licensed general building contractor. Any combination of credit received under subsections (a)(10)(D) and (a)(12)(C) shall not exceed the one year maximum credit allowed for experience as, or experience obtained under the direct supervision of, a California certified building official. Any combination of credit received under subsections (a)(10)(E) and (a)(15)(A) or (B) shall not exceed the maximum credit allowed for experience as, or experience obtained under the direct supervision of, a foreign licensed architect licensed in the qualifying foreign country where the experience occurred. A candidate cannot exceed two years maximum credit in any combination under subsections (a)(10)(B) through (D) and (a)(12)(A) through (C).
- (6) Experience under the supervision of a "responsible managing officer" operating under a corporate contractor license shall qualify as experience under subsection (a)(12)(B) and shall be verified by the responsible managing officer of that corporation.
- (7) For the purpose of this section, a California certified building official shall be as defined by Section 18949.27 of the Health and Safety Code as an individual who is certified in accordance with or otherwise exempt from Chapter 7, Part 2.5 of Division 13 (commencing with Health and Safety Code Section 18949.25).
- (8) The entry point for IDP shall be as defined in NCARB's *Intern Development Program Guidelines*, as referenced in [section 109\(b\)\(2\)](#).
- (d) Practice Equivalents:
- "Practice equivalents" shall mean Table categories (a)(8) through (a)(15).
- (1) Practice credits for experience as a licensed architect, registered civil and/or structural engineer, California licensed general building contractor, licensed landscape architect, or certified California building official may be accumulated only after initial registration, licensure or certification by a licensing authority of a political jurisdiction.
- (2) A candidate verifying his or her experience as a licensed architect, registered civil and/or structural engineer, California licensed general building contractor, licensed landscape architect, or certified California building official shall complete an Employment Verification Form (19C-12)(3/2006) available from the Board on his or her own behalf, submit proof of licensure, registration, or certification, and attach a list of projects for the time period covered. The list shall include the names and addresses of the clients, type of projects, construction costs, date project was started, date of completion, and all services provided by the candidate.
- (e) Miscellaneous Information:
- (1) Independent, non-licensed practice or experience, regardless of claimed coordination or liaison with licensed professionals, shall not be granted credit.
- (2) Training experience under subsections (a)(10)(B) through (D), (a)(12), or (a)(14) can only be accumulated after the candidate has obtained credit for at least the five years of educational equivalents as evaluated by the Board. Candidates who are certified as having completed the requirements of IDP as referenced in [section 109\(b\)\(2\)](#), based upon receipt in the Board office of the candidate's current and valid NCARB IDP file transmitted by NCARB, or IAP, as referenced in [section 109\(b\)\(2\)](#), based upon receipt in the Board

office of documentation transmitted by a Canadian provincial architectural association, are exempt from this requirement for their IDP/IAP training units.

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Agenda Item H

DISCUSS AND POSSIBLE ACTION ON PROPOSED AMENDMENTS TO CCR SECTION 2615 (FORM OF EXAMINATIONS) REGARDING RECIPROCITY REQUIREMENTS

The Landscape Architects Technical Committee (LATC) first began discussing the issue of reciprocity with other jurisdictions at its May 2013 meeting and included objectives to review this matter in subsequent Strategic Plans.

The primary issue with reciprocity is that the Committee has received requests for reciprocal licensure from individuals licensed in jurisdictions where a degree in landscape architecture or architecture was not a requirement for initial licensure, as it is in California. At the March 20, 2014, LATC meeting, Department of Consumer Affairs' legal counsel advised the Committee that a regulatory amendment would be necessary to allow reciprocity for applicants who have not met California's current education requirements.

Staff researched reciprocity requirements in other states and found that 26 states accept any baccalaureate degree when combined with experience (ranging from 3 to 7 years); and 28 allow initial/reciprocal licensure on the basis of experience alone, with an average of 8 years required (see attachments H.1, H.2, and H.3).

At the February 10, 2015, LATC meeting, the Committee discussed the data presented and the LATC's current six-year education and training/experience requirements that candidates must complete for licensure. The Committee also noted that candidates can qualify for the examination with an associate degree in landscape architecture (one year of educational credit) and five years training/experience. Once a candidate has successfully passed the examinations (national and California Supplemental Examination [CSE]), he/she is deemed to be competent to practice. During the discussion, LATC noted that licensed professionals continue to learn and gain expertise with each year of practice. Its determination was that a substantial number of years of post-licensure experience in another state would demonstrate an individual's competence to practice safely, even though they may not have met California's educational experience requirements. The Committee suggested a regulatory amendment to allow reciprocity for individuals who may not meet California's education requirement but are licensed in another jurisdiction, have 10 years of practice experience, and have passed the CSE. LATC directed staff to review the reciprocity requirements of Arizona and New York and draft proposed regulatory language for the Committee's consideration.

Based on the LATC's request, staff prepared proposed regulatory language to amend CCR 2615. The proposed amendment included provisions that require a candidate for reciprocal licensure to either submit verifiable documentation of education and experience equivalent to that required of California applicants at the time of application or submit verifiable documentation that the

candidate has been actively engaged as a licensed landscape architect in another jurisdiction for at least 10 of the last 15 years.

At the November 17, 2015, LATC meeting, the Committee approved the proposed regulatory language for CCR 2615. Staff prepared and submitted the required rulemaking package to the Office of Administrative Law (OAL) and the Notice of Proposed Changes in the Regulations was published by OAL on August 12, 2016, thereby beginning the 45-day public comment period. On September 27, 2016, a public hearing was held and the public comment period officially ended.

During the public comment period, 296 comments were received; of which, 291 were substantially similar, expressing concern that relying upon precedent from Arizona and New York is inconsistent because these states have a multitude of paths to licensure not available in California, including varying degrees and combinations of experience. Specifically, the commenters contended that requiring reciprocity applicants to verify 10 years of post-licensure experience was excessive. They offered proposed language that would allow reciprocity if the “candidate possesses education and experience equivalent to that required of California applicants at the time of application; or, candidate holds a valid license or registration in good standing, possesses a bachelor’s degree from a recognized accredited institution, and has been practicing or offering professional services for at least 2 or the last 5 years; or, candidate holds a valid license or registration in good standing, and has been practicing or offering professional services for at least 6 of the last 10 years.” These comments were discussed and considered by the LATC at its November 4, 2016 meeting. As part of the formal rulemaking process under the Administrative Procedure Act, agencies are required to respond to any comments received during the public comment period as part of the rulemaking file.

Also during their November 4, 2016 meeting the LATC heard from several members of the public in attendance who expressed opposition to the amount (10 years) of post-licensure experience being proposed. After discussion, the LATC agreed to agendaize this topic for its next meeting with the intent of allowing additional time to consider the submitted comments, and determine whether changes to the proposed regulatory language are warranted.

After the November 4, 2016, LATC meeting, staff verified that both Arizona and New York accept any baccalaureate degree combined with additional years of experience for initial license and reciprocity candidates and also accept 10 years of licensed experience in lieu of meeting their examination requirements.

At its January 17, 2017, meeting, the LATC again discussed the public comments received on the originally proposed regulatory language to amend CCR 2615 and voted to amend the proposed language to allow licensees from any United States jurisdiction, Canadian Province, or Puerto Rico who have passed a written examination substantially equivalent in scope and subject matter required in California as determined by the Board to be eligible for licensure upon passing the CSE. Based on the Committee’s request, staff prepared proposed regulatory language to amend CCR 2615 (attachment H.4) to allow reciprocity licensure by meeting the practice and experience requirements provided by Business and Professions Code section (BPC) 5651.

While consulting with legal counsel, staff confirmed that pursuant to Government Code section 11346.4, the one-year deadline to finalize the pending regulatory proposal is August 12, 2017, which is not sufficient time to complete the required review/approval process through the control agencies. If the adoption, amendment, or repeal of the regulation is not completed within one year of publication of the notice, a new notice of the proposed action must be issued. Legal counsel recommended initiation of a new rulemaking file once the LATC and Board have approved the proposed regulatory language.

At its April 18, 2017, meeting, the LATC voted to recommend to the Board approval of the proposed amendments to CCR 2615 for reciprocity licensure upon the passing of the CSE. At its June 15, 2017 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 (which include an experience-only pathway). The Board directed the LATC to develop a proposal at its July 13, 2017 meeting, accordingly. For the LATC's reference, the Board's current reciprocity requirements are as follows (candidates must use one of the following methods):

- A. National Council of Architectural Registration Boards (NCARB) Certificate Method
 - 1. Current and valid Certification granted by the NCARB
 - 2. California Supplemental Examination (CSE)
- B. Non-Certified Method
 - 1. Current and valid license/registration in another U.S. jurisdiction
 - 2. Architect Registration Examination (ARE) or an examination comparable to the ARE (as determined by the Board)
 - 3. Three years of architectural training (work) experience in:
 - i. NCARB Architectural Experience Program (AXP) or the Canadian Architectural Licensing Authorities Internship in Architecture Program **OR**
 - ii. Three years post-licensure experience in architecture
 - 4. Five years of architectural educational experience or the equivalent as determined in California Code of Regulations section 117
 - 5. CSE

Staff has included under Agenda Item G proposed regulatory changes to CCR 2620 that would expand the pathways to qualify for initial licensure. In part, this proposed regulatory amendment grants credit for related and non-related degrees, while also adding an experience-only pathway for individuals with six years of training experience under a licensed landscape architect. The Committee's determination about these expanded pathways to licensure may influence the discussion of reciprocity requirements as to whether amendments should be made to CCR 2615 to align reciprocity requirements with those of initial licensure and the Board's. Included in the attachments for the Committee's reference are the relevant LATC provisions, BPC section 5651 and CCR section 2615 (Attachments H.5 and H.6), which currently require reciprocity applicants to meet the same experience and examination requirements as candidates for initial licensure.

At today's meeting, the Committee is asked to review the information provided and determine appropriate action on CCR 2615 and make a recommendation to the Board.

Attachments:

1. Requirements for Initial Licensure
2. Landscape Architects - Initial Licensure and State Specific Reciprocity Requirements
3. National Landscape Architects - Eligibility and Reciprocity Requirements
4. Proposed Regulatory Language to Amend CCR 2615 (Form of Examinations)
5. BPC 5651 (Examination of Applicants)
6. CCR 2615 (Form of Examinations)

Requirements for Initial Licensure

Education	Years of Training	States
LAAB-accredited degree	N/A (degree only)	ID, MS, UT
	1	AL, FL, LA, WV (MLA)
	2	AL, AR, CA, CO, CT, DE, GA (18 MO), HI (MLA), IL, KY, ME, MD, MA, MT, NV, NM, PA, RI, SC, SD, TX, WV (BLA), WI
	3	HI (BLA), IN, IA, KS (MLA), MN (MLA), MO, NH, OH, OK, OR, TN, VT, VA, WA, WY
	4	KS (BLA), MN (BLA), NJ, NY, NC
Non-accredited B.L.A. or M.L.A.	1	NE
	2	HI (MLA), LA, RI
	3	CA, CO, FL, HI (BLA), ME, MT
	4	AR, IA, MD, NM, OR, VA
	5	AZ, MS, NH, SC
	6	DE, NY
	9	AL
	board determined	CT, GA, ID, IL, NV, NJ, OK, PA, UT, WA
Related 4-year degree <i>*see reverse for related fields</i>	2	RI
	3	CO, FL, NE, NV
	4	AR, MD, MT, OR
	5	CA (NAAB), HI, ME, MS, NH, NM, SC
	6	DE, VA
	7	NY, WA
	board determined	AZ, CT, GA, ID, IA, OK, PA, UT
Any 4-year degree	3	NE
	4	LA, MT
	5	CO, FL, HI, ME, MS
	6	MD, OR, VA
	7	SC, WA
	board determined	AZ, AR, CT, GA, ID, IA, NV, NH, NM, NY, OK, PA, UT
Extension certificate in landscape architecture	4	CA
AA/AS in LA	4	NV
	5	CA
Any AA/AS	6	MT
N/A (training only)	Average = 8 years	AL, AZ, AR, CO, CT, FL, HI, ID, IA, LA, ME, MD, MA, MI, MS, MT, NV, NM, NY, OK, OR, PA, RI, UT, VY, VA, WA, WV

Requirements for CLARB Certification

Education	Years of Training
LAAB-accredited degree	3
Non-accredited B.L.A. or M.L.A.	4
NAAB-accredited B.Arch. or M. Arch.	4
ABET-accredited degree in Civil Engineering	4
Any Bachelor's degree	6

Related Degrees Accepted by CLARB Jurisdictions

Related Degree Field	States
Architecture (non-accredited)	AZ, NV, SC
Engineering (non-accredited)	NV, SC
Horticulture	NV
Horticultural Science	SC
Landscape Architectural Technology	WA
Landscape Design	AZ
Urban Planning	SC
Any design related degree	MD
NAAB accredited B. Arch. or M. Arch.	AZ, AR, CA, CO, CT, DE, FL, GA, ID, IA, ME, MD, MS, MT, NE, NV, NH, NM, NY, OK, OR, PA, RI, SC, UT, VA, WA
ABET accredited engineering degree	AZ, AR, CO, CT, DE, FL, GA, ID, IA, ME, MD, MS, MT, NE, NV, NH, NM, NY, OK, OR, PA, RI, SC, UT, VA, WA

Landscape Architects - Initial Licensure and State Specific Reciprocity Requirements

	Initial Licensure					Reciprocity
	Required Years Combined Training and Educational Experience	Credit for Years of Education	Credit for Years of Training	Allow Education Only	Allow Years of Training Only	State Specific Requirements for Reciprocity
AL	6	4 - 5	1 - 2	No	No	Must offer reciprocity with AL
AK	8 - 12	1 - 6	2 - 12	No	No	Course in arctic engineering and accepts CLARB certification
AZ	8	4 - 5	3 - 4	No	Yes, 8	Accepts CLARB certification
AR	6 - 8	4	2 - 4	No	Yes, 7	Accepts CLARB certification
CA	6 - 9	1 - 4	2 - 5	No	No	
CO	6	1 - 4	2 - 6	No	Yes, 6	
CT	6 - 8	4	2 - 8	No	Yes, 8	CLARB certification required
DE	6	2 - 4	2 - 4	No	No	CLARB certification required
FL	5 - 6	4	1 - 6	No	Yes, 7	
GA	5.5 - 6	4	1.5	Yes, BA plus MA in LA	No	Must offer reciprocity with GA
HI	6 - 12	4	2 - 12	No	Yes, 12	
ID	4 - 8	4	8	Yes, approved 4-yr LA degree	Yes, 8	Accepts CLARB certification
IL	6	4	2	No	No	Accepts CLARB certification
IN	7	4	3	No	No	Accepts CLARB certification
IA	7 - 8	4	3 - 4	No	Yes, 10	
KS	8	4 - 5	3 - 4	No	No	
KY	6	4	2	No	No	
LA	5 - 6	2 - 4	1 - 4	No	Yes, 6	No provision for reciprocity
ME	6 - 12	3 - 4	2 - 12	No	Yes, 12	Accepts CLARB certification
MD	6 - 8	2 - 4	2 - 8	No	Yes, 8	Must offer reciprocity with MD
MA	6	4	2 - 6	No	Yes, 6	Must offer reciprocity with MA
MI	7	1 - 5	6 - 7	No	Yes, 7	CLARB certification required
MN	8	4 - 5	3 - 4	No	No	CLARB certification required
MS	4 - 7	2 - 4	5 - 7	Yes, approved 4-yr LA degree	Yes, 7	Accepts CLARB certification
MO	7	4	3	No	No	
MT	6 - 8	2 - 5	2 - 8	No	Yes, 8	
NE	4 - 7	4	1 - 3	No	No	CLARB certification required
NV	6 - 8	2 - 4	2 - 4	No	Yes, 6	
NH	7 - 9	3 - 4	3 - 5	No	No	Accepts CLARB certification
NJ	8	4	4	No	No	Accepts CLARB certification
NM	6 - 10	4	2 - 10	No	Yes, 10	
NY	8	2 - 4	4 - 12	No	Yes, 12	
NC	8 - 10	4	4 - 10	No	No	
OH	7	4	3	No	No	Accepts CLARB certification
OK	7	4	3	No	Yes, at the board's discretion	Must offer reciprocity with OK
OR	7 - 10	4	3 - 6	No	Yes, 11	
PA	6 - 7	1 - 5	1 - 6	No	Yes, 8	
RI	6	4	2	No	Yes, 6	
SC	6 - 9	4	2 - 5	No	No	
SD	5	4	1	No	No	CLARB certification required
TN	7	4	3	No	No	CLARB certification required
TX	6	4	2	No	No	Accepts CLARB certification
UT	4 - 8	4 - 5	8	Yes, approved 4-yr LA degree	Yes, 8	
VT	7	3 - 4	3 - 9	No	Yes, 9	Accepts CLARB certification
VA	6 - 8	3 - 4	3 - 6	No	Yes, 8	Accepts CLARB certification
WA	7	2 - 4	3 - 8	No	Yes, 8	
WV	4 - 6	4 - 5	1 - 2	No	Yes, 10	Accepts CLARB certification
WI	6 - 7	2 - 4	2 - 5	No	No	
WY	7	4	3	No	No	Accepts CLARB certification

National Landscape Architects - Eligibility and Reciprocity Requirements

State - Acronym	Initial Education/Experience Requirements	Reciprocity Requirements	Education Experience Required for Purposes of Reciprocity
Alabama - AL	6 years combined education and experience which may include up to 5 years credit for education. In lieu of education, 8 years experience if that experience began prior to August 1, 2012.	Passed a test prepared by CLARB and is from a state with similar qualifications for licensure that also offers reciprocity with AL.	Yes, unless 8 years of practice experience was gained or began prior to August 1, 2012.
Alaska - AK	8 to 12 years combined education and experience, plus a course in arctic engineering.	Licensed in a state that the board determines meets the requirements of law or, have a CLARB certificate. Must also complete an arctic engineering course.	Yes
Arizona - AZ	8 years of active education or experience or both (not more than 5 years credit for education).	Must meet the minimum experience requirements or have CLARB certification. In lieu of meeting education, training and examination requirements, applicants may submit proof of licensure for at least 10 of the last 15 years.	No
Arkansas - AR	Accredited degree in LA plus 2 years experience; or a degree in a field related to LA plus 4 years experience; or 7 years experience satisfactory to the board.	Holds a current, valid license issued under standards equivalent to AR at the time of original licensure. May submit a valid CLARB certificate.	No
California - CA	6 years combined education and experience. Minimum one year education and minimum one year experience under landscape architect post graduation. Multiple pathways.	Licensed in another jurisdiction and meets initial eligibility requirements for California candidates.	Yes
Colorado - CO	Accredited degree in LA plus 2 years experience or 6 years practical experience or a combination of education and experience to meet the 6 year requirement. Educational credit is given for non-accredited programs.	Holds a current, valid license in another jurisdiction with eligibility requirements substantially equivalent to CO.	No
Connecticut - CT	Accredited degree in LA plus 2 years of experience or 8 years experience.	CLARB certification or licensure in another state with standards substantially similar or higher than CT.	No
Delaware - DE	Accredited degree in LA plus 2 years experience or 2 years coursework in LA from an accredited school plus 4 years experience.	Proof of licensure in good standing in another state or territory and passage of a uniform national licensing exam for landscape architecture.	Yes
District of Columbia - DC	N/A	N/A	N/A
Florida - FL	Accredited degree in LA plus 1 year of experience, or 7 years experience and/or education credit.	Licensure by Endorsement if the applicant has passed a licensing exam substantially equivalent to that used by FL or who holds a valid LA license in a state or territory with substantially identical criteria to the requirements in FL at the time of issuance.	No
Georgia - GA	BA/BS degree in LA plus 18 months of training or post graduate degree in LA.	Legally registered/licensed by another jurisdiction where licensure requirements are substantially equivalent to GA and where the same privilege is extended to GA licensees.	Yes
Hawaii - HI	MA in LA plus 2 years experience or undergraduate degree in LA plus 3 years experience or undergraduate degree in pre-LA or Arts and Sciences plus 5 years experience, or 12 years experience. Applicants with 15 years experience do not have to pass the L.A.R.E.	Current licensure in a jurisdiction where the requirements for licensure at the time the license was issued are satisfactory to the Board. Must pass the national licensing exam and the HI supplemental exam.	No
Idaho - ID	Graduation from a college or school of LA approved by the board or 8 years experience.	Licensure in another jurisdiction whose requirements are substantially equivalent to ID or CLARB certification	No

Illinois - IL	Approved professional degree in LA plus 2 years experience.	Licensure in another state which has substantially equivalent requirements and/or CLARB certification.	Yes
Indiana - IN	Accredited degree in LA plus 3 years of experience or, before January 2003, at least 8 years experience.	Licensed in another jurisdiction with substantially equivalent requirements as IN and/or CLARB certification.	Yes, unless 8 years of practice experience was gained before January 2003.
Iowa - IA	4 year accredited degree in LA plus 3 years experience, 4 year non-accredited degree in LA plus 4 years experience, or 10 years experience.	Licensure in another jurisdiction whose requirements are substantially equivalent to IA.	No
Kansas - KS	Accredited 5 year degree in LA plus 3 years experience or accredited 4 year degree in LA plus 4 years experience.	Licensure in another jurisdiction whose requirements are substantially equivalent to KS.	Yes, unless licensed in their home state before January 1993, may use 8 years experience in lieu of education.
Kentucky - KY	Accredited degree in LA plus 2 years experience.	Licensed in a jurisdiction where the requirements at the time of licensing were equal to those required in KY at the time of application.	Yes
Louisiana - LA	Professional degree from an accredited school or a degree which the commission has declared to be substantially equivalent plus at least 1 year experience, or 6 years experience.	No provision for reciprocity.	No
Maine - ME	Accredited degree in LA plus 2 years experience other than as a principal or 5 years as a principal, or non-accredited degree plus 3 years experience other than a principal or 5 years experience as a principal, or bachelors degree in a non-related field plus 5 years experience, or 3 years experience under the supervision of a licensed LA plus 5 years experience as a principal, or 12 years experience other than as a principal at least 6 of which was under the supervision of a licensed LA.	Current and valid license from another jurisdiction where the requirements for licensure are equivalent to the requirements in ME or CLARB certification issued after examination.	No
Maryland - MD	Accredited degree plus 2 years experience, or design-related degree plus 4 years experience, or non-related degree plus 6 years experience, or 8 years experience.	Licensed in another jurisdiction with substantially equivalent requirements as MD and which offers reciprocity to MD licensees.	No
Massachusetts - MA	Accredited degree and 2 years experience or, 6 years experience	Licensed in another jurisdiction whose requirements are at least substantially equivalent to MA provided the jurisdiction extends the same privilege to MA licensees.	No
Michigan - MI	7 years of education and/or work experience. BS/BA degree equals 4 years of the 7 year requirement; MA equals 5 years of the 7 year requirement.	Must meet the minimum experience requirements or have CLARB certification.	No
Minnesota - MN	5 year accredited degree in LA plus 3 years experience or, 4 year accredited degree in LA plus 4 years experience or, related degree plus MA/Ph.d. in LA plus 3 years experience.	CLARB certification.	Yes
Mississippi - MS	Accredited degree in LA or one that is accepted by a CLARB recognized accreditation body. In lieu of education, 7 years experience in LA suitable to the board. A degree in a curriculum other than LA qualifies for 2 years credit toward the 7 year requirement.	Licensed by another jurisdiction recognized by CLARB and/or CLARB certification. An applicant without CLARB certification must meet the education and/or experience requirements.	No
Missouri - MO	Accredited degree in LA plus 3 years experience.	Must meet the minimum education and experience requirements.	Yes
Montana - MT	Accredited MA degree in LA plus 2 years experience or, non-accredited MA degree in LA and 3 years experience or, BA/BS degree plus 4 years experience or AA degree plus 6 years experience, or 8 years experience.	Verification of licensure in another jurisdiction disclosing the laws and regulations in effect at the time of licensure, verification from CLARB of having passed all sections of the LARE. The board determines whether the education and experience requirements for original licensure are substantially equivalent to those in MT.	No

Nebraska - NE	Accredited degree in LA or, non-accredited degree plus 1 year experience or, any bachelors degree plus 3 years experience.	Licensure in another jurisdiction and has CLARB certification.	Yes
Nevada - NV	Accredited or approved BA/MA degree in LA plus 2 years experience or, an AA in LA or BA in a related field plus 4 years experience or, an accredited BA in architecture or civil engineering plus 3 years experience or, any combination of education and experience the Board deems acceptable. A MA degree in a related field counts as 1 year of experience.	Licensure in another jurisdiction and actively engaged in the practice of LA for 2 or more years or fulfilled the education and experience requirements of NV.	No
New Hampshire - NH	Accredited degree in LA and 3 years experience or, non-accredited degree in LA or related field and 5 years experience.	Licensure in another jurisdiction whose requirements are substantially equivalent to those in NH or, CLARB certification accompanied by verification of licensure in the other jurisdiction.	Yes
New Jersey - NJ	Accredited or approved degree in LA plus 4 years experience of which at least 2 years must have been full time.	Licensure in another jurisdiction where the standards for licensing met the standards in NJ at the time of initial licensure, and passed the national examination or holds CLARB certification.	Yes
New Mexico - NM	Accredited degree in LA plus 2 years experience or, non-accredited degree in LA plus 4 years experience or, BA or MA in a related field plus 5 years experience, or 10 years practical experience in LA at least 1 of which must have been under the direct supervision of a licensed LA (each year of completed study in an accredited LA program counts as 1 year experience and a baccalaureate degree in any field counts as 2 year experience toward the 10 year requirement).	Licensure in another jurisdiction with standards as stringent or higher than NM and meet the qualifications of a licensed LA in NM.	No
New York - NY	Accredited or approved degree in LA plus experience to equal at least 8 years total or, 12 years experience in LA. Each complete year of study satisfactory to the board counts as 2 years toward the 12 year requirement, not to exceed 8 years of credit.	Licensure in another jurisdiction provided the applicant's qualification met the requirements in NY at the time of initial licensure.	No
North Carolina - NC	Accredited degree in LA plus 4 years experience or, 10 years education and experience in any combination in LA.	Licensure in a jurisdiction whose requirements are deemed equal or equivalent to NC. Applicant must provide proof of education, experience and examination.	Yes
North Dakota - ND	N/A	N/A	N/A
Ohio - OH	Accredited degree in LA plus 3 years experience.	Licensure in another jurisdiction whose qualifications at the time of licensure were substantially equal to the requirements in OH and CLARB certification.	Yes
Oklahoma - OK	Accredited or approved degree in LA plus 3 years experience. The board may accept "broad experience" in LA as meeting the educational requirements.	Licensure in another jurisdiction with requirements substantially equivalent to OK and where reciprocity is granted for OK licensees.	No
Oregon - OR	Accredited degree in LA plus 3 years experience or, non-accredited in LA or related field plus 4 years experience or, degree in any field plus 6 years experience or, 11 years experience.	Must meet the same requirements as OR applicants.	No
Pennsylvania - PA	Accredited or approved degree in LA plus 2 years experience or, accredited or approved degree in LA plus 1 year of graduate school in LA plus 1 year experience or, 1 year of study in an approved program in LA plus 6 years of combined education and experience or, 8 years experience actual experience in LA. The board waives the examination requirements for individuals with a degree in LA and 10 years experience and for individuals with 15 years experience in LA.	Must meet the education and experience requirements and hold a current license in LA in another jurisdiction.	No

Rhode Island - RI	Accredited BS/MA degree in LA or, at the discretion of the board, a BS/MA degree in a field related to LA or completion of a non-accredited program, plus 2 years experience in LA or 1 year experience in LA plus 1 year experience in a related field. In lieu of a degree, 6 years experience.	Licensure in another jurisdiction with equal standards to those in RI and that grants equal rights to RI licensees, provided that the applicant passed a comparable examination and demonstrates comparable education and experience.	No
South Carolina - SC	Accredited degree in LA plus 2 years experience or, non-accredited degree in LA or a related field plus 5 years experience.	Licensure in another jurisdiction with substantially equivalent requirements to those in SC at the time of initial licensure.	Yes
South Dakota - SD	Accredited degree in LA and completion of a council record from CLARB. Experience requirements are those required by CLARB.	Must meet the minimum education and experience requirements or have CLARB certification.	Yes
Tennessee - TN	Accredited degree in LA plus 3 years experience.	Comity - must have accredited degree in LA plus 3 years experience, current CLARB certification and be licensed in another jurisdiction.	Yes
Texas - TX	Professional degree from a program accredited by the LAAB plus 2 years experience.	Licensed in another jurisdiction with requirements substantially equivalent to those in TX, or where the jurisdiction has entered into an agreement with the Board that has been approved by the Governor of TX. Applicants must have passed the LARE or an equivalent exam approved by CLARB as conforming to CLARB's standards or as being acceptable in lieu of the LARE, and have 2 years of post licensure experience or have CLARB certification.	Yes
Utah - UT	Degree in LA or no less than 8 years experience. Each year of education counts as 1 year of experience.	No provisions for reciprocity cited in law or rules.	No
Vermont - VT	Accredited degree in LA plus 3 years experience or 9 years experience under a licensed LA. Up to 1 year of that experience may be under the supervision of an architect, professional engineer or land surveyor. Credits from an accredited degree program may be substituted for no more than 3 of the 9 year requirement.	Licensure in another jurisdiction with substantially equal requirements as VT or CLARB certification.	No
Virginia - VA	Accredited degree in LA plus 3 years experience or, non-accredited degree in LA plus 4 years experience or, any bachelors degree plus 6 years experience or, 8 years experience.	Licensed in a jurisdiction whose requirements were at least as rigorous as those in VA at the time of original licensure (must have passed an examination) or CLARB certification.	No
Washington - WA	Accredited degree in LA or an equivalent degree in LA as determined by the board plus 3 years experience, or 8 years LA experience, 6 of which must have been under the supervision of a licensed LA. Up to 2 years of experience may be granted for postsecondary education courses in LA if the courses are equivalent to those offered in accredited degree programs.	Licensure in another jurisdiction if the applicant's qualifications and experience are equivalent to the requirements of WA.	No
West Virginia - WV	Accredited degree in LA plus 2 years experience, or accredited graduate degree in LA plus 1 year experience, or, prior to December 31, 2006, 10 years experience in LA, 6 of which must have been under the supervision of a licensed LA or a person having similar qualifications as a LA. After January 1, 2007, 10 years of experience under the supervision of a licensed LA or a person having similar qualifications.	Licensure in another jurisdiction with substantially equivalent requirements to those in W.VA., or CLARB certification.	No
Wisconsin - WI	Accredited degree in LA or an equivalent degree plus 2 years experience, or 7 years training and experience in LA including at least 2 years of coursework in LA or an area related to LA and 4 years practical experience.	Licensed in another jurisdiction with similar requirements to those in WI.	Yes
Wyoming - WY	Accredited degree plus 3 years experience.	Licensed in a jurisdiction with substantially equal requirements to those in WY or CLARB certification.	Yes

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
PROPOSED REGULATORY LANGUAGE**

Proposed language to amend California Code of Regulations section 2615 as follows:

§ 2615 Form of Examinations

(a)(1) A candidate who has a combination of six years of education and training experience as specified in section 2620 shall be eligible and may apply for the Landscape Architect Registration Examination.

(2) Notwithstanding subdivision (a)(1), a candidate who has a Board-approved ~~degree~~ in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(3) shall be eligible and may apply for Sections 1 and 2 of the Landscape Architect Registration Examination (LARE). Such candidates shall not be eligible for Sections 3 and 4 of the LARE until the candidate has a combination of six years of education and training experience as specified in section 2620.

A candidate's score on the LARE shall not be recognized in this State if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.

(b) A candidate shall be deemed eligible and may apply for the California Supplemental Examination upon passing all sections of the Landscape Architect Registration Examination.

(c) All candidates applying for licensure as a landscape architect shall pass all sections of the Landscape Architect Registration Examination or a written examination substantially equivalent in scope and subject matter required in California, as determined by the Board, and the California Supplemental Examination subject to the following provisions:

(1) ~~A~~ For the purposes of this regulation, a candidate who is licensed as a landscape architect in a U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter required in California as determined by the Board shall be deemed to have met the job experience requirements of Business and Professions Code section 5651, and shall be eligible for licensure upon passing the California Supplemental Examination.

(2) A candidate who is not a licensed landscape architect and who has received credit from a U.S. jurisdiction, Canadian province, or Puerto Rico for a written examination substantially equivalent in scope and subject matter required in California shall be entitled to receive credit for the corresponding sections of the Landscape Architect Registration Examination, as determined by the Board, and shall be eligible for licensure upon passing any remaining sections of the Landscape Architect Registration Examination and the California Supplemental Examination.

Authority cited: Section 5630, Business and Professions Code. Reference: Sections 5650 and 5651, Business and Professions Code.

**California Business and Professions Code
Landscape Architects Practice Act**

§ 5651 Examination of Applicants

(a) The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice landscape architecture in this state and shall issue a license to every person whom it finds to be qualified on payment of the initial license fee prescribed by this chapter.

(b) The examination shall consist of a written examination. The written examination may be waived by the board if the applicant meets both of the following requirements:

(1) Is currently licensed by a United States jurisdiction, Canadian province, or Puerto Rico, has passed a written examination equivalent to that which is required in California at the time of application and has submitted proof of job experience equivalent to that required of California applicants at the time of application.

(2) Has passed the California supplemental examination if, at the time of application, it is required of all California applicants.

California Code of Regulations, Title 16, Division 26**§ 2615 Form of Examinations**

(a)(1) A candidate who has a combination of six years of education and training experience as specified in section 2620 shall be eligible and may apply for the Landscape Architect Registration Examination.

(2) Notwithstanding subdivision (a)(1), a candidate who has a Board-approved degree in landscape architecture in accordance with section 2620(a)(1) or an extension certificate in landscape architecture from a Board-approved school in accordance with section 2620(a)(3) shall be eligible and may apply for Sections 1 and 2 of the Landscape Architect Registration Examination (LARE). Such candidates shall not be eligible for Sections 3 and 4 of the LARE until the candidate has a combination of six years of education and training experience as specified in section 2620.

A candidate's score on the LARE shall not be recognized in this State if at the time the candidate took the LARE, the candidate was not eligible in accordance with California laws and regulations for the examination or sections thereof.

(b) A candidate shall be deemed eligible and may apply for the California Supplemental Examination upon passing all sections of the Landscape Architect Registration Examination.

(c) All candidates applying for licensure as a landscape architect shall pass all sections of the Landscape Architect Registration Examination or a written examination substantially equivalent in scope and subject matter required in California, as determined by the Board, and the California Supplemental Examination subject to the following provisions:

(1) A candidate who is licensed as a landscape architect in a U.S. jurisdiction, Canadian province, or Puerto Rico by having passed a written examination substantially equivalent in scope and subject matter required in California as determined by the Board shall be eligible for licensure upon passing the California Supplemental Examination.

(2) A candidate who is not a licensed landscape architect and who has received credit from a U.S. jurisdiction, Canadian province, or Puerto Rico for a written examination substantially equivalent in scope and subject matter required in California shall be entitled to receive credit for the corresponding sections of the Landscape Architect Registration Examination, as determined by the Board, and shall be eligible for licensure upon passing any remaining sections of the Landscape Architect Registration Examination and the California Supplemental Examination.

Agenda Item I

COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS (CLARB)

1. Update and Possible Action on Landscape Architect Registration Examination (LARE) Administration and Pass Rates
2. Review and Approve Contract with CLARB for LARE
3. Review of CLARB September 14-16, 2017 Annual Meeting Agenda
4. Review and Possible Action on 2017 CLARB Board of Directors and Committee on Nominations Elections Ballot and Region 5 Director
5. Review and Possible Action on CLARB Resolution to Approve Draft Model Law and Regulations
6. Discuss and Possible Action on Strategic Plan Objective to Consider Advocating for CLARB to Institute an Internship/Experience-Based Program to Allow Applicants' Participation in the Licensure Process Early and Provide a More Comprehensive Experience Component

Agenda Item I.1

UPDATE AND POSSIBLE ACTION ON LANDSCAPE ARCHITECT REGISTRATION EXAMINATION (LARE) ADMINISTRATION AND PASS RATES

National and California pass rates for the March 27-April 8, 2017 LARE administration are attached for the Committee's review. The next LARE administration will be held on August 7-19, 2017.

At today's meeting, the Committee is asked to review and take possible action on the attached LARE pass rates.

Attachment:

LARE California and National Pass Rates

Landscape Architect Registration Examination (LARE)

California and National Pass Rates

LARE Sections

- 1 - Project and Construction Administration**
- 2 - Inventory and Analysis**
- 3 - Design**
- 4 - Grading, Drainage and Construction Documentation**

2015	April 6-18							August 3-15							November 30 - December 13							Total						
Section	California			National			Diff	California			National			Diff.	California			National			Diff.	California			National			Diff.
	Total	Pass	%	Total	Pass	%		Total	Pass	%	Total	Pass	%		Total	Pass	%	Total	Pass	%		Total	Pass	%	Total	Pass	%	
1	61	41	67%	420	327	77%	-10%	42	27	64%	258	185	72%	-8%	77	62	81%	373	283	76%	5%	180	130	72%	1051	795	76%	-3%
2	64	37	58%	380	269	70%	-12%	45	32	71%	286	208	73%	-2%	66	42	64%	349	258	74%	-10%	175	111	63%	1015	735	72%	-9%
3	50	37	74%	343	260	75%	-1%	39	22	56%	285	208	73%	-17%	47	28	60%	317	228	72%	-12%	136	87	64%	945	696	74%	-10%
4	50	25	50%	348	201	57%	-7%	53	35	66%	301	201	67%	-1%	52	32	62%	346	218	63%	-1%	155	92	59%	995	620	62%	-3%

2016	April 4-16							August 1-13							December 5-17							Total						
Section	California			National				California			National				California			National				California			National			
	Total	Pass	%	Total	Pass	%	Diff	Total	Pass	%	Total	Pass	%	Diff.	Total	Pass	%	Total	Pass	%	Diff.	Total	Pass	%	Total	Pass	%	Diff.
1	78	53	68%	426	307	72%	-4%	52	38	73%	327	229	70%	3%	88	56	64%	435	309	71%	-7%	218	147	68%	1188	844	71%	-3%
2	78	44	56%	420	302	72%	-16%	77	52	68%	323	249	77%	-9%	85	54	64%	387	290	75%	-11%	240	150	63%	1130	841	74%	-11%
3	65	43	66%	377	271	72%	-6%	55	39	71%	254	201	79%	-8%	81	48	59%	363	269	74%	-15%	201	130	65%	994	741	75%	-10%
4	54	19	35%	370	226	61%	-26%	59	35	59%	281	180	64%	-5%	77	43	56%	423	279	66%	-10%	190	97	51%	1074	685	64%	-13%

[illegible]

Agenda Item I.2

REVIEW AND APPROVE CONTRACT WITH CLARB FOR LARE

The Landscape Architects Technical Committee is required to have a contract with CLARB for the administration of the Landscape Architect Registration Examination (LARE) to California candidates. The current contract expired on June 30, 2017.

At today's meeting, the Committee is asked to review and approve the attached contract with CLARB for LARE administration for the period of July 1, 2017 through June 30, 2020.

Attachments:

CLARB LARE Contract (2017-2020)

STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

AGREEMENT NUMBER 000000000000000000005531
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Department of Consumer Affairs, Landscape Architects Technical Committee

CONTRACTOR'S NAME

Council of Landscape Architectural Registration Boards Inc.

2. The term of this Agreement is: July 1, 2017 or upon approval, whichever occurs later, through June 30, 2020

3. The maximum amount of this Agreement is: \$0.00 (zero dollars and zero cents)

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	2 pages
Exhibit A-1 – Examination Service Agreement	5 pages
Exhibit B – Budget Detail and Payment Provisions	1 page
Exhibit C – General Terms and Conditions	4 pages
Exhibit D – Special Terms and Conditions	1 page
Exhibit E – Additional Terms and Conditions	2 pages

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)

Council of Landscape Architectural Registration Boards Inc.

BY (Authorized Signature)

DATE SIGNED (Do not type)



PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

1840 Michael Faraday Drive, Suite 200
Reston, VA 20190

STATE OF CALIFORNIA

AGENCY NAME

Department of Consumer Affairs, Landscape Architects Technical Committee

BY (Authorized Signature)

DATE SIGNED (Do not type)



PRINTED NAME AND TITLE OF PERSON SIGNING

William Pequinot, Contract Operations Manager

ADDRESS

1625 N. Market Blvd., Suite S-103
Sacramento, CA 95834

**California Department of General Services
Use Only**

☐ Exempt per:

EXHIBIT A

SCOPE OF WORK

1. Council of Landscape Architectural Registration Boards Inc. (CLARB) herein after referred to as the Contractor shall provide to the Department of Consumer Affairs (DCA), Landscape Architects Technical Committee (LATC) with the development and administration of the Landscape Architect Registration Examination (LARE) as described in the Examination Service Agreement, Exhibit A, Attachment I, which is attached herewith.
2. The services shall be performed at the Council of Landscape Architectural Registration Boards Inc., located at 1840 Michael Faraday Drive, Suite 200, Reston, VA 20190, with the exception of the LARE administration which will take place in CLARB-designated testing centers throughout California and other CLARB jurisdictions.
3. The services shall be performed during the hours established by CLARB's designated test center provider.
4. The project coordinators during the term of this agreement will be:

Department of Consumer Affairs
Landscape Architects Technical Committee
Name: Kourtney Nation
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Phone: (916) 575-7237
Fax: (916) 575-7283
Email: kourtney.nation@dca.ca.gov

Council of Landscape Architectural
Registration Boards Inc.
Name: Rebecca Moden
Phone: (571) 432-0332
Email: rmoden@clarb.org

Direct all agreement inquiries to:

Department of Consumers Affairs
Contracts Unit
Attention: Vicki Schnapp
Address: 1625 N. Market Blvd., Ste. S-103
Sacramento, CA 95834
Phone: (916) 574-7295
Fax: (916) 574-8656
Email: victoria.schnapp@dca.ca.gov

Council of Landscape Architectural
Registration Boards Inc.
Name: Joel Albizo
Address: 1840 Michael Faraday Drive
Suite 200
Reston, VA 20190
Phone: (571) 432-0332
Fax:
Email: jalbizo@clarb.org

5. While dates for the administration of the LARE may change as needed, at the execution of this agreement, the anticipated dates of the administration are as follows:

Computer Based Examination Administration

August 2017

December 2017

April 2018

August 2018

December 2018

April 2019

August 2019

December 2019

April 2020

6. CLARB will transmit score data electronically via excel format to the LATC four (4) to six (6) weeks after the last day of each testing administration.

EXHIBIT A, ATTACHMENT I
EXAMINATION SERVICE AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 20____ by and between the Council of Landscape Architectural Registration Boards, 1840 Michael Faraday Drive, Suite 200, Reston, VA 20190, hereafter referred to as "CLARB", and the Landscape Architects Technical Committee, 2420 Del Paso Road Suite 105, Sacramento, CA 95834, hereinafter referred to as the "LATC."

WHEREAS, it is acknowledged and understood by the parties that licensure and/or registration of landscape architects is designed and intended to protect the health, safety and welfare of the public and the parties being interested in those goals, and furthering them, this Agreement is entered into;

WHEREAS, the LATC has jurisdiction over and is charged by law with the licensure and/or registration as Landscape Architects in California;

WHEREAS, CLARB has prepared the Landscape Architect Registration Examination (LARE) consisting of Multiple Choice portions, hereafter referred to as the "Examination" and has developed answer keys, administration and proctor's instructions and other related aids and information, and is willing to administer this Examination to individuals approved by the LATC;

WHEREAS, the LATC, as a member in good standing with CLARB, desires to contract with CLARB to administer the Examination to those individuals who indicate that they wish to become initially licensed in the state of California in accordance with the procedures as set forth in these materials;

NOW THEREFORE, in consideration of the mutual promises herein contained, the parties hereto agree as follows:

1. The LATC shall secure electronic files indicating all approved candidates to take the LARE provided. The secure file will be sent by a specified deadline before each administration of the LARE and at least three (3) times per year. The transmission will occur at least every two (2) weeks throughout the predetermined registration period. Candidates will register for the Examination at the CLARB website and only those candidates indicated on the approved candidate list for the specific administration will be permitted to register as California candidates.
2. CLARB will administer the Examination to individuals who indicate that they wish to become initially licensed in the state of California and will register only candidates transferred on the LATC approved list. CLARB will advise other applicants who wish to become initially licensed in California that they must apply to the LATC and be approved to sit for the LARE prior to registering for any LARE section.
3. Candidates will be administered the computer-based Examination at any of the CLARB approved computer-testing centers.
4. CLARB will provide a list of testing centers to the LATC upon execution of the Agreement. The location and availability of test centers is subject to change at the discretion of the CLARB designated test center provider.
5. Copyright

CLARB holds copyright and other proprietary interest in the Examination and related materials. The LATC agrees that all copies of the Examination and related materials and the contents thereof are and shall remain the property of CLARB.

6. Exam Administration (I)
 - a) CLARB will be solely responsible for registering candidates, the administration of the Examination, resolving issues occurred during the administration of the Examination, and reporting unofficial Examination scores to candidates.
 - b) The LATC may request score data electronically in excel format at no charge.

7. Exam Administration (II)
 - a) CLARB will collect directly from exam candidates a fee to establish a Council Record each year prior to registering for the Examination.
 - b) Exam candidates must register by the deadline specified by CLARB for the examination administration.

No requests for refunds will be accepted after the cancellation deadline. When an exam registration is cancelled by the cancellation deadline, the refund amount will be issued to the original form of payment less a five (5) percent cancellation fee.

- c) Should a candidate show "Good Cause" for failure to appear for an Examination

administration, CLARB will refund the exam fees directly to the candidate less a five (5) percent cancellation fee. All requests for Good Cause must be received within sixty (60) days of the LARE administration.

Good Cause is defined as follows: Personal illness, auto accident, child delivery, death or severe illness in the immediate family or other severe physical or emotional hardship. Any condition to be considered good cause must affect the candidate at the **time of administration** of the exam, must be verified in writing and attached (i.e., letter from a physician, official accident report, obituary notice.)

- d) CLARB agrees that should they cancel the exam administration due to an Act of God as defined below, candidates will receive a refund equal to 100% of the exam fees paid to CLARB.

Acts of God as it pertains to this Agreement are: any natural disaster that makes it illegal or impossible to hold the Examination at the scheduled facility, such as floods, earthquakes, hurricanes and tornados.

8. Exam Administration (III)

CLARB will administer the Examination on the dates established by CLARB.

9. Passing Levels and Licensure

- a) In order to assure uniformity, the determination of passage and/or failure will be established exclusively by CLARB. For an Examination to be recognized as the CLARB Examination, the LATC agrees to adhere to the passing levels established by CLARB on all exam sections and agrees to accept and adhere to the scoring determination relating to the Examination administered by CLARB.
- b) The final decision to license a candidate rests exclusively with the LATC. If the LATC shall license a candidate on any basis other than the candidate attaining a score equal to or greater than that deemed to be passing by CLARB, it must notify CLARB, in writing, of the identity of the candidate and it must notify the candidate, in writing, that the exam scores may not be accepted by another board or for CLARB Certification.

10. Appeals and Reviews

The Scores for the computer-based Examination are final. CLARB shall not allow candidates to appeal their results.

- 11. In the event the LATC requests the opportunity to review the Examination, the LATC shall be responsible for maintaining the security of the Examination at all times. The LATC agrees not to disclose the content, substance, or specific subject matter of the Examination to any individuals without the written consent of CLARB. In the event the LATC or any authorized agent/employee of the LATC should breach Examination security or facilitate or permit such breach by losing or misplacing all or any portion of the Examination or related materials, or by disclosing secure Examination information to any third party without the written consent of

CLARB before the Examination is administered, the Examination shall be deemed compromised in its entirety and the LATC shall be solely liable for losses that may occur due to its breach of security. In the event of such a breach, the LATC agrees to hold harmless, defend and indemnify CLARB to the fullest extent permitted by law for all claims of any type or kind for any and all damage, whether incidental, consequential or otherwise, asserted by any candidate, entity, agency, third party and/or individual.

- a) The LATC agrees to immediately notify CLARB if it acquires information of any type and from any source indicating, suggesting, disclosing, advising or revealing that unauthorized persons may have gained access to the Examination or related materials by any means at any point in time for any purpose.
 - b) CLARB agrees to immediately notify the LATC if it acquires information of any type and from any source indicating, suggesting, disclosing, advising or revealing that unauthorized persons may have gained access to the Examination or related materials by any means at any point in time for any purpose.
12. In the event of a legal challenge to the Examination, and so long as doing so serves the interests of both CLARB and the LATC, CLARB may provide, at additional cost agreed upon by the parties, certain additional services. Those may include (a) permitting CLARB's counsel to directly communicate with the LATC's counsel or facilitating communication between the LATC's counsel or facilitating communication between the LATC's counsel and CLARB staff; (b) providing logistical assistance in production of non-proprietary materials; (c) permitting its counsel to comment upon draft pleadings or judicial submissions, or generating same if requested; (d) permitting its counsel to assist in preparation of LATC witnesses for depositions, hearings and/or trial; permitting its counsel or directly providing advisory support during the course of a legal proceeding. Should it become necessary to utilize these additional services, these modifications shall be made in writing and signed by both parties. A contract amendment will not be effective unless in writing and until fully executed both parties. No oral understanding or agreement is binding on either the CLARB or the LATC unless incorporated through the proper contract process.
13. This Agreement has been made with reference to and shall be construed and enforced in accordance with the substantive laws of the State of California without regard to the principles which would otherwise govern the choice of applicable law in the absence of the parties' selection of applicable law. In the event of litigation between the parties, it is understood that the substantive laws of California shall apply.

It is further agreed that the parties consent to jurisdiction in the appropriate federal or state court in the State of California. Such court is acknowledged as the exclusive venue agreed to by the parties as proper and the parties agree that in the event any dispute or controversy is otherwise venued, it shall properly be transferred, without objection, to the appropriate state court in the State of California.

14. All notices, claims, demands and other communications hereunder shall be in writing and shall be deemed given (a) in the case of a facsimile transmission, when received by recipient in legible form and sender has received an electronic confirmation of receipt of the transmission (provided that such transmission is received by 5:00 p.m. local time of recipient on a business day;

otherwise, such transmission shall be deemed to have been received on the next business day); (b) in the case of delivery by a standard overnight carrier, upon the date of delivery indicated in the records of such carrier; or (c) in the case of delivery by hand, when delivered by hand addressed to the respective Parties at the following addresses (or such other address for a Party as shall be specified by like notice):

If to CLARB:

CLARB

1840 Michael Faraday Drive, Suite 200
Reston, VA 20190

Attention: Joel D. Albizo,

Tel: (571) 432-0332

If to LATC:

LATC

2420 Del Paso Road Suite 105
Sacramento, CA 95834

Attention: Kourtney Nation

Tel: (916) 575-7237

Fax: (916) 575-7285

15. The relationship between the parties is one of independent contractors. Nothing contained in this Agreement shall be construed as creating a partnership, joint venture, agency, trust or other fiduciary relationship between the parties. This Agreement is not for the benefit of any third party and shall not be deemed to give any right or remedy to any such third party, whether referred to in this Agreement or not. Inasmuch as the relationship between the parties is one of independent contractors, except as otherwise expressly provided in this Agreement, neither party shall bear any loss, expense nor liability of the other party and each party shall bear its own expenses in performing its obligations under this Agreement.
16. This Agreement may not be amended except in writing signed on behalf of each of the Parties hereto.
17. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of the other provisions of this Agreement, which shall remain in full force and effect. If any provision of this Agreement shall be deemed to be unenforceable by reason of its extent, duration, scope or otherwise, then the Parties contemplate that the court making such determination shall reduce such extent, duration, scope or other provision and shall enforce it in its reduced form for all purposes contemplated by this Agreement. Nothing in this Agreement, express or implied, is intended to confer upon any Person not a party to this Agreement any rights or remedies of any nature whatsoever under or by reason of this Agreement.
18. Each Party represents and warrants to the other Party that this Agreement, when signed on behalf of a Party, constitutes the legal, valid and binding obligation of such party enforceable in accordance with its terms, and that the individual signing this Agreement has the authority to bind such Party.
 - a) Nothing in this Agreement, whether express or implied, is intended to confer upon any person or entity other than the Parties and their respective successors and assigns, any rights, remedies, obligations or liabilities.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. FEES: The Contractor shall not be entitled to any compensation from the State for the performance of this Agreement. The Contractor will receive examination fees directly from applicants. The LATC and the CLARB shall understand that each examination candidate is financially responsible for his/her examination fee.

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **APPROVAL**: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT**: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT**: This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **AUDIT**: Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years ~~after final payment~~ **after generation of such records**, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. **INDEMNIFICATION**: Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. **DISPUTES**: Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. **TERMINATION FOR CAUSE**: The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

8. INDEPENDENT CONTRACTOR: Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. RECYCLING CERTIFICATION: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE: During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS: Time is of the essence in this Agreement.

13. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

a. The Government Code Chapter on Antitrust claims contains the following definitions:

1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.

2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)

b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER:

If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **LIABILITY FOR NONCONFORMING WORK:** The Contractor will be fully responsible for ensuring that the completed work conforms to the agreed upon terms. If nonconformity is discovered prior to the Contractor's deadline, the Contractor will be given a reasonable opportunity to cure the nonconformity. If the nonconformity is discovered after the deadline for the completion of project, the State, in its sole discretion, may use any reasonable means to cure the nonconformity. The Contractor shall be responsible for reimbursing the State for any additional expenses incurred to cure such defects.
2. **SETTLEMENT OF DISPUTES:** In the event of a dispute, Contractor shall file a "Notice of Dispute" with Department of Consumer Affairs, Director or his/her designee within ten (10) days of discovery of the problem. Within ten (10) days, the Director or his/her designee shall meet with the Contractor and Project Manager for purposes of resolving the dispute. The decision of the Director or his/her designee shall be final.

In the event of a dispute, the language contained within this agreement shall prevail over any other language including that of the bid proposal.

3. **AGENCY LIABILITY:** The Contractor warrants by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this Agreement without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.
4. **IMPRACTICABILITY OF PERFORMANCE:** This Contract may be suspended or cancelled, without notice at the option of the Contractor, if the Contractor's or State's premises or equipment is destroyed by fire or other catastrophe, or so substantially damaged that it is impractical to continue service, or in the event the Contractor is unable to render service as a result of any action by any governmental authority.
5. ~~**LICENSES AND PERMITS:** The Contractor shall be an individual or firm licensed to do business in California and shall obtain at his/her expense all license(s) and permit(s) required by law for accomplishing any work required in connection with this Agreement.~~

~~In the event the Contractor fails to keep in effect at all times all required license(s) and permit (s), the State may, in addition to other remedies it may have, terminate this Contract upon occurrence of such event.~~

ADDITIONAL TERMS AND CONDITIONS

1. **RIGHT TO TERMINATE:** The State reserves the right to terminate this agreement subject to 30 days written notice to the Contractor. The Contractor may submit a written request to terminate this agreement only if the State should substantially fail to perform its responsibilities as provided herein.

However, the agreement can be immediately terminated for cause. The term “for cause” shall mean that the Contractor fails to meet the terms, conditions, and/or responsibilities of the agreement. In this instance, the agreement termination shall be effective as of the date indicated on the State’s notification to the Contractor.

2. **POTENTIAL SUBCONTRACTORS:** Nothing contained in this Agreement or otherwise shall create any contractual relation between the State and any subcontractors, and no subcontract shall relieve the Contractor of its responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Contractor. The Contractor's obligation to pay its subcontractors is an independent obligation from the State’s obligation to make payments to the Contractor. As a result, the State shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.
3. **DISABLED VETERAN BUSINESS ENTERPRISE (DVBE):** The State has determined that the DVBE participation goals for this Agreement are exempt. However, the Contractor may use DVBE’s and report the participation to the State.
4. **GOODS AND SERVICES:** The State reserves the rights to inspect, reject, and/or accept all goods and services provided within this agreement
5. **EVALUATION OF CONTRACTOR:** The performance of the Contractor under this Agreement will be evaluated. The evaluation shall be prepared on Contract/Contractor Evaluation Sheet, Std. 4 and maintained in the Agreement file.

For consultant Agreements, a copy of the evaluation will be sent to the Department of General Services, Office of Legal Services, if it is negative and over \$5,000.00.

6. **CONFIDENTIALITY OF DATA:** No reports, information, inventions, improvements, discoveries, or data obtained, repaired, assembled, or developed by the Contractor pursuant to this Agreement shall be released, published, or made available to any person (except to the State) without prior written approval from the State.

The contractor by acceptance of this Agreement is subject to all of the requirements of California Civil Code Sections 1798, et seq., regarding the collections, maintenance, and disclosure of personal and confidential information about individuals.

7. AMENDMENTS: The Contractor shall provide at least thirty (30) days written notice to the LATC of any modifications in Exhibit A-1. All such modifications shall be made by amending the Agreement. All amendments shall be made in writing and signed by both parties. All such amendments will not be in force or effect until approved by DGS/OLS. No oral understanding or Agreement not incorporated in the Agreement is binding on any parties.

8. EXHIBIT A-1 - EXAMINATION SERVICE AGREEMENT: The Contractors Agreement, marked as Exhibit A-1 is hereby attached and made a part of this Agreement. In the even there is a conflict between the State's Terms and Conditions, Exhibit C, Exhibit D and Exhibit E and the Contractor's Terms and Conditions marked as Exhibit A-1, the States Terms and Conditions shall prevail.

Agenda Item I.3

REVIEW OF CLARB SEPTEMBER 14-16, 2017 ANNUAL MEETING AGENDA

The CLARB Annual Meeting will be held September 14-16, 2017 in Boise, Idaho. The meeting will include a vote on the proposed Model Law and Model Regulation revisions, as well as updates on LARE performance, legislative action, and the health of the profession.

Attached is the meeting agenda for the Committee's review.

Attachment:

2017 CLARB Annual Meeting Agenda

CLARB

Council of Landscape Architectural
Registration Boards

Quick Links

- [Schedule at a Glance](#)
- [Meeting Agenda](#)
- [Travel Information](#)
- [Annual Meeting Website](#)
- Annual Meeting App – Apple (coming in September)
- Annual Meeting App – Android (coming in September)
- Annual Meeting App – Web-Based (coming in September)

Important Dates

- **August 22:** Hotel reservation deadline
- **August 31:** Meeting registration deadline
- **September 13:** Arrivals and Welcome Reception
- **September 14:** Sessions begin
- **September 15:** Sessions continue, election items due by Noon MT
- **September 16:** Meeting concludes

Meeting Reminders

- All attendees must be registered by the Member Board Executive (MBE). MBEs should contact Missy Sutton at CLARB to register attendees.
- The meeting hotel is The Grove Hotel in Boise, Idaho.
- On Wednesday, September 13, visit the CLARB registration area from 1:00-6:00 p.m. MT to pick up your name tag, drink tickets, and welcome gift!
- The dress code is business casual for sessions and events including the President's Dinner.
- In keeping with CLARB's core value of stewardship, this meeting will be "paperless." We encourage you to download and use the meeting app, which will be available at least two weeks prior to the meeting. If you decide to print the meeting materials, please consider printing double-sided.
- Wireless internet access will be available at no charge in the meeting rooms, hotel common areas, and your guest room.
- Power charging centers will be available in the registration / hospitality area.
- Please recycle when possible. Recycle bins will be available in the registration / hospitality area.

CLARB

Council of Landscape Architectural
Registration Boards

Schedule at a Glance

MBE

MBM

ALL MEETING ATTENDEES

ALL MEETING ATTENDEES + REGISTERED GUESTS

	Wednesday, September 13	Thursday, September 14	Friday, September 15	Saturday, September 16
8:00 a.m.		Group Breakfast*	Group Breakfast*	Group Breakfast*
9:00 a.m.		Opening Remarks Legislative Update	Group Session – Friction Analysis, Part 1	General Business Session
10:00 a.m.				
11:00 a.m.		Examining the Health of the Profession	Group Session – Friction Analysis, Part 2	Evolving CLARB Governance
Noon		Working Lunch (meeting attendees only please)	Working Lunch (meeting attendees only please)	Working Lunch (meeting attendees only please)
1:00 p.m.	Registration Open*	MBE Session	Breakout Discussions	L.A.R.E. Update
2:00 p.m.		MBM Session		
3:00 p.m.				
4:00 p.m.		Optional Session: Model Board Assessment		Optional Session: CLARB Leadership Academy
5:00 p.m.				
6:00 p.m.	"What to Expect"* Welcome Reception*		President's Dinner*	
7:00 p.m.			(dress code is business casual)	
8:00 p.m.				

CLARB

Council of Landscape Architectural
Registration Boards

Meeting Agenda (all times listed are MT)

Wednesday, September 13

*Registered guests are welcome to attend.

1:00 p.m. – 6:00 p.m.

Registration*

6:00 p.m. – 6:30 p.m.

OPTIONAL SESSION - "Welcome to Your First CLARB Annual Meeting!"*

If you're attending the meeting for the first time or you'd like a refresher on what to expect, this interactive session is for you! Learn more about the topics we are covering and why and how to get the most out of the meeting. Plus, meet fellow first-time attendees and learn how to use the meeting app like a pro. Adult beverages will be served.

6:30 p.m. – 8:00 p.m.

Welcome Reception*

Join us as we officially kick off the Annual Meeting with a fun, relaxed and interactive opportunity to network with peers, review CLARB accomplishments from 2017, and gear up for three days of thinking differently about licensure and regulation. President Chris Hoffman and the Idaho Board will welcome everyone to Boise while we enjoy great conversations and delectable heavy hors d'oeuvres. Don't forget your drink tickets!

Thursday, September 14

*Registered guests are welcome to attend.

8:00 a.m. – 5:00 p.m.

Hospitality Area Open*

8:00 a.m. – 9:00 a.m.

Group Breakfast*

9:00 a.m. – 9:15 a.m.

Opening Remarks

Learn about the power of being a disruptor as we embark on our three-day journey to "*thinking differently*" about how we protect the public through the regulation of the practice of landscape architecture.

9:15 a.m. – 10:30 a.m.

Legislative Update

Legislative activity hit at an all-time high this past year. CLARB CEO Joel Albizo and ASLA Government Affairs Director Elizabeth Hebron will provide a recap of what happened and what we learned, plus explore what boards can do better to prepare for and respond to threats.

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 12:00 p.m.

Examining the Health of the Profession

Leaders from the various landscape architecture-related organizations – CLARB, ASLA, CELA, LAF and LAAB – will share how they are working together to track and monitor licensee growth and diversity as the primary indicators of the profession's health. Panelists will also review important trends and what they might mean to each of our organizations and profession's future.

CLARB is Council of Landscape Architectural Registration Boards

ASLA is American Society of Landscape Architects

CELA is Council of Educators in Landscape Architecture

LAF is Landscape Architecture Foundation

LAAB is Landscape Architectural Accreditation Board

12:00 p.m. – 1:30 p.m.

Working Lunch (meeting attendees only please)

NEW! Enjoy a delicious lunch while networking with your peers from across North America and discussing a variety of regulatory topics that you have identified as important, timely, and relevant.

1:30 p.m. – 3:30 p.m.

Member Board Executive (MBE) Session:

Best Practices in Responding to Legislative Inquiries

When you receive an inquiry from a legislator, it's not time to panic – it's time to shine the spotlight on how your board is protecting the public's health, safety, and well-being. During this session, you'll brainstorm with your peers about how best to respond, given the current environment, to the most common questions legislators pose.

1:30 p.m. – 3:30 p.m.

Member Board Members (MBM) Session:

Board Delegation of Authority

The licensure process can be significantly streamlined when boards delegate authority to staff for certain reviews and approvals. Bonus: the applicant experience can be enhanced due to shortened approval times, and the board has more time to focus on strategic and policy-related matters, which is important given the antiregulatory climate. During this session, you'll discuss with your peers the advantages of granting staff more authority and what guidelines are needed to ensure the integrity of the process.

3:30 p.m. – 3:45 p.m.

Break

3:45 p.m. – 5:00 p.m.

OPTIONAL SESSION - Model Board Assessment

The Model Board pilot program, completed in 2016, established best practices for boards (including operational efficiencies) to support strategy development and demonstrate leadership in regulation. Where does your board fall on the "Model Board" spectrum, and how can you use this

information to empower your board given the current regulatory environment? Gather your board members and staff who are with you at this meeting to conduct a real-time board assessment, see how your board compares to others, and begin to think about steps your board can take to achieve its “Model Board” status.

Friday, September 15

*Registered guests are welcome to attend.

8:00 a.m. – 4:15 p.m.

Hospitality Area Open*

8:00 a.m. – 9:00 a.m.

Group Breakfast*

9:00 a.m. – 10:15 a.m.

Group Session – Friction Analysis, Part 1

“Thinking differently” requires us to do more than think differently about how we respond to political attacks on regulation. If we only focused on that, we would simply be navigating around the tip of the iceberg, because below the waterline are massive structural hazards to those who lack an awareness of the accelerating pace of change and their potential impacts on professions, regulation, and boards.

The CLARB Board of Directors, exercising its duty of foresight, has committed to a yearlong strategic initiative to identify and assess the points of friction in the licensure process.

During the first part of this friction analysis discussion, we’ll navigate the licensure journey by exploring the steps in the process, identifying where friction exists, and assessing what is essential to public protection and what can be eliminated. The goal is an essentially “frictionless” process, not only to ensure the future of regulation but also because it’s the right thing to do.

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 12:00 p.m.

Group Session – Friction Analysis, Part 2

In this fun and interactive session, teams will compete to rethink regulation “Shark Tank” style. A panel of your regulatory peers will present a case study, then competing teams will design proposals of their own for disrupting the existing regulatory framework by creating a more streamlined and frictionless process. All teams will return to the stage to present their proposals to a panel of judges and the audience.

12:00 p.m. – 1:30 p.m.

Working Lunch (meeting attendees only please)

NEW! Enjoy a delicious lunch while networking with your peers from across North America and discussing a variety of regulatory topics that you have identified as important, timely, and relevant.

1:30 p.m. – 2:15 p.m.

2:30 p.m. – 3:15 p.m.

3:30 p.m. – 4:15 p.m.

Breakout Discussions

Given the current and anticipated future regulatory environment, there are some key areas boards need to address so that regulation thrives. Put on your thinking caps during each of these 45-minute sessions to learn more about:

- **Creative Ways to Educate Legislators**

Work with your peers to develop 5-to-10 creative and easy-to-implement ideas for how your board can educate legislators about the benefits of regulation including how it protects the public's health, safety, and well-being.

- **Effective Board/Chapter Relations**

Having good relations with the ASLA chapter in your jurisdiction can prove beneficial when challenges arise, because the chapter is often the entity that is empowered to actively defend regulation. Within your group, you'll identify 3-to-5 actionable ideas to implement when you get home with regards to developing and maintaining a relationship with your jurisdiction's chapter.

- **Anti-trust and How to Avoid It**

The cornerstone of the North Carolina dental case was anti-trust (restraint of trade) and the takeaway for boards is: you must ensure your actions don't create anti-trust. Learn more about what constitutes anti-trust and how your board can avoid doing so.

6:00 p.m. – 9:00 p.m.

President's Dinner*

Regulation isn't the only thing we're thinking about differently! For the President's Dinner, we're getting out of the hotel and shutting down a street in downtown Boise so you can experience some of the best things our host city offers! Boise is chock full of restaurants, art galleries, great views, and more, and you'll be able to meander, sip, eat, and enjoy at your convenience. Dinner and drinks will be included as part of this special event.

Saturday, September 16

*Registered guests are welcome to attend.

8:00 a.m. – 4:15 p.m.

Hospitality Area Open*

8:00 a.m. – 9:00 a.m.

Group Breakfast*

9:00 a.m. – 10:15 a.m.

General Business Session

Hear the results of the CLARB elections and vote on the resolution to adopt the revised Model Law and Model Regulations.

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 12:00 p.m.

Evolving CLARB Governance

The Governance Enhancement work group, appointed by the Board of Directors, has developed a set of draft recommendations to evolve CLARB's governance structure to better equip the organization to find and

retain the right leadership talent to guide the organization through a period of accelerating change that will likely not resemble the past or present. You'll have an opportunity to hear the draft recommendations and provide input into the design of the future of CLARB governance

12:00 p.m. – 1:30 p.m.

Working Lunch (meeting attendees only please)

NEW! Enjoy a delicious lunch while networking with your peers from across North America and discussing a variety of regulatory topics that you have identified as important, timely, and relevant

1:30 p.m. – 3:00 p.m.

L.A.R.E. Update

Get the latest news and information about the exam, how it's performing since the roll-out of the updated blueprint following the 2016 Task Analysis, and get your questions answered in this informative session with CLARB Psychometrician Adrienne Cadle.

3:00 p.m. – 3:15 p.m.

Break / Meeting Adjourns

3:15 p.m. – 4:15 p.m.

OPTIONAL SESSION - CLARB Leadership Academy

Wanted: individuals interested in learning what CLARB leadership does and what's expected of leadership; what competencies the organization will be looking for in the future, and what volunteers gain by having leadership experience. If you've ever thought about becoming a CLARB leader, this session is for you!

Agenda Item I.4

REVIEW AND POSSIBLE ACTION ON 2017 CLARB BOARD OF DIRECTORS AND COMMITTEE ON NOMINATIONS ELECTIONS BALLOT AND REGION 5 DIRECTOR

On June 20, 2017, CLARB released the final slate of candidates for the 2017 Board of Directors, Committee on Nominations, and Region 5 Director elections. Attached for the Committee's reference are the final slate of candidates (with each candidate's respective biography) (Attachment I.4.1). Also attached are the template ballot and credentials letter (Attachment I.4.2).

With regard to the Board of Directors and Committee on Nominations elections, the Landscape Architects Technical Committee's (LATC) completed ballot and credentials letter must be submitted to CLARB by September 8, 2017 or brought to the Annual Meeting, which takes place September 14-17, 2017. Additionally, votes for the Region 5 Director and Alternate Director must be cast by the LATC during the August Region 5 webcast. Dates for the regional webcasts will be announced by CLARB in July.

At today's meeting, the Committee is asked to review the final slate of candidates for the 2017 Board of Directors, Committee on Nominations, and Region 5 Director, and take possible action in determining how the LATC will vote in the elections.

Attachments:

1. CLARB 2017 Board of Directors and Committee on Nominations Final Slate Candidate Biographies
2. CLARB 2017 Election Ballot and Credentials Letter Template

President-Elect**GENERAL INFORMATION****Jurisdiction:** Kansas**Firm Name:** Baughman Company, P.A.**Position in Firm:** Vice President**Education:** BLA, Kansas State University
- 1985**Licenses:** Kansas, Missouri, Oklahoma**CLARB Certified:** Yes ☐**Council Record Holder:** Yes ☐**QUESTIONS FROM THE COMMITTEE ON NOMINATIONS****What leadership competencies will you bring to your role?**

With the nomination of President-Elect I will bring an open mind and a flexible thought process to the CLARB Board of Directors. My goal will be to provide problem solving skills as we deal with the complex issues that face CLARB today and in the future. CLARB's strategic planning process requires strong communication skills, knowing when to speak and when to listen to others. I will commit to giving my best effort at these critical communication skills both in a group setting and a one-on-one basis.

Being innovative is a strategic goal for the Board of Directors. To insure the Board reaches this goal, each member must be willing to keep an open mind and collaborate with others to insure CLARB is ready to serve our ever changing professional environment. As a member of this Board, I will bring strong leadership skills, an open mind and a willingness to communicate with the Board of Directors.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

I believe my past experience as a practicing landscape architect, member of the Kansas State Board of Technical Professions, member board member of CLARB, and member of the CLARB Board of Directors will give me the knowledge to fulfill the role of President-Elect. I will be able to draw from and utilize my 30 years of professional practice experience as a foundation for the understanding of CLARB's role to our profession. In addition, I have more than 24 years of experience in leadership and management as Director of the Planning Department for a mid-sized multi-disciplinary firm. This leadership experience will give me practical skills and tools to draw from. One of my personal goals is to approach every day with an open mind to new solutions for the betterment of a plan. Continuing this approach should serve me well as I convene with the Board of Directors to analyze and evaluate CLARB's strategic plan for the future.

Board Service

Kansas State Board of Technical Professions:

- July 2011: Re-Appointed to the KSBTP
- July 2007: Re-Appointed to the KSBTP
- September 2003: Appointed to the KSBTP
- KSBTP Service:
 - 2013–2015: Member of Continuing Education Rewrite Committee
 - 2011-2015: Chair of Statute Rewrite Comm.
 - 2012–2013: Chair of Complaint Committee
 - 2011–2012: Chairman of Board
 - 2010–2011: Vice-Chair of Board
 - 2009–2010: Secretary of Board
 - 2009–2010: Member Seal Review Committee
 - 2004–2005: Chair of Architect, LA, Geologist Committee
 - 2004–2005: Member of Complaint Committee
 - 2008–2009: Chair of Architect, LA, Geologist Committee
 - 2008–2009: Member of Complaint Committee
 - 2004–2015: Served on Complaint Hearing Panels (as needed)

CLARB Service

- 2016-Present: Vice President
- 2015-Present: Co-Chair Model Law Update
- 2014-Present: Secretary
- 2014-2015: CLARB By-Law Rev. Committee
- 2011–2014: Region IV Director
- 2008–2011: Region IV Alt. Director
- 2009: L.A.R.E. Grader
- 2006–2007: Nominating Committee
- 2003–2015: Member Board Member
- 2003–Present: CLARB Annual Meetings
- 2003–2013: CLARB Spring Meetings

Other Service

ASLA:

- 2015: Alton B. Thomas Achievement Award from Prairie Gateway Chapter of ALSA
- 2001–2004: Licensure Summit Comm Member
- 1985–Present: ASLA Member
- 1985-Present: PGASLA Chapter Member
- 2006: Honor Award – Prairie Gateway Ch. for Riverside Park Restoration & Renovation
- 2001: Merit Award – PGASLA Chapter for Central & McLean Visual Enhancements City of Wichita:
- 2010–Present: City of Wichita Design Council
- 2004–2005: Committee Chair for Park Improvements for Wichita Design Council
- 2000–2007: City of Wichita Design Council

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

For me, success would be measured by my willingness to be an active team member of the Board of Directors, in a positive manner. My past experience with the Board of Directors has shown me that each member of the Board has an equal voice when they come to the table. In my opinion, the successful members of the Board are the members that actively participate with the Board. This participation comes in many forms, from preparing for the meeting before arriving, participating in the agenda item, presenting alternate solutions for discussion, and serving on a committee or task force.

GENERAL INFORMATION**Jurisdiction:****Firm Name:****Position in Firm:****Education:****Licenses:****CLARB Certified:****Council Record Holder:****QUESTIONS FROM THE COMMITTEE ON NOMINATIONS****What leadership competencies will you bring to your role?**

In 1978 I was one of the "Students for Landscape Architecture" that helped pave the road for the Oklahoma License law in 1981. In 1982 I took the UNE and passed it. Since that time I have held many ASLA chapter positions as well as serving at a national level for 10 years as Trustee and Vice president of membership. Since 1988, I have served 4 terms on the Oklahoma State Board under 3 governors and have served as secretary/treasurer with direct responsibility for investigations and hearings. I also helped write two statute revisions, helped write the continuing education requirement for Oklahoma, and most recently chaired the "Path to Licensure" scholarship committee which successfully wrote the program, defended through both houses of the legislature and endowed \$850,000.00 to be used for scholarships in architecture, landscape architecture and interior design professional programs in Oklahoma.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

Through my position as director of the Parks and Public Spaces Initiative at the Oklahoma City Community Foundation, I am very involved in city, regional and state government and many of their programs. Because of this and my previous university experience over the past 35 years, I feel that I have developed skills that help me successfully work with both elected and non-elected public officials and staff on a daily basis with very positive results. Prior to joining the Foundation, I also had a successful landscape architecture practice that I enjoyed very much but realized that there were not enough hours in the day and so I accepted the foundation position and closed my firm. For a little over 10 years I also hosted a local horticulture, gardening and landscape architecture program every Saturday on the radio. This was also very successful but I wanted to spend more time on weekends on an 80 acre farm that I was restoring which I still enjoy very much.

Board Service

-1995-2003: Oklahoma State Board 2nd and 3rd terms
Active CLARB delegate
Vice Chairman and Chairman of Board
-1988-1992: Oklahoma State Board
Secretary/ Treasure of Board
Active CLARB delegate

CLARB Service

-1989-1992: UNE & L.A.R.E. Grader
- CLARB Alternate Regional Director

Other Service

-2013-Current: Oklahoma State Board
Scholarship and Education Committee Chair
- Succession Committee member

-2008-present: Board of Directors
Automobile Alley historic district
-2002-present -Trustee Oklahoma
Riverfront Redevelopment Authority
-2005-2017: Riverfront Design Review
Committee
-2003-2013: Oklahoma Chapter ASLA
Trustee and completed tenure as national
Vice President of membership
-Oklahoma Nursery and Landscape
Association
-Oklahoma Horticulture Association
-Oklahoma Council of Garden Clubs,
Lifetime Honorary Member

Awards

-2007: Fellow Designation in ASLA

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

Success in CLARB for me would be making sure that I felt that I had contributed to the sustainability and future of landscape architecture while I was able. Landscape architecture has provided me opportunities to contribute to safer, healthier and more vibrant communities over the past 38 years and I feel committed to pass some of these same opportunities to the next generations. We need to always be prepared to explain and demonstrate to others what our profession provides to our communities and overall quality of life. It is very important that our design profession be allowed and encouraged to continue to grow and evolve for today, tomorrow and the future. Success is knowing that I was not selfish with my talents and that I contributed the best that I was able for future generations.

GENERAL INFORMATION**Jurisdiction:** North Carolina**Firm Name:** CBRE, Inc.**Position in Firm:** Senior Project Manager**Education:** Bachelor in Landscape Architecture, North Carolina State University**Licenses:** NC, SC, VA**CLARB Certified:** No**Council Record Holder:** No**QUESTIONS FROM THE COMMITTEE ON NOMINATIONS****What leadership competencies will you bring to your role?**

When accepting the responsibility of service on this or any board, one is expected to adhere to the highest professional values and ethical standards and that our work will be transparent, inclusive, and fair. Believing this deeply, I set high professional values and ethical standards and work hard to foster the same in all my endeavors. My leadership competencies include the critical thinking necessary to practice foresight for the profession of landscape architecture, and my ability to employ strategic thinking to opportunities and issues in our profession's future. My competencies include my teamwork approach to the board governance process by listening to stakeholders, evaluating input, and then helping make informed decisions. I have learned leadership skills by serving on numerous committees, task forces, and advisory bodies, as chair and vice chair of my state board, as a CLARB board and executive committee member – honing and refining my leadership competencies.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

It's fairly well-known that I am a Vietnam veteran, but it is lesser known that before that deployment I was assigned to a Fighter Interceptor Squadron based in Newport News, Virginia. I was intensively trained on several aircraft, and on weapons and weapons systems – including nuclear-tipped rockets, how to make them work, and how to use them. That sounds pretty dramatic, but my training was not only on the weapons, but also on the skills needed to work as a close-knit team, to know the responsibilities of the other members of my team, and to take responsibility for actions and decisions, including how to "speak with one voice" when decisions are made and directions set. I bring that commitment to always working as a team, to understanding the roles and responsibilities of the team, and to bringing a serious approach to the process of decision-making to CLARB leadership.

Board Service

2005-2016: North Carolina Board of Landscape Architects

2007-2009: Vice Chairman

2009-2011: Chairman

2007-2013: Disciplinary Review Committee, Vice Chairman and Chairman

2010: Co-author of NCBLA Bylaws

2011: Co-author of NCBLA Code of Professional Conduct

2015: Co-author of NC Administrative Rules, 21 NCAC 26 Revisions

CLARB Service

-2005-2011: NCBLA CLARB representative

-2011-2013: Region III Alternate Director

-2013-2015: Region III Director

-2015-2017: Treasurer

-2014-2015: Member, Governance Enhancements Implementation Task Force

Other Service

-Annual Meetings presentations of NCBLA status, activities and new rules and statutes

-Roundtable licensure discussions facilitator and lecturer

-AIA NC and NCASLA Community Assistance Teams: Chairman and Co-Chairman

-NC General Assembly Legislative Breakfasts

-2009-2017: Student Mentor Program

-2009-2015: Landscape Architecture Alumni Advisory Council

-Guest lecturer and juror/critic

-NCARB Panel Member: Intern Development Program Evaluation

-Dean of College of Design Panel Member: Doctorate in Architecture

-Landscape Architecture Accreditation Board interview teams for Undergraduate and Graduate Degree programs

Wake Technical Community College: Juror/critic for Associate Degree candidates

-City of Raleigh Parks, Recreation and Greenway Advisory Board

Awards

-AIA NC Merit Award: Parish Facility for St. Andrew the Apostle Catholic Church, with BOHM NBBJ of NC, Research Triangle Park, NC

-AIA NC Merit Award: Beer Wholesalers Association, Raleigh, with Clearscapes Architecture

-NCASLA Merit Award: Crowders Mountain State Park Master Plan, Gaston County, NC, NC Division of Parks and Recreation

-NCASLA Merit Award: The Glen at Glenaire, Cary, NC, Glenaire Continuing Care Retirement Community

-Best Outdoor Space Improvement: Main Street Streetscape Phase I, Fuquay-Varina, NC, North Carolina Main Street Center

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

CLARB leadership has been increasingly successful during my service on the Board, and I feel that continuing that upward curve into the future has been successful when, at the end of the day, the CLARB values have been maintained, the policy and financial goals established by the Board of Directors are met, and the high levels of service that our members have come to expect are met and appreciated. On an organizational level, success would involve working closely with the President to assist in achieving his/her program goals, voicing an analytical but fair opinion on Board issues, and strengthening Board governance teamwork. On a more personal level, success would involve expanding communication lines, having more and deeper conversations with member boards, and increasing effective assistance to organization members when licensure issues arise – all of which are important components of the foresight the Board will be increasingly focusing on now and in the future.

GENERAL INFORMATION**Jurisdiction:** Region 5**Firm Name:** Stantec**Position in Firm:** Principal**Education:** BS Design/Urban Planning**Licenses:** NV, CA, UT, AZ, ND, ID, OR, MO, OR, TX, NM**CLARB Certified:** Yes ☐**Council Record Holder:** Yes ☐**Board Service**

2006-2015: Member Board Member, NV

CLARB Service

- 2016-Current: Governance Enhancement Work Group
- 2015-Current: Region V Director
- 2013-2015: Region V Alternate Director. Participated in/or attended all Region V Meetings
- 2007: Graded the LARE C and E section exams
- 2006-Current: Participated in each Annual CLARB Meeting

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS**What leadership competencies will you bring to your role?**

As a seasoned professional in the private sector, I offer multiple attributes to the position of Treasurer.

- In my company, I was fiscally responsible for the operation of our business center. I managed 50 staff to make sure we met our financial targets each week and as reported to leadership monthly. Currently I have a reduced staff but have the same financial responsibilities.
- I thrive on challenges and seek out opportunities to build on when I can.
- I am an energetic team player who gives 200%.
- I am a big picture thinker. My time as Region 5 Director has been truly rewarding and engaging and have received positive feedback for my involvement.
- I have led contentious public meetings and successfully resolved differences through problem solving methods and consensus building.
- As treasurer, I bring strong communication skills able to engage the audience in the dull discussion of numbers. I believe in K.I.S.S. for all to understand.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

I am a firm believer in a balanced checkbook. I understand about investing in projects that may exceed revenue coming in and how to save. I understand accounting fundamentals to run a business and work with accountants. I am a team player who will always be there to participate in discussions as it pertains to the financial matters. I perform value engineering in my line of work regularly and every project we design has a budget to meet. I will bring creative solutions to the table to resolve financial challenges as I do with my job. I perform quality control techniques to verify financial reports. Currently CLARB has many smart investments and sound financials.

I believe in foresight. Adapting to our ever changing profession is key to the flow of future revenue. I study market conditions and listen what economists and others say about our business environment holistically to help trend better business forecasts.

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

What I foresee: "CLARB is the model regulatory body in the world". With my leadership skills, I'm excited to be part of CLARB ultimately reaching this goal and look forward to continuing to be part of a collaborative team where we truly integrate the future of our profession worldwide into a regulated profession respected by all and eager to be part of. The Board efforts to structure and engage people who represent our evolving profession into the decision making realm will play a big role in what we regulate. We will grow and regulate landscape architecture through foresight philosophies that guide us into the "new" present.

As treasurer, I envision CLARB easily tackling new assignments without ever worrying about its incoming revenue. I see revenue continuously growing annually as more become regulated professionals with cutting edge regulations all professions and politicians support.

GENERAL INFORMATION**Jurisdiction:****Firm Name:****Position in Firm:****Education:****Licenses:****CLARB Certified:****Council Record Holder:****Board Service**

Georgia State Board of Landscape Architects 2010-2011

CLARB Service

2001-2016: Master grader, grader, Cut Score Committee member (graphic and written sections), Prototype Exam Committee member, and Exam Writing Committee member (two sections)
Currently serving as the CLARB liaison on the ASLA L.A.R.E. Prep Committee

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS**What leadership competencies will you bring to your role?**

I feel that the leadership competencies that I would bring to my role as a Committee on Nominations Member are: Integrity/honesty, accountability, decisiveness, interpersonal skills, oral and written communication, and resilience.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

Having been a registered landscape architect for 21 years, and having been the President and CEO for Breedlove Land Planning for the past 15 years, I have had the privilege to work alongside, consult with and train landscape architects spanning multiple generations. I feel that this experience would be an asset to CLARB leadership, as the experiences and mindset of the professionals have continued to change and progress, and the leadership must be able to stay in tune with all landscape architects. Another asset is my 15 year tenure volunteering for various CLARB tasks relative to the LARE. I have participated in most of the committees associated with the LARE. This has allowed me to see, first hand, the entire licensure process, and understand the importance that each task plays in the overall success of the examination.

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

Success would be the continued respect that CLARB has earned in the professional world. The organization, with its examination process, has become a model for other design professions. Success would also be seeing CLARB Leadership stay in tune with the changes that have come to our profession, and the changes that have yet to be seen.

GENERAL INFORMATION**Jurisdiction:** Colorado**Firm Name:** Logan Simpson**Position in Firm:** Senior Associate**Education:** BLA, MBA**Licenses:** Active: CO, AZ**CLARB Certified:** Yes ☐**Council Record Holder:** Yes ☐**QUESTIONS FROM THE COMMITTEE ON NOMINATIONS****What leadership competencies will you bring to your role?**

My 34 years of experience in the profession spans a wide range of practice types, including public works, private development and international work. Working my entire career in private practice, designing parks, greenways, transit systems, green infrastructure and communities, I have led, and collaborated with teams of landscape architects, multidisciplinary teams, developers and public agency clients. I think this broad range of work experience over time has provided me with a level of self-assurance that allows me to provide confident and credible input into a decision-making process.

Since before the beginning of my landscape architecture career I have been volunteered, or been nominated for, leadership positions from Eagle Scout and Boys State, to ASLA Chapter President/Government Affairs Chair, Chair of my City Planning Commission and CLARB grader/task analysis participant. I have found that I've been able to provide constructive input and make a difference in these roles.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

In Colorado I led the successful effort to make it the 49th state to recognize landscape architects as licensed professionals. While living in Arizona for 3 short years I was instrumental in defending the Governor's 2015 initiative to deregulate the profession, along with several others. During both efforts I worked with ASLA, CLARB and local professionals and students to develop position papers, gain support, lobby legislators, and provide testimony.

CLARB Service

-2009-2016: Exam Grader, Task Analysis,
2009-2016

Other Service

-2009-2012, 2016-present: Urban Land Institute member
-2012 - present: ASLA, Government Affairs Advisory Committee
-2013 - 2016: ASLA Arizona Chapter, Chair of Government Affairs
-2009 to 2013: Colorado APA Boards and Commissions member
-April, 2009 - March, 2013: Chair, City of Littleton Planning Board
-2010-2012: Downtown Denver Partnership, Transp. and Dev. Council, Urban Realm Committee Chair
-2012: Toastmasters International, Competent Communicator Certificate
-1997-1998: ASLA New York (downstate), Chapter President
-ASLA Colorado, Fellows Representative; Commendation from Chapter, License Number 001.

Awards

-2015: Crescordia Award, Arizona Forward, Mesa LID Toolkit
-2012: Downtown Denver Partnership, Public Realm Task Force white paper author
-2008: Speaker on China-US Sustainability comparisons, Colorado ASLA/APA Annual meeting, Breckenridge
-2007: Speaker on Sustainable Communities, New Mexico APA Annual meeting, Albuquerque
-2007: Landscape Architectural Graphic Standards, by Leonard J. Hopper, Contributor.
-2006: ASLA National Conference Presentation, Minneapolis: Panel on Licensure and Advocacy
-2006: ASLA Colorado, Merit Award, Denver Technological Center Entry Park
-2005: ASLA Colorado, Volunteer of the Year
-2004: Environmental Planning Award, Westmoor Technology Center, City of Westminster, CO

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

I feel that my role would be successful if I could work with the committee and candidates to identify, refine and sustain CLARB's evolving role in understanding and interpreting the changing needs of the profession, regulatory authorities, and regulation itself. Landscape architecture is a dynamic profession in a changing environment, so we will need a process that is designed to be flexible, yet well defined, one that invites a continuous stream of diverse viewpoints to review and update CLARB's mission over time.

GENERAL INFORMATION**Jurisdiction:** Region 4**Firm Name:** Landworks Studio, LLC**Position in Firm:** Principal**Education:** Bachelor of Landscape Architecture**Licenses:** KS, NE, MO**CLARB Certified:** Yes ☐**Council Record Holder:** Yes ☐**QUESTIONS FROM THE COMMITTEE ON NOMINATIONS****What leadership competencies will you bring to your role?**

First and foremost, I am committed to engaging with my colleagues and peers to advance CLARB's purpose and mission. I understand the requirements of the position and will make myself available to contribute in a very active way. Secondly, I appreciate CLARB's ability to self-evaluate and, as a Board Member, I intend to aid in this endeavor by questioning any status quo or roadblocks that may currently exist and working to streamline where possible to offer great service and value to our membership.

Lastly, I have owned and managed a practice for the last 17 years. This has helped me continue to develop my communication and team building skills. Both are very necessary skills to be effective in any board position.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

My background in public service and private practice, along with volunteer board positions ranging from the local, state and national levels has offered me a variety of perspectives that bring a depth to any leadership roles I am privileged to accept.

I have also been involved in the development of two organizations from inception. This has allowed me the ability to see what it takes to get and keep an organization running.

Board Service

-2015-2019: Kansas State Board of Technical Professions

Other Service

-Envision Olathe, Steering Committee Member

-Ecosystem Conservation Alliance, Vice Chair and Founding Member

-The Giving Grove, Prof. Consulting to the Founders

-APWA, Kansas City Chapter

-2010-2018: SBA Regulatory Fairness Board

-2015: ENV SP, Inst. For Sustainable Infrast.

Public Art Adv. Board, Olathe

-2000-2012: KSU, Alumni Advisory Board

-2011: Women in Design, Outreach Committee

-2002: PGASLA, Exec. Committee, 2002

-2000: PGASLA, Vice President

-KC, MO Parks Mentoring Program

-Beautiful Savior Lutheran Church, Multiple Boards

Awards

-2016: Thinking Bigger Business, Top 25 Under 25 Award

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

Success includes gaining a deeper level of understanding of CLARB and the practice of landscape architecture in all regions, broadening my connections and relationships with colleagues around the country and the world. In addition, success involves advocating to my fellow professionals the value CLARB has for everyone practicing landscape architecture in various capacities, regardless of need for multiple state licensure. Success for me is measurable. I will see success when I no longer have to explain the value of CLARB to colleagues, first in my region, and then beyond. This should equate to an increase in membership.

GENERAL INFORMATION**Jurisdiction:****Firm Name:****Position in Firm:****Education:****Licenses:****CLARB Certified:****Council Record Holder:****Board Service**

- 2017: Oklahoma Scholarship Committee

CLARB Service

- Continuing Education Committee

Awards

-2007: Presidential Recognition Award

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS**What leadership competencies will you bring to your role?**

1. Oral Communication -- Make clear and convincing oral presentations and listen effectively; clarifying information as needed. Example: Once or twice a year, I join a Board member to promote the importance of licensure to university students and encourage them to apply for our Path to Licensure Scholarship . We provide literature and a question/answer session to address questions and concerns.
2. Integrity/Honesty -- Behaves in an honest, fair, and ethical manner. Example: Over the course of the past 14 years with the State of Oklahoma, I have evaluated highly sensitive and confidential material regarding license applications and investigations.
3. Problem Solving -- Identifies and analyzes problems. Example: On a daily basis I verify and evaluate license and candidate applications. Making sure they meet our qualifications and if not, then make a suggestion as to how they can meet our requirements in an efficient and timely manner.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

Working with an eleven member Board with three different professions can be challenging and rewarding. I've learned that leadership and power is not necessarily an appointed position, but in the stock behind a person's passion for influence. Being in my position at the Oklahoma Board, I now understand President Truman's quote, "It is amazing what you can accomplish if you do not care who gets the credit." I know how to win friends and influence people to get the job done.

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

Providing leadership at the state and national levels is our responsibility to improve, preserve and protect the profession of landscape architecture. Being a part of the collaboration of the states within CLARB's leadership will allow me to take it a step deeper and have a voice at the table. I will consider time served as having been a success by helping bridge the gap between CLARB staff, MBM & MBE's in general by bringing my insights and knowledge from my everyday experiences at the state agency level.

GENERAL INFORMATION**Jurisdiction:** Hawaii**Firm Name:** Ki Concepts LLC**Position in Firm:** Founder/Principal**Education:** BLA, University of Oregon,
Eugene**Licenses:** HI RLA #10659**CLARB Certified:** No**Council Record Holder:** No**QUESTIONS FROM THE COMMITTEE ON NOMINATIONS****What leadership competencies will you bring to your role?**

If elected to CLARB's Region 5 Director I'll bring my ability to actively listen, work collaboratively, and find common ground with people of diverse backgrounds and points of views; to work efficiently and focus on the task at hand while keeping an eye on the broader vision and mission of CLARB, to provide a unique cross cultural perspective on issues of importance to our region; and to always be fair, objective, and unbiased in the decision-making process. These leadership competencies derive from over 30 years of broad-based international and domestic experience in professional practice and volunteer community service, including over 20 years as a firm principal, the past decade as a firm owner, serving in leadership roles on professional, community, and state organizations and advisory councils.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

I worked eight years in Tokyo, Japan as a senior landscape architect of a leading Japanese environmental planning, research, and design firm in the late 1980's-early 1990's. During that time the president of the firm I worked for, Shintaro Sugio, served as president of the Eastern Region of IFLA. I served as a liaison for the Japanese delegation to IFLA since many of them were not comfortable conversing in English. In this capacity I attended the internal meetings of the Japanese landscape architecture leadership in Japan and accompanied the Japanese delegation to the IFLA Eastern Regional and World Congress Meetings between 1991-1995 coordinating and facilitating communications and meetings between member countries and the Japanese delegation. During this period ASLA had left IFLA over an unresolved dispute of the organization's dues structure and member country voting rights. The Japanese delegation hosted and facilitated meetings that eventually brought ASLA back to IFLA.

Board Service

-2013-Current: Chair/past Vice Chair and Member Hawaii State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects

CLARB Service

- 2016-2017: CLARB Representative to LA CES, Administration Committee Member

Other Service

-2012-Current: Vice President/Member, Board of Directors, Friends of UH Lyon Arboretum
 -2017: Mentor, AIA Honolulu Chapter Emerging Professionals Mentor Program
 -2016-2017: Dissertation Committee Member for two Doctor of Architecture Candidates, University of Hawaii at Manoa, School of Architecture
 -2016: Search Committee for Assistant Professor/Associate Professor of Landscape Architecture and Urban Design Position, University of Hawaii at Manoa, School of Architecture
 -2005-2013: Past President/VP/Landscape Committee Chair/Advisor, Board of Directors, The Outdoor Circle
 -2007-2013: Past Board Member, Smart Trees Pacific (formerly known as Friends of Hawaii's Urban Forest)
 -2001-2007: Past Council Member, Kaulunani Urban & Community Forestry Program, Hawaii Dept. of Land & Natural Resources-Division of Forestry and Wildlife
 -Founder/Principal, Ki Concepts LLC, Site Planning, Landscape Architecture, Urban Design, Offices in Honolulu and Hawaii island
 -Principal, Hawaii Design Associates, Inc. Honolulu, Hawaii
 -Senior Landscape Architect, Head of Studio J, PREC Institute, Tokyo and branch offices throughout Japan
 -Landscape Designer, RHAA, Mill Valley, CA
 -2014-Current: Trustee, ASLA Hawaii Chapter
 -1999-2001: Past Treasurer, ASLA Hawaii Chapter

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

I am an active participant and contributing member on the BOD for 1) Establishing the organization's mission, vision, goals, strategies and policy framework; 2) Approving an annual program of work to accomplish organizational objectives; 3) Allocating resources to enable progress on short and long term goals; 4) Ensuring that sufficient progress is being made and approving adjustments to strategy, policy and resource allocation as necessary.

Also, making it my goal to get to know the MBE's, MBM's, (I've met some of you already) and to familiarize myself with the critical issues of each of the member boards of Region 5-AK, AZ, BC, CA, ID, MT, NV, OR, UT, WA, and Hawaii my home state-such that I am an effective voice on the CLARB BOD for the member boards of Region 5.

And last, but most importantly, developing new friendships with the extended CLARB 'Ohana', which I would otherwise probably never have the opportunity to cross paths with.

This to me would be a picture of success.

GENERAL INFORMATION**Jurisdiction:****Firm Name:****Position in Firm:****Education:****Licenses:****CLARB Certified:****Council Record Holder:****Board Service**

- State of Washington Board of Landscape Architects, 2012 to Present; one term as chair, two terms as vice-chair
- Currently manage eight employees and provide statewide guidance/input to WSDOT procedures and policies.
- Act as Lean Practitioner to guide process improvements and empower employees.

CLARB Service

- Attended CLARB Annual Meetings last four years
- Participated on the Model Board project

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS**What leadership competencies will you bring to your role?**

I currently manage a staff of three landscape designers and five landscape architects. Working for a public agency gives me the perspective of both the legal and political side of professional regulation, as well as the professional side of being a landscape architect.

I am an analytical and systematic thinker. I have the ability to focus on issues from several aspects or points of view. I have developed and managed financial programs, which gives me the business acumen to evaluate alternatives and develop solutions that work for all the users. I think that I possess consistent and clear thinking skills as well.

I have served as a member of the Washington Board for four years. I have a passion to serve with integrity and to inspire public confidence in the people who work for the government, as well as the benefits we provide to the public.

What unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?

I am an organizer and energetic about ensuring the work is completed in a way that benefits the constituency. My chief area of concern in my day-to-day work is for environmental protection; I always seek a strategy to achieve my end goal and working for the public sector gives me the best ability to affect change toward that end.

As a board member, I have used my experience with public sector work to ensure that regulation is always within the law and not overreaching into advocacy. I believe this is a perspective that will ensure the longevity of our profession as well as the confidence of the public.

I believe it is critical to continually ask why we are doing what we are doing in order to stay clear and true to our mission and goals.

QUESTIONS FROM THE COMMITTEE ON NOMINATIONS CONT.

When thinking about your role in CLARB leadership, what would success look like to you?

My vision of the purpose of a regional leader is to provide a central information gathering point and a point of contact so that all states have the ability to provide feedback and have their concerns voiced to the greater CLARB community. Those viewpoints and concerns should be represented to the central CLARB governing body in order to ensure that licensing best practices as determined by CLARB leadership represent the goals and limitations of the individual state boards.



1840 Michael Faraday Drive
Suite 200
Reston, Virginia USA 20190
571-432-0332
www.clarb.org

2017 Board of Directors & Committee on Nominations Elections Ballot

MEMBER BOARD: _____

COMPLETED BY: _____

Please note- Ballots may only be completed by a Member Board Member who has been authorized on the credentials letter to represent the member board's vote. Member Board Executives and staff are not eligible to complete this ballot.

Each Member Board may vote for one candidate per office, unless noted.

Please check the boxes to cast your vote:

President-Elect

☐

Phil Meyer

Vice President

☐

Brian Dougherty

☐

Stan Williams

Treasurer

☐

Cary Baird

Committee on Nominations (select 2)

☐

Chip Brown

☐

Craig Coronato

☐

Carisa McMullen

☐

Ellen White

Please submit your board's ballot and credentials letter together as one voting package.

You may choose any of the following options to submit your voting package to CLARB:

- *Mail* – Mailed submissions must be received at the CLARB office by **Friday, September 8.**
- *Email* – As an attachment (Word or PDF) to [Andrea Elkin](#) by **Friday, September 8.**
- *In-person* – At CLARB's Annual Meeting registration table by **noon, Friday, September 15.**

TO: Member Board Executives

FROM: Andrea Elkin
Project Manager

RE: Letter of Delegate Credentials for Elections

With regard to board delegation and voting rights, Article VI, Section 3 of CLARB's Bylaws state:

"Each member board is entitled to be represented at CLARB meetings by one or more official delegates of that board. The delegate must be a member of the member board. A letter of credential from the delegate's board shall identify a delegate attending the annual meeting or any Special Meeting of CLARB. As many delegates as are able to attend may represent a member board, but only one vote may be cast on each motion for each member board by its delegates."

The credentials letter should be filled out only by a Member Board Executive or Member Board Staff Member. The credentials letter should designate the Member Board Member(s) who is/are eligible to cast your Board's ballot. Only a Member Board Member may cast ballots and only one ballot per Member Board may be cast.

Please submit your board's ballot and credentials letter together as one voting package.

You may choose any of the following options to submit your voting package to CLARB:

- *Mail* – Mailed submissions must be received at the CLARB office by **Friday, September 8.**
- *Email* – As an attachment (Word or PDF) to [Andrea Elkin](#) by **Friday, September 8.**
- *In-person* – At CLARB's Annual Meeting registration table by **noon, Friday, September 15.**

If you have any questions about any of these procedures, please let me know.

VM/Attachment: Sample credentials letter for reproduction on Board letterhead

DATE: _____

TO: CLARB Board of Directors

FROM: _____

(Member Board)

RE: Letter of Delegate Credentials for 2017 CLARB Annual Meeting

In accordance with Article VI, Section 3 of the Bylaws of the Council of Landscape Architectural Registration Boards, the CLARB Member Board indicated above has designated the following member(s) as its delegate(s) to the CLARB Annual Meeting in Boise, Idaho, September 14-16, 2017.

We understand that delegates are eligible to vote on behalf of the Member Board on all business matters and that only one ballot per Board may be cast regardless of the number of delegates present.

NAME

POSITION

_____	_____
_____	_____
_____	_____
_____	_____

In addition, the following representatives will be in attendance (staff, legal counsel, etc.):

Signed by: _____

Name

Title

Agenda Item I.5

REVIEW AND POSSIBLE ACTION ON CLARB RESOLUTION TO APPROVE DRAFT MODEL LAW AND REGULATIONS

CLARB's draft Model Law and Model Regulations will be considered for adoption at the Annual Meeting on September 14-16, 2017 (Attachment I.5.1). CLARB's existing Model Law and Model Regulations are included for reference (Attachment I.5.2).

The draft Model Law was released by CLARB on March 23, 2017 and presented to the Landscape Architects Technical Committee (LATC) at its meeting on April 18, 2017. Upon initial review of the draft Model Law, the LATC determined that a more robust discussion of the draft Model Law would occur during its meeting on July 13, 2017.

After the April 18, 2017 meeting, the LATC was notified that CLARB would be hosting a webcast to discuss the draft Model Law. On May 22, 2017, a task force consisting of Patricia Trauth, David Allan Taylor, Jr., Doug McCauley, and Brianna Miller discussed, via teleconference, the draft Model Law to determine feedback to CLARB. Comments about the draft Model Law derived from this task force meeting are as follows:

1. There are a number of sections that include mandates that some states do not require (e.g., firm registration, continuing education, etc.). The LATC suggests that these sections should be noted in the Model Law as optional.
2. On Page 4, Section 102 (A) of the draft Model Law, the LATC suggests deleting the word "control" from the sentence, "The practice of Landscape Architecture in [State] is declared a professional practice affecting public health, safety, and welfare and subject to regulation and control..." as this may present a negative connotation.
3. On Page 11, Section 211 of the draft Model Law, the LATC suggests the inclusion of teleconference meetings in these provisions.

On May 31, 2017, CLARB held a webcast to discuss the draft Model Law and Model Regulations with all CLARB member boards. The intent of this meeting was only to unveil the draft Model Law and did not provide an opportunity for formal feedback.

On June 15, 2017, CLARB provided member boards with the Resolution to Approve the Draft Model Law and Regulations (Attachment I.5.3), a summary of enhancements to the CLARB Model Law and Regulations (Attachment I.5.4), and a Frequently Asked Questions document (Attachment I.5.5).

At today's meeting, the Committee is asked to review CLARB's draft Model Law and Regulations and take possible action.

Attachments:

1. CLARB 2017 Draft Model Law and Model Regulations
2. Existing CLARB Model Law and Model Regulations
3. Resolution to Approve the Draft Model Law and Regulations
4. Summary of Enhancements to the CLARB Model Law and Regulations
5. CLARB Model Law and Regulations - 2017 Revision: Frequently Asked Questions

Model Law

Council of Landscape Architectural Registration Boards

February 2017

DRAFT

CLARB

Introduction

What Landscape Architects Do

Since the 1800s, landscape architecture has encompassed analysis, planning, design, management, and stewardship of the natural and built environment through science and design. Landscape architects create well-planned, livable communities, leading the way by creating neighborhood master plans, designing green streets, managing storm-water runoff, and planning high-utility transportation corridors.

Landscape architecture includes iconic and neighborhood places, local parks, residential communities, commercial developments, and downtown streetscapes. Larger well-known examples include Central Park and the Highline in New York City, the U.S. Capitol grounds in Washington, D.C., the Oklahoma City National Memorial, and Chicago's Millennium Park.

Why Landscape Architects Must Be Licensed

The practice of landscape architecture includes keeping the public safe from hazards, protecting natural resources, and sustainably managing the natural and built environment surrounding our homes and communities. It requires a breadth of knowledge and training in many substantive areas of science, engineering, and aesthetics. The adverse risks and consequences of negligent, unqualified, unethical, or incompetent persons engaging in landscape architectural design services without the requisite education and training are significant—sometimes irreparable—economically, environmentally, and in terms of public safety, health, and welfare.

At stake are hundreds of millions of dollars' worth of infrastructure and site improvements every year, and the safety of persons and property these improvements affect. Licensure of landscape architects permits consumers to manage these risks, and reduce exposure for liability from hazardous and defective design.

To properly serve and protect the public these risks and consequences and the potential for harm must be minimized and prevented. The public interest is best served when qualified, licensed professionals carry out these responsibilities safely in accordance with rigorous and essential professional standards, and when other non-qualified individuals are prevented from providing such services to the public. Moreover, licensing is necessary and appropriate given landscape architecture's technical nature—and consumer/public inability to accurately and reliably assess the competence of such providers.

Without regulatory standards, consumers have no mechanism to ensure they can rely on a professional to produce design and technical documentation meeting minimum standards of competence.

How the CLARB Model Law Promotes Public Protection

The CLARB Model is a resource for legislatures and licensing boards addressing issues related to the public-protection mission of regulation.

This Model Law promotes uniformity in licensing laws (affording predictability, commercial efficiency, and enhanced trust in the profession), establishes minimal standards of competence for those practicing landscape architecture, and facilitates professional mobility and portability through a licensure transfer process.

How CLARB Member Boards Benefit from the Model Law

Member Boards should review and use the Model Law in the context of regulatory and language issues unique to each jurisdiction.

The Model Law includes the following sections:

- Article I – Title, Purpose and Definitions
- Article II – Board of (Profession)
- Article III – Licensing
- Article IV – Discipline
- Article V – Mandatory Reporting
- Article VI – Other

The Model Law is intended to be fluid, subject to regular review and periodic changes, when necessary. Revisions are generally stimulated by societal shifts, evolution of practice and technological advancements. Proposed revisions will be presented to CLARB members for consideration.

The language included in this Model Law version is framed with a single, stand-alone board structure in mind—i.e., for circumstances in which the promulgating Board's role is limited to serving/regulating one design discipline, not multiple related design disciplines. When this Model Law is used by Boards serving or regulating more than one professional discipline, its language will require adaptation/modification to accommodate that composite board structure/approach and the specific design professions governed.

Article I - Title, Purpose, and Definitions

Section 101. Title of Act.

This Act is called the “[State] Landscape Architecture Practice Act.”

Section 102. Legislative Declaration.

- A. The practice of Landscape Architecture in [State] is declared a professional practice affecting public health, safety, and welfare and subject to regulation and control in the public interest. The public interest requires that Landscape Architecture merit and receive public confidence and that only qualified persons practice Landscape Architecture in [State]. This Act will be liberally construed to carry out these objectives and purposes.
- B. This legislation regulates the Landscape Architecture profession. Any restriction on competition is outweighed by protecting the public interest. The regulatory structure calls for Licensees and Public Members to serve on the Board, recognizing the need for practitioners’ professional expertise in serving the public interest.

This Act provides active State oversight and Supervision through its enactment, promulgation of enabling regulations, appointment and removal of Board members by the (Governor), legal representation of the Board by the [State] Attorney General, legislative appropriation of monies to support the Board, periodic legislative sunset review, application to the Board of ethics laws, mandatory Board-member training, and judicial review.

Section 103. Statement of Purpose.

This Act’s purpose is to promote, preserve, and protect public health, safety, and welfare by licensing and regulating persons, whether in or outside [State], who practice Landscape Architecture in [State]. This Act creates the Board of Landscape Architecture whose members, functions, and procedures will be established in accordance with the Act.

Section 104. Practice of Landscape Architecture.

The practice of Landscape Architecture means the application of mathematical, physical and social-sciences principles in Landscape Architectural consultation, evaluation, planning, and design; it includes preparing, filing, and administering plans, drawings, specifications, permits, and other contract documents involving projects that direct, inform or advise on the functional use and preservation of natural and built environments.

Sections 102 and 103

One of the most important sections of a practice act is the legislative declaration and statement of purpose. These essential sections express the foundation and need for regulation of the profession with affirmative statements of the Act’s legislative intent. The “liberal construction” directive provides guidance to the judiciary when addressing language ambiguities in the statutes and regulations.

The guiding principles of legislation to regulate a profession include delegation of authority from the legislative to the executive branch through board appointments and authorization to regulate.

To provide an efficient and effective regulatory process, boards are populated with persons with knowledge of and expertise in the profession. For balance, boards also include members of the public with no direct connection to the profession regulated.

Section 104

The definition of the scope of practice provides the basis for the regulatory system and is used to identify work for which a license is necessary.

Those operating within the scope of practice must be licensed under the eligibility criteria. Eligibility criteria are provided in the regulations.

The scope of practice is purposefully defined using broad terms to allow interpretative opportunities and to recognize the interplay among the related design professions. When necessary, and using Board-member expertise, specificity can be clarified in regulations.

Section 105. Activities Not Subject to the Act .

This Act does not apply to:

- A. Persons licensed to practice Landscape Architecture in another State while serving in the U. S. military; provided services occur during military service.
- B. Persons licensed to practice Landscape Architecture in another State while performing official duties as a federal government employee.
- C. Persons training for the practice of Landscape Architecture under a Licensee's direct Supervision.

Section 106. Definitions.

Words and phrases used in this Act have the meanings stated below, unless the context otherwise requires:

- A. **Adjudicatory Proceeding or Hearing** — formal processes of an administrative determination in which the Board adjudicates allegations of violations of law and, if appropriate, renders sanctions, all in accord with applicable procedural and substantive standards to protect rights.
- B. **Applicant** — a Person who submits an application to the Board for licensure to practice Landscape Architecture in [State] under this Act.
- C. **Approved Educational Program** — an educational program for Landscape Architects approved by the Board.
- D. **Approved Program of Continuing Education** — an educational program offered by an Approved Provider of Continuing Education.
- E. **Approved Provider of Continuing Education** — any professional association or society, university, college, corporation, or other entity approved by the Board to provide educational programs designed to ensure continued Competence in the practice of Landscape Architecture.
- F. **Board** — the legislatively created Board granted the authority to enforce the [State] Landscape Architects Practice Act.
- G. **Business Entity** — any firm, partnership, sole proprietorship, association, limited liability company, or corporation organized by and registered in [State] to provide or offer Landscape Architectural services.

Section 105

CLARB understands there exists significant overlap in scopes of practice of the design professions. This section statutorily recognizes that certain activities are not subject to the Act.

The Model Law purposefully avoids use of the term "exemptions," the concept of activities being included within the scope of practice, but not subject to licensure, undermines the need for regulation.

Section 106(C), (D), (E), and (P)

Specific references to programs and other standards of practice and ethics are not referenced in the Model Law. Such specifics are instead included in regulations created using Board members' expertise.

The legal reasons specific references are included in regulations instead of in the Model Law are related to delegation of authority and prohibitions of recognizing private-sector programs as a prerequisite to licensure in the statute.

Section 106

Definitions identify terms used consistently throughout the Model Law. Note that capitalized words or phrases can be found in the Model Law's definition section.

Throughout the document defined terms are capitalized.

- H. **Certificate of Authorization** — a certificate issued by the Board to a Business Entity permitting it to offer or provide Landscape Architectural services.
- I. **CLARB** — the Council of Landscape Architectural Registration Boards.
- J. **Client** — a Person, group, or corporation that enters into an agreement with a licensed Landscape Architect or Business Entity to obtain Landscape Architectural services.
- K. **Competence** — applying knowledge and using affective, cognitive, and psychomotor skills required by Landscape Architects to deliver safe Landscape Architectural care in accord with accepted practice standards.
- L. **Consultation** — providing advice to or receiving advice from another professional, or both, related to the practice of Landscape Architecture, to assist a Licensee.
- M. **Continuing Education** — training designed to ensure continued Competence in the practice of Landscape Architecture.
- N. **Continuing Education Contact Hour** — a 50-minute clock-hour of instruction, not including breaks or meals.
- O. **Conviction** — conviction of a crime by a court with jurisdiction, including a finding or verdict of guilt—regardless of whether adjudication of guilt is withheld, not entered on admission of guilt, or involves deferred conviction, deferred prosecution, deferred sentence, a no consent plea, a plea of *nolo contendere*, or a guilty plea.
- P. **Examination** — an examination approved by the Board.
- Q. **Felony** — a criminal act defined by [State] laws, the laws of any other State, province, or federal law.
- R. **Good Standing** — a License not restricted in any manner and that grants Licensee full practice privileges.
- S. **Inactive License** — an inactive category of licensure affirmatively elected by a Licensee in Good Standing who is not engaged in the active practice of Landscape Architecture, to maintain such License in a nonpractice status.
- T. **Landscape Architect** — a Person licensed by the Board under this Act.

U. **Landscape Architecture** — the practice of the profession as defined under this act.

V. **License** — an authorization granted by the Board to practice Landscape Architecture.

W. **Licensee** — a Person licensed by the Board under this Act.

X. **Person** — any individual, firm, Business Entity, partnership, association, joint venture, cooperative, corporation, or other combination acting in concert, or as a Principal, trustee, fiduciary, receiver, or a representative, or as successor in interest, assignee, agent, factor, servant, employee, director, or officer of another Person.

Y. **Principal** — an individual who is a Landscape Architect and is in Responsible Charge of a Business Entity's Landscape Architectural practice.

Z. **Public Member** — a Person that is not and has never been a Licensee, or the spouse of a current or former Licensee, or a Person with material financial interest in providing Landscape Architectural services, or engaged in activity directly related to Landscape Architecture.

AA. **Responsible Charge** — the direct control and personal Supervision of the practice of Landscape Architecture.

BB. **Seal** — a symbol, image, or information in the form of a rubber stamp, embossed seal, computer-generated data, or other form acceptable to the Board applied or attached to a document to verify document authenticity and origin.

CC. **State** — any State, commonwealth, the District of Columbia, other insular U.S. territories, and Canadian provinces.

DD. **Supervision** and Supervision-related terms are defined as follows:

- (i) Supervising (Professional) — a Licensee who assumes responsibility for professional Client care given by a Person working under Licensee's direction.
- (ii) Direct control and personal Supervision — Supervision by a Landscape Architect of another's work in which supervisor is directly involved in all practice-related judgments affecting public health, safety and welfare.

Section 106(Z)

The definition of Public Member is intended to preclude those involved with or related to persons in the profession of Landscape Architecture from serving in this role.

When a composite board approach is considered, the definition of public member will be reassessed and expanded to preclude other design professionals from serving as public members.

Section 201

This section recognizes and legislatively affirms that certain authority is delegated from the legislative branch to the board. A clear articulation authorizing the board to enforce the practice act in the interest of public protection provides added emphasis of legislative intent. This designation is important in times of added judicial and political scrutiny and in light of the recent U.S. Supreme Court ruling regarding antitrust liability and state action defense.

Article II - Board of Landscape Architecture

Section 201. Delegation of Authority.

Enforcing this Act is the Board of Landscape Architecture's ("the Board") responsibility. Under the State's active oversight and Supervision, the Board has all duties, powers, and authority granted by, or necessary to enforce, this Act, and other duties, powers, and authority it is granted by law.

Section 202. Board Composition.

Landscape Architect Board Option

- A. The Board will consist of [Number] members; at least [Number] will be public representative(s), and the remainder will be Licensees qualified under Section 203 of this Act. This Board member composition ensures the necessary expertise to efficiently and effectively regulate the profession, using professionals acting on the public's behalf and bound by applicable ethics and public-service laws.

Composite Board Option

- B. The Board will consist of [Number] members appointed under Section 204 and comprised of the following:
- (i) Two (2) Public Members as defined by this act.
 - (ii) Two (2) Landscape Architects as defined in Section 203.
 - (iii) Two (2) [Profession] as defined in...*[citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for a specified period of time]*.
 - (iv) Two (2) [Profession] as defined in...*[citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for a specified period of time]*.
 - (v) Two (2) [Profession] as defined in...*[citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for a specified period of time]*.
 - (vi) Two (2) [Profession] as defined in...*[citation to relevant practice act referencing resident, licensed in Good Standing, other licenses in Good Standing, licensed for a specified period of time]*.
 - (vii) *[Intended to include two (2) members from each professions under the Board's jurisdiction.]*
- C. In addition to these qualifications, each Board member shall during the appointed period comply with Section 203(b), (c), (d), and (e).

Section 202

With respect to states' rights and differing current regulatory structures, CLARB provides two board models in this Model Law. The language included in this version of the Model Law works with a single, stand-alone board structure.

Language in various parts of the Model Law require modification if a different board structure is used.

The remaining portions of the Model Act do not include the multiple scopes and licensure eligibility criteria factors. Regardless of the type of board structure, the board composition includes persons with expertise of the represented design professions and public members.

Section 202(A) identifies a stand-alone board option with Landscape Architects and public members involved in regulation of the profession.

Section 202(B) identifies a composite board option and includes equal representation of the design professions regulated by the board. Public members are also included on the composite board.

Related design professions on a composite board may include, but are not limited to, architects, engineers, landscape architects, land surveyors, geologists, and interior designers.

- D. This Board member composition ensures the necessary expertise to efficiently and effectively regulate the professions using professionals acting on the public's behalf and bound by applicable ethics and public-service laws.

Section 203. Qualifications for Board Membership.

- A. Each Landscape Architect Board member must during their Board tenure:
- i) Be a resident of [State] for at least one (1) year.
 - ii) Be a Licensee in Good Standing.
 - iii) Maintain in Good Standing any other professional License they hold.
 - iv) Have been licensed as a Landscape Architect for at least three (3) years.
- B. Each Public Member of the Board must be a resident of [State] and at least 21 years of age.
- C. Each Board member shall maintain eligibility to serve on the Board by avoiding relationships that may interfere with the Board's public-protection mission. Board members shall be especially cognizant of conflict-of-interest issues including, for example, participation in [State] or national professional associations.
- D. Board members are barred from being an officer of or holding any leadership position (being a voting member of the governing Board) in a State or national professional association_during the Board member's appointed term. .
- E. Each Board member shall annually attest to completing coursework or training hours and content approved by Board policy. Coursework or training must address relevant regulatory issues such as the Board's role, Board members' roles, conflicts of interest, administrative procedures, enforcement, and immunity.

Section 204. Board Member Appointment and Oversight by Governor.

The Governor shall appoint members of the Board in accordance with Article II of this Act and the [State] constitution. In addition, the Governor can remove Board members with or without cause.

Section 203

Expertise of board members is essential to effective and efficient decision-making.

This section identifies eligibility criteria to serve on the board.

All board members serve the public interest when undertaking and acting within the scope of board duties and responsibilities.

Section 204

Government oversight is intended in the regulatory structure. Legislative enactment creating and delegating authority, Governor appointments, and removal authority assists in providing necessary governmental oversight.

Section 205. Terms.

- A. Except as provided in subsection B below, Board members are appointed for four-year terms. Board members appointed to fill vacancies occurring before a former member's full term expires shall serve the remaining portion of that unexpired term.
- B. Board-member terms must be staggered so no more than [Number/Percentage] member terms expire in any year. Each member shall serve until a qualified successor is appointed, unless such member resigns or is removed from the Board under Article II Section 207 of this Act.
- C. Board members can serve for up to three (3) consecutive full terms. Completing the remainder of an unexpired term is not a "full term".

Section 206. Board Member Vacancies.

- A. Any vacancy in Board membership for any reason, including expiration of term, removal, resignation, death, disability, or disqualification, must be filled by the Governor or appointing authority as prescribed in Article II Section 204 of this Act as soon as practicable.
- B. If a vacancy is not filled within six (6) months, the Board may appoint an individual qualified under Section 203 to temporarily fill the vacancy until the Governor (or appointing authority) approves the temporary Board member or appoints a new member.

Section 207. Removal of Board Member.

The Board may remove a Board member on an affirmative vote of three quarters (³/₄) of members otherwise eligible to vote, and based on one or more of the following grounds:

- A. Board member's refusal or inability to perform required duties efficiently, responsibly, and professionally.
- B. Misuse of a Board-member position to obtain, or attempt to obtain, any financial or material gain, or any advantage personally or for another, through the office.
- C. A final adjudication (by a court or other body with jurisdiction) that the Board member violated laws governing the practice of Landscape Architecture.
- D. Conviction of a crime other than a minor traffic offense.

Section 205

This section identifies a four-year term of appointment and limits service to three consecutive full terms. CLARB understands and appreciates the institutional knowledge and continuity of volunteers and attempts to balance longevity with the need for an infusion of new representation.

Section 206

This section addresses how a vacancy is filled by Governor appointment. CLARB identified and understands the value of a fully constituted board, but recognizes that vacancies may exist for months and years. To provide an incentive for the appointing authority to fill vacancies and keep boards fully populated, this section authorizes the board to fill a position that remains vacant for over six (6) months.

Section 207

This section authorizes the Board to remove Board members under specified conditions following identified procedures.

Section 208. Organization of the Board.

- A. The Board shall elect from its members a Chairperson, Vice-Chairperson, and such other officers appropriate and necessary to conduct its business. The Chairperson shall preside at all Board meetings and perform customary duties of the position and other duties assigned by the Board.

The Chairperson may establish Board committees to further Board business, and may designate Board members as committee members.

- B. Officers elected by the Board serve terms of one (1) year starting the day of their election and ending when their successors are elected. Officers may serve no more than [Number] consecutive one-year terms in each elected office.

Section 209. Executive Director and Employees of Board.

- A. The Board shall employ an Executive Director who is responsible for performing administrative functions and such other duties the Board directs, under its oversight.
- B. The Board may employ persons (in addition to the Executive Director) in positions or capacities necessary to properly conduct Board business and fulfill Board responsibilities under this Act.

Section 210. Compensation of Board Members.

Each Board member is paid a *per diem* amount for each day the member performs official Board duties, and is reimbursed for reasonable and necessary expenses of discharging such official duties.

Section 211. Meetings of Board.

- A. Frequency. The Board shall meet at least once every three months to transact its business, and at such additional times as the Board's Chairperson or two-thirds (2/3) of the Board's voting members determine.
- B. Location. The Board shall determine the location and format for each meeting and provide notice to the public as required by [citation to open meetings laws].
- C. Remote Participation. The Board, consistent with [State] law and related regulations, may provide for remote participation in Board meetings by members not present at the meeting location.

Section 211

This section specifies that the Board shall meet a minimum number of times annually. CLARB recognizes that boards must meet often enough to transact business on a regular basis and to ensure that applicants' and respondents' issues are timely addressed. Technology provides a means for boards to meet regularly if it is difficult for a board to meet face-to-face on a frequent basis.

- D. Notice. Notice of all Board meetings will be given in the manner prescribed by [State]'s applicable open-meetings laws.
- E. Quorum. A majority of Board members is a quorum for convening and conducting a Board meeting and all Board actions will be by a majority of a quorum, unless more are required under this Act or Board regulation.
- F. Access by Public. All Board meetings must be conducted in accordance with [State]'s open-meeting law.
- G. Record of Meetings of the Board. A record of all Board meetings must be maintained in accordance with [State]'s open-records law.

Section 212. Regulations Governing Licensure and Practice.

The Board shall make, adopt, amend, and repeal regulations necessary for the proper administration and enforcement of this Act. Such regulations must be promulgated in accordance with [State]'s Administrative Procedures Act.

Section 213. Powers and Duties Delegated to Board.

- A. Under active State oversight and Supervision, the Board shall regulate the practice of Landscape Architecture in [State] and is responsible for conducting all of its activities in connection therewith. The powers and duties of this Section 213 are in addition to other powers and duties delegated to the Board under this Act. Once licensed by the Board, Licensees cannot divest the Board of jurisdiction by changing their licensure status or relinquishing licensure. Moreover, persons never licensed by the Board who engage in the unlawful practice of Landscape Architecture in [State] are subject to the Board's jurisdiction.
- B. Licensure. The Board is authorized to issue licenses to, and renew licenses for:
 - (i) Persons qualified to engage in the practice of Landscape Architecture under this Act.
 - (ii) Businesses qualified to engage in the practice of Landscape Architecture under this Act.
- C. Standards. The Board is authorized to establish and enforce:
 - (i) Minimum standards of practice and conduct for Landscape Architects.
 - (ii) Standards for recognizing and approving programs for Landscape Architect education and training.

Section 212

One of the most important authorities delegated from the legislature to the Board is rulemaking by regulation. Statutes are intended to be general in nature while regulations add specifics.

Using its expertise and public representation perspectives, boards create regulations that add specificity to the statute. Expertise is needed to provide practice-specific details to the regulations.

As practice evolves, regulations are more flexible and easier to amend than are statutes.

Section 213

This section is the heart of the authority delegated by the legislature to the Board. CLARB determined that this section must be robust and specify the breadth of the authority of the Board to engage in all actions necessary to effectively and efficiently regulate the profession in the interest of public protection.

Additional commentary is provided throughout this section to highlight some of the important authority delegated to the Board.

- (iii) Standards, educational program criteria, or other mechanisms to ensure the continuing Competence of Landscape Architects.

D. Enforcement. The Board is authorized to enforce this Act and its regulations relating to:

- (i) The conduct or Competence of licensed Landscape Architects practicing in [State], and the suspension, revocation, other restriction of, or action against, any License issued by the Board.
- (ii) The assessment and collection of fines, costs, and attorneys' fees:
 - a. Against Persons licensed by the Board (irrespective of their licensure status, whether active, inactive, expired, lapsed, surrendered or disciplined) relative to acts, omissions, complaints, and investigations that occurred during the licensure period.
 - b. Against Persons who engage in the unlawful practice of Landscape Architecture as defined under this Act.
- (iii) With probable cause that an Applicant or Licensee has engaged in conduct prohibited under this Act or its regulations, the Board may issue an order directing Applicant or Licensee to submit to a mental or physical examination or chemical dependency evaluation. Every Applicant or Licensee is deemed to consent to undergo mental, physical, or chemical-dependency examinations, when ordered by the Board to do so in writing, and to waive all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that such testimony or reports constitute a privileged or confidential communication.
- (iv) The Board may investigate and inspect any Licensee, whether Licensee is a Person or a Business Entity, at all reasonable hours to determine a violation of the laws or regulations governing the practice of Landscape Architecture.

The Board, its officers, investigators, inspectors, and representatives shall cooperate with all agencies charged with enforcement of laws of the United States, [State], and all other States relating to the practice of Landscape Architecture.

- (v) The Board can subpoena persons and documents in connection with its complaint investigations before commencing, and during, any formal Adjudicatory Proceeding to take depositions and testimony as in civil cases in [State]

courts. Any Board member, Hearing officer, or administrative law judge has power to administer oaths to witnesses at any Hearing the Board conducts, and any other oath the Board is authorized by law to administer.

- (vi) The Board may conduct its authorized investigations, inquiries, or Hearings before any Board member(s). The findings and orders of such member(s) are deemed to be the findings and orders of the Board when approved and confirmed as set forth in Section 211(e) of Article II of this Act.
- (vii) The Board may report any violation of this Act or its regulations that implicates criminal law to the Attorney General or State's Attorney who shall without delay institute appropriate proceedings and investigations in the proper court for prosecution as required by law. This does not require the Board to so report the potential application of criminal law if the Board reasonably believes the public interest is adequately served by a suitable written notice or warning. Any decision by the Board to issue a written notice or warning must be made in Consultation with legal counsel, the State's Attorney or other appropriate law enforcement entity.
- (viii) The Board may seek declaratory, injunctive, and other appropriate remedies from a court with jurisdiction.

E. Recovery of Costs and Assessment of Fines.

- (i) The Board may assess against a respondent reasonable costs (e.g., attorneys' fees, investigation and prosecution costs) of any Adjudicatory Proceeding through which respondent is found to have violated any law or regulation governing the practice of Landscape Architecture. The assessment of reasonable costs must be formalized in a Board order directing payment of the costs to the Board, and issued together with the Board's final decision.

This authorization to assess costs exists so long as the Board operates in good faith and succeeds on any portion of the administrative prosecution, and even if some counts are not substantiated.

- (ii) In the case of a Person or Business Entity, the Board may issue an order for recovery of reasonable costs authorized under this Section 213 to the corporate owner, if any, and to any Licensee, officer, owner, or partner of the practice or Business Entity:

Section 213(E)

This section authorizes the board to assess fines and costs as administrative sanctions of disciplined respondents. Differentiating costs (reimbursement of out-of-pocket expenses related to administrative prosecution of respondents) and fines (monetary assessments intended to deter future conduct) is important. Both cost assessments and fines are important tools used when negotiating resolution of complaints.

- a. found to have knowledge of, or
 - b. who should have reasonably known of, or
 - c. who knowingly participated in, a violation of any provision of this Act or any regulation issued hereunder.
- (iii) When the Board issues an order to pay costs, and timely payment of the costs is not made to the Board as directed in its final decision and order, the Board may enforce the order in the [State] Courts in the county where the Adjudicatory Proceeding occurred. The Board's right of enforcement is in addition to other rights the Board has concerning Persons directed to pay costs, including denial of licensure.
- (iv) In any action for recovery of costs, the Board's final decision and order is conclusive proof of the validity of the order and terms of payment.
- (v) The Board may assess administrative fines against a respondent not exceeding \$[dollars] for each count adjudicated a violation of law or regulation governing the practice of Landscape Architecture. Assessment of fines must be formalized in a Board order directing payment of such fines to the Board, and issued together with the Board's final decision. The Board is authorized to assess additional fines for continued violation(s) of any Board order.

This authorization to assess fines exists so long as the Board operates in good faith and succeeds on any portion of the administrative prosecution, even if some counts are not substantiated.

F. Expenditure of Funds. The Board may receive and expend funds from parties other than [State], in addition to its (Annual/Biennial) appropriation, provided:

- (i) Such funds are awarded to pursue a specific objective the Board is authorized to accomplish under this Act, or is qualified to accomplish by reason of its jurisdiction or professional expertise.
- (ii) Such funds are expended to pursue the specific objective for which they were awarded.
- (iii) Activities connected with, or occasioned by, spending the funds do not interfere with the Board's performance of its duties and responsibilities and do not conflict with the Board's exercise of its powers under this Act.
- (iv) Funds are segregated in a separate account.

- (v) The Board provides periodic written reports to [state]'s Governor detailing its receipt and use of the funds, provides sufficient information for governmental oversight, and notes that such reports are deemed a public record under applicable law.

G. Fees for Services. In addition to fees specifically provided for under this Act, the Board shall establish nonrefundable fees, including (but not limited to) the following:

- i) Applications.
- ii) Examination administration.
- iii) Renewals.
- iv) Board publications.
- v) Data maintained by the Board, which may include mailing lists, Licensee lists, or other information requested under applicable open-records laws.
- vi) Copies of audiotapes, videotapes, computer discs, or other media used for recording sounds, images or information.
- vii) Temporary, duplicate or replacement licenses or certificates.
- viii) Notices of meetings.
- ix) Returned checks.
- x) Other fees deemed necessary by the Board.

The Board shall publish a list of established fees and deposit and expend the fees it collects in accord with [State] statutes.

H. Other Powers and Duties of the Board. The Board is granted other powers and duties necessary to enforce regulations issued under this Act including, but not limited to, the following:

- (i) The Board may belong to professional organizations, societies, and associations that promote improvement of Landscape Architecture practice standards for protection of public health, safety, and welfare, or whose activities support the Board's mission.
- (ii) The Board may establish a Bill of Rights concerning the landscape-architectural services Client's may expect to receive.
- (iii) The Board may collect, and participate in collecting, professional demographic data.

I. Oversight of Board through Annual Report. To provide continued oversight, the Board shall file with the Governor an annual report on the Board's activities, including reference to the Board's effectiveness and efficiencies. The annual report shall, through statistics, at minimum, identify the number of Licensees, Applicants, renewals, complaints, and disposition of such complaints, the number of Board meetings, and all financial data relevant to Board operations.

Section 213(G)

This section identifies that the board is able to charge fees for various services and documents to offset expenses of board operations.

Section 213(H)(ii)

This section authorizes the board to establish a Code of Conduct intended to provide clients and licensees with what to expect of the relationship. Information that may be included: how the practitioner is regulated and by whom, how a complaint can be filed, how billing and payment occur; expected work product, time period to completion, and other contractual details.

Section 213(I)

This section identifies the oversight intended through the statute by setting expectations regarding reporting. It references an annual report filed by the Board including its contents.

Section 214 Source of Data

When making determinations under this Act, and to promote uniformity and administrative efficiencies, the Board may rely on the expertise of, and documentation and verified data gathered and stored by, not-for-profit organizations sharing the Board's public-protection mission.

Article III. - Licensing.

Section 301. Unlawful Practice.

- A. Unless this Act provides otherwise, it is unlawful to engage or offer to engage in the practice of Landscape Architecture unless the acting party is licensed as a Landscape Architect under this Act.
- B. No Person offering services may use the designation *Professional Landscape Architect*, *Registered Landscape Architect* or *Licensed Landscape Architect*, or any other designation, words, or letters indicating licensure as a Landscape Architect, including abbreviations, or hold himself or herself out as a Landscape Architect unless licensed by the Board.
- C. Providing any service defined under this Act as the practice of Landscape Architecture to a Client in [State] through digital, telephonic, electronic, or other means, regardless of the service provider's location, constitutes the practice of Landscape Architecture in [State] and requires the service provider's licensure under this Act.
- D. Providing any service defined under this Act as the practice of Landscape Architecture by a service provider located in [State] through digital, telephonic, electronic, or other means, regardless of the location of the Client receiving such services, constitutes the practice of Landscape Architecture in [State] and requires the service provider's licensure under this Act.
- E. Any Person who, after Hearing, is found by the Board to have unlawfully engaged in the practice of Landscape Architecture is, in addition to any other authorized remedies, subject to a fine imposed by the Board not exceeding \$[dollars] for each offense, and the imposition of costs described in this Act.
- F. Nothing in this Act prevents members of other professions from engaging in the practice for which they are licensed by the State. However, such other professionals shall not hold themselves out as licensed Landscape Architects or refer to themselves by any title, designation, words, abbreviations, or other description stating or implying they are engaged in, or licensed to engage in, the practice of Landscape Architecture.

Section 214

This section authorizes the Board to rely on the private sector for certain services to promote efficiencies and uniformity. It recognizes the existence of CLARB-like organizations and that such associations can provide a wealth of services and products consistent with the Board's public-protection mission.

Section 301

This section addresses the fact that practice and use of titles are limited to licensees and that unlicensed persons are prohibited from practicing landscape architecture or using titles that confuse the public.

Section 301(C) and (D)

These sections recognize that electronic practice and other means of technology affect professional practice and need regulation through statute. Sections (C) and (D) establish where practice occurs and that the Board has authority over such modalities of practice.

Section 301(E)

This section establishes jurisdiction/authority of the Board to administratively prosecute unlicensed persons. This authority is essential to the Board's ability to protect the public and not rely solely on criminal prosecutions.

Section 302. Qualifications for Licensure.

- A. Initial Licensure: To obtain an initial License to practice Landscape Architecture an Applicant must substantiate each item below to the Board's satisfaction:
- (i) Submission of a completed and signed application in the form determined by the Board.
 - (ii) Possession of good moral character as determined by the Board.
 - (iii) Payment of all fees specified by the Board.
 - (iv) Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law.
 - (v) Completion of an Approved Education Program.
 - (vi) Completion of experience under Supervision requirements established by the Board.
 - (vii) Successful completion of the licensure Examination, as administered and graded in accordance with the Council of Landscape Architectural Registration Boards (CLARB) standards at that time.
- B. Licensure Transfer / Licensure by Endorsement: To obtain a License to practice Landscape Architecture, an Applicant licensed in another jurisdiction must substantiate each item below to the Board's satisfaction:
- i) Submission of a completed and signed application in the form determined by the Board.
 - ii) Possession of good moral character as determined by the Board. and
 - iii) Payment of all fees specified by the Board.
 - iv) Documentation of United States citizenship or other recognized/permitted immigration status as required under [State] law or, in the absence of [State] law, applicable federal law.
 - v) Possession—when initially licensed as a Landscape Architect—of all qualifications necessary to have been eligible for licensure in this State at that time.
 - vi) Demonstration that Applicant's professional licenses, in any State, are in Good Standing, or demonstration of Applicant's CLARB Certification.

Section 302

This section sets forth the eligibility criteria for licensure, both initial licensure (section (A)) and licensure through transfer program (section (B)). CLARB elected to include the licensure eligibility criteria for both applicants under the same section for ease of reference. All persons previously licensed by another jurisdiction must proceed under subsection (B).

Section 302(A)(B)

This section recognizes the important need for reasonable mobility and portability of programs in times of increased scrutiny of regulatory systems and requirements.

The CLARB Certificate program can be used to provide most of the required information for Initial Licensure or reciprocal licensure. Licensure eligibility criteria have been vetted through this program, thus alleviating the need to undertake duplicate assessments. Program requirements are designed to meet the licensure eligibility criteria required by most member boards.

C. Examinations and Examination Attempts

- i) Consistent with Article II section 214, the Board is authorized to use and rely on any Examination determined by the Board to assess necessary entry-level Competence. Such Examinations must be administered often enough to meet the Applicant population's needs, as determined by the Board.
- ii) The Board can limit the number of examination attempts by issuing a rule addressing such limits based on industry standards for high-stakes licensure Examination.

Section 303. Qualifications for Certificate of Authorization

Section 302(C)

This section authorizes the Board to determine what examination is necessary to assess entry-level competence as part of the licensure application process. Under Article II section 214, the Board is already authorized to rely on outside private entities for certain services so long as they share the Board's public-protection mission.

This section also authorizes the Board to promulgate rules related to limits on examination attempts.

This requirement does not apply to offices or places of business established to provide construction-administration services only.

- B. Business Entities shall apply to the Board for a Certificate of Authorization on a Board-prescribed form, providing Principals' names and addresses and other information the Board requires. The application must be accompanied by an application fee fixed by the Board, and must be renewed per the Board's renewal requirements.

The Applicant shall notify the Board in writing within 30 days of any change in the status of registered principals, the firm's name or address, or a branch office address or designated Licensee. If a Principal changes, the Applicant shall provide details of the change to the Board within 30 days after the effective change date.

- C. If the Board finds the Business Entity is in compliance with this section's requirements, it shall issue a Certificate of Authorization to such Business Entity designating the Business Entity as authorized to provide Landscape Architectural services.
- D. No Business Entity issued a Certificate of Authorization under this section is relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with this section, nor is any individual practicing Landscape Architecture relieved of responsibility and liability for services performed by reason of employment or relationship with such Business Entity. This section does not affect a Business Entity and its employees performing services solely for the benefit of the Business Entity, or a subsidiary or affiliated business entity. Nothing in this section exempts Business Entities from other applicable law.

Section 304. Qualifications for Practice under Disaster Declaration

Disaster Declaration. Any Person licensed to practice Landscape Architecture in another State or Province who provides services within the scope of their License and in response to a disaster declared by the governor or other appropriate authority of [State] may, on prior written notice to the Board, provide such services in [State] without a License issued by the Board for the duration of the declared emergency. Any practitioner providing services under this Section 304 submits to the Board's jurisdiction and is bound by [State] law. The Board retains authority to remove, revoke, rescind, or restrict this disaster-declaration practice privilege without Hearing by majority vote of its members.

Section 305. Requirement of Continuing Competence.

The Board shall by regulation establish requirements for continuing Competence, including determination of acceptable Continuing Education program content. The Board shall issue regulations necessary to the stated objectives and purposes of Continuing Education and to enforce this Section 305 to ensure Licensees' continuing Competence.

Section 304

This section addresses the temporary practice privileges of licensees in other states to come into the state and practice for a limited time corresponding with a declared disaster. This language is consistent with the EMAC legislation that allows temporary practice under declared emergencies.

Section 306. Requirements for Licensure Renewal.

- A. To maintain licensure, each Licensee shall renew such License when and in the manner established by the Board.
- B. To renew licensure, each Licensee shall provide documentation satisfactory to the Board of successful completion of at least 12 Continuing Education Contact Hours of an Approved Program of Continuing Education per year.
- C. To maintain licensure, each Business Entity shall renew its License when and in the manner established by the Board.

Section 307. Nonrenewal of Licensure; Requirements for Reinstatement of Expired License.

- A. Failure to renew a License by the designated renewal date as prescribed under applicable law, this Act, and its regulations will result in License expiration, which terminates authority to practice Landscape Architecture in [State].

Applicants for reinstatement of an expired License must substantiate by documentation satisfactory to the Board that Applicant meets the following criteria:

- i) When no more than 120 days have passed since the License expiration date, an Applicant for License reinstatement shall submit to the Board:
 - (1) A written petition for License reinstatement addressed to the Board.
 - (2) A completed and signed application for License reinstatement.
 - (3) Documentation of successful completion of all applicable licensure-renewal requirements.
 - (4) A written and signed attestation by Applicant that Applicant has not practiced Landscape Architecture at any time during the period of License expiration.
 - (5) All applicable fees, including a late fee determined by the Board that does not exceed three times the Board's initial licensure application fee.
 - ii) When more than 120) days have passed since the License expiration date, an Applicant for License reinstatement shall meet the requirements set forth in this Section 307(A)(i) and Section 302 of Article III of this Act. However, any application under this Section 307 is deemed an application for License reinstatement.
- B. The Board may impose additional reasonable License-reinstatement requirements necessary to fulfill its public-protection mission.

- C. The Board may also consider relevant extenuating circumstances submitted with any petition and application for License reinstatement in which Applicant demonstrates hardship, so long as the Board maintains its public-protection mission in considering the petition and application.

Section 310. Inactive License.

The Board shall by regulation establish procedures for issuing an Inactive License to a Licensee in Good Standing, under which the Applicant is exempted from licensure renewal requirements, but is not authorized to engage in the practice of Landscape Architecture while inactive.

Reinstatement of an Inactive License to active status will occur under procedures established by the Board and include an application for License reinstatement, payment of a reinstatement fee not to exceed two (2) times the initial licensure fee, and an attestation by Applicant that Applicant has not practiced Landscape Architecture while inactive.

Article IV Discipline.

Section 401. Grounds; Penalties; Reinstatement of License Following Board Discipline.

- A. The Board may refuse to issue or renew, or may suspend, revoke, reprimand, restrict or otherwise limit the License of, or fine, any Person or Business Entity, whether or not licensed, under the [State] Administrative Procedures Act or the procedures in Article IV, Section 402 of this Act, on one or more of the following grounds as determined by the Board:
- (i) Unprofessional conduct as determined by the Board.
 - (ii) Unethical conduct as determined by the Board.
 - (iii) Practice outside the scope of practice authorized under this Act or its regulations.
 - (iv) Conduct in violation of this Act or its regulations, including failure to cooperate with the Board's inspection or investigative processes within a reasonable time.
 - (v) Incapacity or impairment, for whatever reason, that prevents a Licensee from engaging in the practice of Landscape Architecture with reasonable skill, Competence, and safety to the public.

Section 401

This section delineates the grounds for administrative discipline of respondents found to have violated the Act. CLARB has elected to specify the grounds to ensure adequate scope of authority for the Board to protect the public through enforcement proceedings.

- (vi) Adjudication resulting in a finding of mental incompetence by regularly constituted authorities.
- (vii) Conviction of a Felony as defined under [State/Province] or federal law.
- (viii) Violation of any law, rule, or regulation of [State], any other State, or the federal government, pertaining to any aspect of the practice of Landscape Architecture.
- (ix) Misrepresentation of a fact by an Applicant or Licensee:
 - a) In securing or attempting to secure the issuance or renewal of a License.
 - b) In any statement regarding the Landscape Architect's skills or value of any service/treatment provided, or to be provided.
 - c) Using any false, fraudulent, or deceptive statement in connection with the practice of Landscape Architecture including, but not limited to, false or misleading advertising.
- (x) Licensee Fraud related to the practice of Landscape Architecture, including engaging in improper or fraudulent billing practices.
- (xi) Engaging in, or aiding and abetting any Person engaging in, the practice of Landscape Architecture without a License, or falsely using the title Landscape Architect, or a confusingly similar title.
- (xii) Failing to conform to accepted minimum standards of practice or failing to maintain a Landscape Architectural Business Entity at accepted minimum standards.
- (xiii) Attempting to use the License of another.
- (xiv) Failing to pay costs assessed in connection with a Board Adjudicatory Proceeding, or failing to comply with any stipulation or agreement involving probation or settlement of such Proceeding, or any order entered by the Board in such Proceeding.

- (xv) Conduct that violates the security of any Examination or Examination materials including, but not limited to:
- (a) Removing from the Examination setting any Examination material without appropriate authorization.
 - (b) Unauthorized reproduction by any means of any portion of the actual Examination.
 - (c) Aiding by any means the unauthorized reproduction of any portion of the actual Examination.
 - (d) Paying, or using professional or paid examination-takers, for the purpose of reconstructing any portion of the Examination.
 - (e) Obtaining Examination questions or other Examination material, except by appropriate authorization before, during, or after an Examination administration.
 - (f) Using or purporting to use any Examination question or material that was improperly removed, or taken from, any Examination.
 - (g) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered Examination.
 - (h) Communicating in any manner with any other examinee during the administration of an Examination.
 - (i) Copying answers from any other examinee or permitting one's answers to be copied by any other examinee.
 - (j) Examinee's possession during the administration of any Examination any books, equipment, notes, written or printed materials, or data of any kind, other than the Examination materials provided, or otherwise authorized to be in the examinee's possession during any Examination.
 - (k) Impersonating any examinee or having any Person take any Examination on the examinee's behalf.
- (xvii) Failure of a Licensee or Applicant to report to the Board any information required under Article VI of this Act.
- (xviii) Having had any right, credential, or license to practice a profession in this or another State subjected to adverse action or denial of right to practice. In such case, a certified copy of the record of the adverse action or denial of right to practice is conclusive evidence of such disciplinary action or denial.

Section 401(A)(xvi)

This section ensures that violations of examination agreements, including examination breaches and security protocols, constitute grounds for discipline. For the benefit of the public, and the integrity of licensure and examination processes, this authority is essential.

- B. The Board may defer discipline or other action regarding any impaired Licensee who enters into a binding agreement, in a form satisfactory to the Board, under which Licensee agrees not to practice Landscape Architecture and to enter into, and comply with, a Board-approved treatment and monitoring program in accordance with Board regulations.

This Section 310(B) does not apply to any Licensee convicted of, or who pleads guilty or *nolo contendere* to, a Felony, or to Licensee Convictions in another State or federal court relating to controlled substances or sexual misconduct.

- C. Subject to a Board order, any Person whose License to practice Landscape Architecture in [State] is suspended or restricted under this Act (whether by formal agreement with or by action of the Board), has the right, at reasonable intervals, to petition the Board for License reinstatement. The petition must be in writing and in the form prescribed by the Board.

After investigation and Hearing, the Board may grant or deny the petition, or modify its original findings to reflect circumstances changed sufficiently to warrant granting or denying the petition or modifying the findings and order. The Board may require petitioner to pass one or more Examination(s) or complete Continuing Education in addition to that required for licensure renewal, or impose any other sanction, condition, or action appropriate for reentering into the practice of Landscape Architecture and public protection.

- D. The Board, after Consultation and concurrence with the [(County) District Attorney or [State] Attorney General], may issue a cease-and-desist order to stop any Person from engaging in the unlawful practice of Landscape Architecture or from violating any statute, regulation, or Board order. The cease-and-desist order must state the reason for its issuance and explain the Person's right to request a Hearing under the [State] Administrative Procedures Act. This provision does not bar criminal prosecutions by appropriate authorities for violations of this Act.
- E. Final Board decisions and orders after a Hearing are subject to judicial review under the [State] Administrative Procedures Act, unless otherwise provided by law.

Section 402. Summary Suspension.

The Board may, without a Hearing, temporarily suspend a License for up to 60 days when the Board concludes a Landscape Architect violated any law or regulation the Board is authorized to enforce, and if continued practice by the Landscape Architect portends imminent risk of harm to the public (notwithstanding [State]’s Administrative Procedures Act). The suspension takes effect on written notice to the Landscape Architect specifying the law or regulation allegedly violated. When the Board issues the suspension notice, it shall schedule and notify the Licensee of an Adjudicatory Proceeding to be held under the [State] Administrative Procedures Act within [number] days after the notice is issued.

Section 402

This section authorizes the Board to suspend a license immediately without a hearing under identified circumstances that create imminent harm to the public. Such respondents are provided with a hearing within an identified period of time under administrative procedures.

Article V. - Mandatory Reporting.

Section 501. Requirement to Report.

Any Applicant, Licensee or Person with knowledge of conduct by any Person that may be grounds for disciplinary action under this Act or its regulations, or of any unlicensed practice under this Act, shall report such conduct to the Board.

Section 504. Reporting Other Licensed Professionals.

Any Applicant, Licensee or Person shall report to applicable licensing Boards conduct by a Licensee that is, or may be, grounds for disciplinary action under applicable law, if the conduct must by law be reported to such licensing boards.

Section 505. Reporting by Courts.

The administrator of any court with jurisdiction shall report to the Board any court judgment or other determination that an Applicant for licensure by the Board or a Licensee is mentally ill, mentally incompetent, guilty of a Felony, guilty of violating federal or State narcotics laws or controlled substances act, or guilty of crimes reasonably related to the practice of Landscape Architecture, or that appoints a guardian of Applicant or Licensee, or commits Applicant or Licensee under applicable law.

Section 506. Self-Reporting by Applicant for Licensure and Licensee.

An Applicant for licensure by the Board or a Licensee shall self-report to the Board any personal conduct or action that requires a report be filed under Article IV of this Act.

Section 507. Reporting Deadlines; Forms.

All reports required by this Act must be submitted to the Board no later than 30 days after the reportable conduct or action occurs. The Board may provide forms for reports required by Article VI of this Act and may require that reports be submitted on the forms. The Board may issue regulations to ensure prompt and accurate reporting as required by Article VI of this Act.

Section 508. Immunity for Reporters.

Any Person who in good faith submits a report required under Article VI of this Act, or who otherwise reports, provides information, or testifies in connection with alleged violations of this Act, is immune from liability or prosecution. Notwithstanding laws to the contrary, the identity of Persons submitting mandated reports is not disclosable, except as required in connection with an Adjudicatory Proceeding initiated by the Board or other proceeding in courts with jurisdiction.

Article VI Other.

Section 701. Severability.

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court with jurisdiction, the constitutionality or legality of the Act's other provisions and the Act's application to other persons and circumstances, is not affected, and those provisions remain in full force and effect, without the invalid provision or application.

Section 702. Effective Date.

This Act is effective on [date].

MODEL LAW

Approved September 2002, Amended September 2004

A. Purpose of the Act

In order to protect public health, safety and welfare, this Act regulates the title and practice of landscape architecture in [jurisdiction]. No person or business entity may engage in the practice of landscape architecture nor use the designation of Landscape Architect, Landscape Architecture, or Landscape Architectural, nor advertise any title or description tending to convey the impression that he or she is a landscape architect, unless the person or business entity is authorized in the manner hereinafter provided and thereafter complies with all the provisions of this Act. The practice of landscape architecture shall be deemed a privilege granted by the board, based on the qualifications of the individual as evidenced by a license.

[Commentary: This act provides for the licensure of individuals as landscape architects and requires that business entities be authorized by the board to offer landscape architectural services. By requiring certificates of authorization for business entities, the act ensures that a licensed landscape architect is responsible for a business entity's landscape architectural work.]

B. Definitions

Board – The board regulating Landscape Architects in [jurisdiction].

Business Entity – A firm, partnership, association, limited liability company or corporation.

Certificate of Authorization – A certificate issued by the board to a business entity permitting them to offer or provide landscape architectural services.

Landscape Architect – A person who complies with all provisions of this Act and is licensed by the board to engage in the practice of landscape architecture.

License – An authorization granted by the board to practice landscape architecture.

[Commentary: The following definition of Practice of Landscape Architecture contains three sections. The first paragraph broadly defines the practice of landscape architecture as the application of landscape architectural knowledge and skill. This section should be included in all definitions as it provides the basis for the boards' interpretation of landscape architectural practice and gives the board discretion in interpreting the scope of the profession. The subsequent sections add clarifying language in increasingly more specific levels. Although it is recommended that the first section stand alone these additional levels may be added depending on the statutory structure of the jurisdiction.]

Practice of Landscape Architecture – Any service where landscape architectural knowledge training, and experience are applied.

[Commentary: The second section lists some of the professional skills that are part of the practice of landscape architecture. It is recommended that the first section stand alone; however, depending on the statutory structure of the jurisdiction, the following may be desirable to amplify the scope of the profession.]

The practice of Landscape Architecture applies the principles of mathematical, physical and social sciences in consultation, evaluation, planning, design (including, but not limited to, the preparation and filing of plans, drawings, specifications and other contract documents) and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land.

[Commentary: The third section lists some of those services that are a part of the practice of landscape architecture.]

These services include, but are not limited to:

1. Investigation, selection and allocation of land and water resources for appropriate uses;
2. Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
3. Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
4. Determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
5. Design of land forms, storm water drainage, soil conservation and erosion control methods, site lighting, water features, irrigation systems, plantings, pedestrian and vehicular circulation systems and related construction details.

C. Board Structure, Operations and Powers

1. Composition – The Board of Landscape Architects shall be composed of...

[Commentary: Every jurisdiction organizes its regulatory boards according to the laws of the jurisdiction. The Model Law suggests two possible structures -- one for a separate board and one for a joint board. Each structure has positive and negative features. Generally speaking, the separate board structure provides for the maximum involvement by landscape architects in the regulatory process while the joint board structure is less expensive and provides for more interaction between related professions.]

[Alternative 1: Separate or single board – This board represents a single profession only. All staff and resources are applied directly to functions associated with the specific profession. Recommended size: no less than 5 members. Majority of members are licensed landscape architects with no less than one public member.]

[Alternative 2: Joint board – This board shares staff and resources, and regulates

multiple professions. Each profession should be equally represented, in addition to a small number of public members. Board size may vary according to number of professions represented.]

2. Board Member Qualifications – All board members shall be citizens of [country] and residents of [jurisdiction]. Landscape Architect members shall hold a valid license from [jurisdiction] to practice landscape architecture and shall have been licensed as a landscape architect for at least five years prior to their appointment. Public members shall be persons who are not by education or experience involved in the practice of landscape architecture, are not related in any way to a landscape architect, and do not have a financial interest in the practice of landscape architecture.
3. Appointment Process – Members shall be appointed by the Governor [or other means]. Members shall hold office for staggered terms of [number] years, with terms expiring on [date] of each year, or until their successor is appointed. Any vacancy occurring other than by expiration of a term shall be filled by appointment by the Governor [or other means] for the unexpired term. No member shall serve more than [number] successive full terms on the board.
4. Officers and Quorum – The board shall elect a Chair and Vice-Chair. A majority of the total number of board members shall constitute a quorum.
5. Powers and Duties of the Board –
 - a. The board shall promulgate regulations to govern the practice of landscape architecture, consistent with [jurisdiction's] Constitution, its laws and this Act, and with the purpose of protecting the public health, safety, and welfare.
 - b. The board shall establish the qualifications required for licensure to practice landscape architecture.
 - c. The board shall issue a license to qualified applicants for the practice of landscape architecture.
 - d. The board shall establish qualifications for business entities to offer or provide landscape architectural services and issue a certificate of authorization for such services.
 - e. The board shall levy and collect fees for services related to this Act.
 - f. The board shall maintain active membership in the Council of Landscape Architectural Registration Boards (CLARB), or its successor, and shall take all steps necessary to maintain the confidentiality and security of examination materials.
 - g. The board shall meet at least once per year.
 - h. The board shall keep a record of its proceedings and activities.

- i. The board may revoke, suspend, or refuse to renew a license or certificate of authorization for just causes as enumerated in the regulations of the board.
- j. The board shall receive complaints concerning the conduct of any person or business entity whose activities are regulated by this Act.
- k. The board shall enforce the statutes and regulations pertaining to the practice of landscape architecture, including investigation of alleged violations of statutes or regulations, and refer suspected criminal violations to appropriate law enforcement authorities. The board shall take appropriate disciplinary action if warranted, including imposing a fine for any statutory or regulatory violation not to exceed [\$_____].

D. Exemptions

- 1. Nothing in this Act shall prohibit any architect, professional engineer, or land surveyor registered under the statutes of [jurisdiction] from providing services for which they are licensed.
- 2. Nothing in this Act shall prohibit a nurseryman, gardener, landscape designer, or landscape contractor from preparing planting plans or installing plant material provided the project scope does not impact the public health, safety or welfare.
- 3. Nothing in this Act shall prohibit individuals from making plans, drawings or specifications for any property owned by them and for their own personal use.

Notwithstanding the provisions of this section, any person exempted under this section shall not make use of the title “landscape architect”, or other similar words or titles, which imply licensure as a landscape architect, unless licensed pursuant to the provisions of this Act.

E. Unlawful Acts and Enforcement

- 1. It shall be unlawful for any person or business entity to:
 - a. Practice landscape architecture without holding a valid license or certificate of authorization as required by statute or regulation.
 - b. Use the terms “landscape architect,” “landscape architecture,” or “landscape architectural” to denote a standard of professional competence without being duly licensed.
 - c. Use any titles, words, letters, or abbreviations to denote a standard of professional competence that may reasonably be confused with landscape architect or landscape architecture without being duly licensed.
 - d. Perform any act or function that is restricted by statute or regulation to persons holding a license to practice landscape architecture, without being duly licensed.
 - e. Offer landscape architectural services without a license or certificate of authorization to practice landscape architecture.
 - f. Materially misrepresent facts in an application for licensure or certificate of authorization.
 - g. Willfully refuse to furnish the board with information or records required pursuant to statute or regulation.

- h. Procure, or assist another to procure, through theft, fraud or other illegal means questions or answers to the Landscape Architect Registration Examination, or its successor.
- i. Violate any statute or regulation governing the practice of landscape architecture regulated pursuant to this Act.

Any person who willfully engages in any unlawful act enumerated in this section shall be guilty of a *[high level of misdemeanor]*. The third or subsequent conviction for violating this section shall constitute a *[low level of felony]*.

- 2. In addition to the criminal penalties provided for in subsection 1 above, the board, without need to comply with *[the jurisdiction's Administrative Process Act]*, shall have the authority to enforce the provisions of subsection 1 of this section and may institute proceedings in equity to enjoin any person, partnership, corporation or other entity from engaging in the unlawful acts enumerated in this section.
- 3. In addition to the criminal penalties provided for in subsection 1 above, the board may also make application to the district court, without giving bond, for civil enforcement of a violation of any statute or regulation in accordance with this Act. The board may assess civil fines and costs, after proper notice and an opportunity to be heard, against any person or business entity for a violation of statute, regulation, or order enforceable by the board in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and each subsequent violation. All civil fines or costs assessed and collected under this section shall be remitted to the *[jurisdiction]* treasurer and credited to the *[jurisdiction]* general fund *[(jurisdiction's) literary fund, or other requirement]*.

F. Applicability to Local Jurisdictions

[Commentary: In some jurisdictions, state law supersedes local law and therefore this section may not be needed. In other jurisdictions, this section may be useful as a means to address barriers to landscape architectural practice at the local level.]

- 1. No municipal, city, local or other ordinance, policy or action shall reduce or limit the scope of professional practice defined by this act.

MODEL REGULATIONS

Amended September, 2004

I. Purpose

These regulations are promulgated by the Board of Landscape Architects under [*cite act or statutes*] for the purpose of protecting the public health, safety and welfare. These regulations contain the information necessary to become licensed as a landscape architect, or offer landscape architectural services as a business entity. These regulations also contain the standards of practice for landscape architects and possible sanctions to be rendered for failure to adhere to these standards.

II. Severability

If any provision or application of these regulations is found to be invalid for any reason, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and therefore, the provisions of these regulations are declared to be severable.

III. Compliance with ADA (For U.S. jurisdictions)

The board and the [*jurisdiction*] support and fully comply with the provisions of the Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq. Contracts between the board, examination vendors, and examination administrators contain the necessary provisions for compliance with the ADA. Requests for accommodations must be in writing and received by the board at least 45 days before examination. The board may require a report from medical professionals along with supporting data confirming the nature and extent of the disability. It is the responsibility of the applicant to provide the required information in a timely manner. The costs of providing such information are the responsibility of the applicant. The board shall determine what, if any, accommodations will be made.

[**Commentary:** *Canadian provinces should replace this section with the appropriate reference to Canadian standards.*]

IV. Definitions

As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation. Any reference to gender throughout these regulations is intended to be gender neutral; i.e., “he” shall mean “he or she”.

Applicant – An individual who has submitted an application for licensure to the board.

CLARB – The Council of Landscape Architectural Registration Boards, or its successor.

Applicant Record – Verified documentation of an individual’s education, experience, examination, licensure and professional conduct. The board may accept information compiled by CLARB in a Council Record as sufficient documentation.

Model Regulations

CLARB Certificate – Certification by CLARB that a landscape architect has met the minimum standards of education, examination, experience and professional conduct established by the Council and is thereby recommended for licensure in all member jurisdictions.

CLARB Standards of Eligibility – Standards for education, experience, examination and professional conduct that are approved by CLARB's member boards and adopted by the board as the minimum standards for licensure.

CLARB Uniform Continuing Education Standards -- Standards for content, structure and duration of continuing education that are approved by CLARB's member boards and adopted by the board as the minimum standards for licensure renewal.

Direct control and personal supervision – That degree of supervision by a landscape architect overseeing the work of another whereby the supervisor has been directly involved in all judgments affecting the health, safety and welfare of the public.

Licensure examination – The licensure examination for landscape architects prepared by CLARB and accepted by the board.

Principal – An individual who is a landscape architect and is in charge of a business entity's landscape architectural practice.

Responsible charge – The direct control and personal supervision of the practice of landscape architecture.

Seal – A symbol, image, or information in the form of a rubber stamp, embossed seal, computer generated data, or other form acceptable to the board that is applied or attached to a document to verify authenticity of the document's origin.

V. Fee Schedule

[Commentary: Insert a list of fees charged by the Board. It is recommended that fees that originate from outside of the Board, such as exam fees, be listed as "cost to the Board plus" \$XX "administrative fee." Such language eliminates the need to amend the regulations each time an external fee changes. It also prevents those situations where a Board may be forced to subsidize a fee if it cannot change the regulations in time to account for a fee increase.]

VI. Requirements for Licensure

A. Standards

To be granted a license, an applicant must be of good moral character and must demonstrate to the satisfaction of the board that the applicant has:

1. Satisfied the education and experience requirements established by the board.

Model Regulations

2. Successfully completed the licensure examination where the examination, administration and grading were conducted in accordance with CLARB standards at that time, and
3. A history of acceptable professional conduct as verified by employers and registration boards.

Applicants shall meet applicable entry requirements at the time the application is submitted to the board.

[Commentary: An important benefit of licensure for landscape architects is the ability of the licensed professionals to move easily from jurisdiction to jurisdiction. This movement provides for greater selection for the public, increased competition among qualified professionals and greater mobility for licensees. The current practice of listing specific standards for licensure in the regulations makes it difficult to establish uniform standards and virtually ensures standards will vary from jurisdiction to jurisdiction.]

To provide for ease of reciprocity, the Model Regulations include references to the national standards for licensure adopted by CLARB's member boards. All laws that use this reference will therefore always have the same standards. As the national standards change over time, the standards in each of these jurisdictions will be automatically updated, thereby ensuring reciprocity.

It is preferred that references to the CLARB Standards of Eligibility indicate the most recent edition; however, in some jurisdictions, it may be required that a specific publication date be included. In such cases, it will be necessary to revise the Regulations when the standards are changed so that all jurisdictions maintain equivalent requirements.]

B. Application Procedures

1. An applicant who is not licensed in any other jurisdiction shall submit an application to the board accompanied by the appropriate fee. Such application shall include the information required by the Applicant Record. The Board may accept a CLARB Council Record as the application for licensure. If the applicant has not passed the licensure examination, the applicant shall complete the examination process. Alternatively, at the discretion of the board, applicants may be admitted to the licensure examination upon demonstrating to the satisfaction of the board that they have successfully completed the education and professional conduct requirements for licensure. In such cases, the board shall establish deadlines for submission of an application for examination and shall provide instructions for examination administration. The board may permit an applicant to apply on other forms prescribed by the board.
2. An applicant who is licensed in another jurisdiction shall submit an application to the board accompanied by the appropriate fee. The board may accept as such application a Council Certificate furnished by CLARB. The board may permit an applicant to apply, without a CLARB Certificate, using other forms prescribed by the board.

Model Regulations

3. Applicants who have been found ineligible for any reason may request further consideration by submitting written evidence of additional qualifications, education or experience. No additional fee will be required provided the requirements for licensure are met within one year from the date the original application was received by the board. After that period, a new application will be required.
4. The board may make further inquiries and investigations with respect to the qualifications of the applicant, to confirm or clarify information submitted. The board may also require a personal interview with the applicant.
5. Failure of an applicant to comply with a written request from the board within 60 days of receiving the notice, except where the board has determined ineligibility for a specified period of time, may be sufficient cause for disapproving the application.

[Commentary: Traditionally, applicants have applied to take the L.A.R.E. as the final step in fulfilling the requirements for licensure (education, experience and examination,) the Model Regulations stipulate that applicants should apply to the member board after having completed all requirements. This approach utilizes the Council Record as the licensure application thereby centralizing the record keeping process, establishing uniform application forms and processes and freeing member boards from these administrative tasks.]

C. Issuance of a License

Upon review by the board of the applicant's satisfactory completion of all the licensure requirements, the board will issue a license. Each license issued by the board will be valid until the expiration date noted on the license.

VII. Requirements for a Certificate of Authorization for Business Entities

A. Standards

A business entity formed for the purpose of offering to provide or providing landscape architectural services is required to obtain a certificate of authorization from the board. Each business entity shall meet the following requirements:

1. Each business entity shall designate one or more licensed landscape architects as being in responsible charge of the landscape architectural services and decisions of the firm. In the case of multiple offices, each office shall have a designated landscape architect in responsible charge of that office.
2. Each landscape architect designated as being in responsible charge of the business entity's landscape architectural activities and decisions shall file a notarized affidavit of responsibility with the board.

B. Application Procedures

A business entity shall submit an application to the board, accompanied by the appropriate fee. The application shall be on forms prescribed by the board and shall contain the following information:

Model Regulations

1. Name and address of each partner, manager, officer, member, director or shareholder, indicating the professional status of each and their jurisdiction's license number.
 2. Name and address of each landscape architect designated as being in responsible charge of the business entity's landscape architectural activities and decisions.
 3. Affidavit of responsibility from each landscape architect designated as being in responsible charge of the business entity's landscape architectural activities and decisions.
 4. A copy of the business entity's articles of incorporation, partnership agreement, limited liability operating agreement, or other document forming the business entity, and any amendments.
- C. Issuance of Certificate of Authorization
- Upon satisfactory completion of all application requirements, the board will issue a certificate of authorization. A certificate of authorization issued by the board shall be displayed at the business entity's principal place of business where the public can readily view it.

VIII. Renewal, Reinstatement and Replacement

- A. Change of Address
- Any change of address shall be reported to the board in writing within thirty days of the change.
- B. Expiration and Renewal of a License
1. Prior to the expiration date shown on the license, a landscape architect shall submit a renewal application and required fee to the board. The landscape architect must certify continued compliance with the Standards of Practice and Conduct and continuing education requirements as defined in these regulations. Upon satisfactory completion of all renewal requirements, the license shall be renewed for a two-year period.
 2. Failure to receive a renewal notice and application shall not relieve the landscape architect of the responsibility to renew. If a renewal notice is not received, the landscape architect may submit a copy of the license, the required fee, and a signed statement indicating that the landscape architect continues to comply with the Standards of Practice and Conduct and continuing education requirements.
 3. The board may deny renewal of a license for the same reasons it may refuse initial licensure or discipline a landscape architect.
 4. If the renewal application and fee are not submitted to the board within 30 days following the expiration date noted on the license, a late renewal fee shall be required, unless reinstatement is required as noted below.
- C. Reinstatement of a License
1. If a license has been expired for six months or more, but less than four years, the landscape architect shall be required to submit a new application, which shall be

Model Regulations

evaluated by the board to determine if the applicant meets the renewal requirements. A reinstatement fee will also be required. In addition, the applicant must complete all delinquent professional development hours for one renewal cycle.

2. If the license has been expired for four years or more, the applicant will be required to submit a new application, meet current entry requirements, and submit the new application fee in addition to the reinstatement fee. The board may require the applicant to submit to all or parts of the licensure examination and/or complete all delinquent professional development hours required for at least one renewal cycle.
3. The board may deny reinstatement of a license for the same reasons it may refuse initial licensure or discipline a landscape architect.
4. The date the renewal application and fee are received in the board office shall determine whether the license shall be considered for renewal or reinstatement.
5. A license that has been reinstated shall be regarded as having been continuously licensed without interruption.

D. Expiration and Renewal of a Certificate of Authorization

1. Prior to the expiration date shown on the certificate of authorization, a business entity shall submit an application for renewal and the required fee to the board. The application shall contain the following information:
 - a. The name and address of each partner, manager, officer, member, director or shareholder indicating the professional status of each; and
 - b. The name and address of each landscape architect designated as being in responsible charge of the business entity's landscape architectural activities and decisions. If the designated landscape architect is not the same as indicated on the previous filing, the landscape architect shall file an affidavit of responsibility with the renewal application.

Upon satisfactory completion of all renewal requirements, the certificate of authorization shall be renewed for a two-year period.

2. A certificate of authorization not renewed by the last day for the period for which it was issued is not valid after that date. Any renewal application postmarked after the last day will be returned.
3. Any changes in the names and addresses of the partners, managers, officers, members, directors or shareholders, or the designated landscape architect, occurring between filing intervals shall be reported to the board within thirty days following such a change.
4. An application for a new certificate of authorization is required from a business entity in the following situations:
 - a. The name of the business entity is changed.
 - b. The business entity has failed to timely renew the certificate of authorization in accordance with these regulations.

F. Replacement of a Certificate

Model Regulations

Any landscape architect may obtain replacement for a lost, destroyed or damaged current certificate upon submission of a fee and a written statement indicating the nature of the loss, destruction or damage.

IX. Continuing Education Standards

- A. Continuing education, if required by the member board, shall be completed in accordance with the standards adopted by the board. The board may adopt the standards set forth in the CLARB Uniform Continuing Education Standards.

[Commentary: Since many boards have adopted continuing education requirements, this optional wording is included here to provide for the uniform application of such requirements. It is preferred that the regulations refer to the most recent edition of the CLARB standards.]

B. Exemptions

A landscape architect may be exempt, upon board review and approval, from continuing education requirements in any of the following situations:

1. The new landscape architect's first renewal period is less than two years from the original date of licensure.
2. A landscape architect is called to active duty in the armed forces for a period of time exceeding 120 consecutive days in a calendar year. This individual may be exempt from obtaining one-half of the required continuing education during that renewal period.
3. A landscape architect experiences physical disability, illness, or other extenuating circumstances that prevents the landscape architect from practicing landscape architecture. The landscape architect shall provide supporting documentation for the board's review and approval. If the landscape architect elects to return to practice, the landscape architect shall complete all professional development hours required for one renewal cycle, in addition to those required for the next licensure renewal.

C. Records

Each landscape architect shall maintain:

1. A log showing the subject and type of activity claimed, the sponsoring organization, location, duration and instructor's or speaker's name.
2. Documentation sufficient to prove completion of the activity claimed, such as attendance verification records, completion certificates or other documents;
3. Records for at least four (4) years; and
4. Copies of all records that may be requested by the board for audit verification purposes.

D. Audit

Upon request, each landscape architect shall provide proof of satisfying the continuing education requirements. If the landscape architect fails to furnish the

Model Regulations

information as required by the board or if the information is not sufficient to satisfy the requirements, the license shall not be renewed.

E. Disallowance

If the board disallows one or more continuing education activities claimed, the board may, at its discretion, allow the landscape architect up to 120 days after notification to substantiate the original claim or to complete other continuing education activities sufficient to meet the minimum requirements.

X. Standards of Practice and Conduct

A. Competence

1. In practicing landscape architecture, a landscape architect shall act with reasonable care and competence and shall apply the technical knowledge and skill that is ordinarily applied by landscape architects of good standing practicing in the same locality.
2. In designing a project, a landscape architect shall take into account all applicable construction laws, zoning codes and other applicable laws or regulations. A landscape architect shall not knowingly design a project in violation of such laws and regulations.
3. A landscape architect shall undertake to perform professional services only when the landscape architect, together with those whom the landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
4. No person shall be permitted to practice landscape architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

B. Conflict of Interest

1. A landscape architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
2. If a landscape architect has any business association or direct or indirect financial interest that is substantial enough to influence the landscape architect's judgment in connection with the performance of professional services, the landscape architect shall fully disclose this in writing to the client or employer. If the landscape architect's client or employer objects to such association or financial interest, the landscape architect shall either terminate such association or interest or offer to give up the commission or employment.
3. A landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
4. When acting as the interpreter of landscape contract documents and the judge of contract performance, a landscape architect shall render decisions impartially, favoring neither party to the contract.

Model Regulations

C. Full Disclosure

1. A landscape architect shall disclose whenever he/she is being compensated for making public statements concerning landscape architectural issues?
2. A landscape architect shall accurately represent to a prospective or existing client or employer the landscape architect's qualifications and clearly define the scope of his/her responsibility in connection with work for which the landscape architect is claiming responsibility.
3. If a landscape architect becomes aware of a decision made by his/her employer or clients against the landscape architect's advice, that violates applicable construction laws, zoning codes or other applicable regulations and that will, in the landscape architect's judgment, materially and adversely affect the public health, safety and welfare, the landscape architect shall:
 - a. Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations;
 - b. Refuse to consent to the decision; and
 - c. In circumstances where the landscape architect reasonably believes that other such decisions will be made notwithstanding his/her objection, then the landscape architect shall terminate services with reference to the project. In the case of a termination in accordance with this paragraph of this rule, the landscape architect shall have no liability to the client on account of such termination.
4. A landscape architect shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for licensure or renewal.
5. A landscape architect shall not assist in the application for licensure of a person known by the landscape architect to be unqualified in respect to education, examination, experience or character.
6. A landscape architect possessing knowledge of a violation of these rules by another landscape architect shall report such knowledge to the board.

D. Compliance with Laws

1. A landscape architect shall not, in the practice of landscape architecture, knowingly violate any criminal law.
2. A landscape architect shall neither offer nor make any payment or gift to any governmental official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the landscape architect is interested.
3. A landscape architect shall comply with the laws and regulations governing professional practice in any jurisdiction.

E. Professional Conduct

1. A landscape architect shall not sign nor seal drawings, specifications, reports or other professional work for which the landscape architect does not have direct control and personal supervision and over which the landscape architect has no legal authority. However, in the case of portions of professional work prepared by

Model Regulations

the landscape architect's consultants registered under this or another professional registration law of this jurisdiction, the landscape architect may sign or seal that portion of the professional work if the landscape architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

2. A landscape architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the landscape architect is interested.
3. A landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

F. Seal Requirements

1. All final professional documents, including maps, plans, designs, drawings, specifications, estimates and reports issued by a landscape architect shall contain a seal, signature and date whenever they are presented to a client or public or governmental agency. A landscape architect's license must be in full force and effect in order to seal documents.
2. A seal shall contain the following information:
 - a. Jurisdiction of licensure
 - b. Landscape architect's name
 - c. License number
 - d. The words "Landscape Architect"
 - e. Any other information required by the board.
3. A signature shall be:
 - a. A handwritten message containing the name of the person who applied it; or
 - b. A digital signature that is an electronic authentication process attached or logically associated with an electronic document. The digital signature must be:
 - (1) Unique to the person using it
 - (2) Capable of verification
 - (3) Under the sole control of the person using it
 - (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the board is presumed to meet the criteria set forth in subsection b. above.
4. For the purpose of sealing printed drawings, specifications, and contract documents, each landscape architect shall obtain an embossing seal and a reproducible facsimile of a design approved by the board to be used in accordance with these regulations on documents prepared by or under the supervision of a landscape architect. *[A facsimile of the seal design should be included in these regulations.]*
5. The seal or reproducible facsimile shall be applied on all original drawings to produce legible reproduction on all copies or prints made from said drawings.

Model Regulations

This provision does not in any manner modify the requirements of paragraph X.F.4.

6. No landscape architect shall affix his/her seal or signature to documents that were developed by others not under the direct control and personal supervision of the landscape architect.

XI. Sanctions and Disciplinary Actions

- A. Complaints – The board shall receive written complaints against any regulant. The board shall cause the complaint to be investigated within a reasonable time period. The board will hear the findings and action will be recommended or taken.
- B. Hearings – The accused regulant shall have a right to a hearing in accordance with *[the jurisdiction's Administrative Process Act – this refers the regulant to the specific procedures for the hearing process.]*
- C. Disciplinary Actions – The board may suspend or revoke a license, or fine a regulant, if the board finds that:
 1. The license was obtained or renewed through fraud or misrepresentation;
 2. The landscape architect has been found guilty by the board, or a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted of any felony or misdemeanor that, in the judgment of the board, adversely affects the landscape architect's ability to perform satisfactorily as a landscape architect;
 3. The landscape architect is guilty of professional incompetence or negligence;
 4. The landscape architect has abused drugs or alcohol to the extent that professional competence is adversely affected;
 5. The landscape architect has violated any of the Standards of Practice and Conduct, as defined in these regulations.
 6. The landscape architect has violated any *[statutory provisions dealing with landscape architects, cited here]* or any provision of these regulations.

End

Resolution to Approve the Draft Model Law and Regulations

WHEREAS, the CLARB Board of Directors charged a Task Force to revise the CLARB model law and regulations to provide a core resource to members to strengthen landscape architectural regulation;

WHEREAS, the revised models should support the regulation of the full licensed scope of practice, reflect best practices in regulation, consider the evolving legal environment, achieve balance between public protection and access to licensure, and provide flexibility for a changing environment;

WHEREAS the Board of Directors has considered and agrees with the Task Force's recommendation to completely re-write the models to encourage uniformity across professions and streamline licensure;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the revised model law and regulations as shown on the attached documents, and approves the submission of the revised documents to the Members for consideration;

AND BE IT FURTHER RESOLVED that the revised model law and regulations be published and submitted to the Members for their approval, in accordance with Article 6, Section 5 of the Bylaws.

Council of Landscape Architectural Registration Boards – May 2017

Statement in Support

The revised CLARB model law and regulations represent the culmination of nearly two years of discussion, research, analysis and feedback to ensure that the models best support our members in their role of public protection through the regulation of landscape architecture. At the end of this lengthy, thorough process, we concluded that model law and regulations must evolve and the proposed models represent a reasoned, practical and sound approach.

The proposed model documents reflect best practices in regulation, encourages uniformity across professions, responds to the current legal and political environment, reduces barriers to licensure, maintains proper authority to protect the public and streamlines licensure processes.

We are pleased to present the completely revised draft model law and regulations to the membership for review and consideration as we all work together to protect the efficient and effective regulation of landscape architecture.

CLARB



Summary of Enhancements to the CLARB Model Law and Regulations:

The Model Law task force, co-facilitated by Phil Meyer and Veronica Meadows, has drafted a new model law and supporting regulations using the FARB Uniform Model Practice Act as the basis to encourage uniformity, not only among landscape architecture licensing boards, but across all professions. In addition, the draft model attempts to resolve the following concerns given today's uncertain political environment:

Qualifications for licensure

- Utilization of CLARB's standards of eligibility for certification as the licensing standard which recognizes alternate paths to licensure (reduces barriers) and to encourage mobility across jurisdictions.
- Requires LA firm registration to reduce risk of unlicensed practice.

Regulatory board composition

- Determines optimal (recommended) structure for composite and autonomous boards to address anti-trust liability concerns and to best perform in the changing environment.
- Reduces the number of years required to serve to increase diversity of the board.
- Requires a public (non-landscape architect) member on the board.
- Eliminates potential for the appearance of conflict of interest by not allowing board members to serve simultaneously in leadership positions in the professional society.

Board authority

- Establish authority over unlicensed practice to ensure public health, safety and welfare.
- Ability to temporarily fill vacancies left un-appointed for more than six months in the interest of public protection and continued board function.
- Provide broad authority to the board on disciplinary matters to ensure protection of health, safety and welfare.

Data sharing

- Enable regulatory boards to utilize data verified by CLARB (transcripts, employment, etc.) as "official" copies to streamline the licensure process.

Reporting

- Require reporting of unlawful, unethical and egregious practice that risks public health, safety and welfare by licensees and civil and criminal courts.



CLARB Model Law and Regulation 2017 Revision

Frequently Asked Questions

What is a model law?

A model law contains recommended statutory language that is intended to provide guidance for establishing and enhancing licensure laws. The model law can be modified to meet the needs in each jurisdiction.

What are model regulations?

Model regulations complement the model law providing suggestions for ways member boards can carry out the provisions introduced in the model law. The model regulations provide the necessary administrative details not covered in the model law. The model regulations are designed to assist member boards in drafting and revising board regulations and can be modified to meet the needs in each jurisdiction.

How can boards use the CLARB model law/regulations?

Boards can use the model law and regulations as a resource when establishing a new law or revising an existing law.

The model language can be used as extensively as desired to strengthen or clarify existing statutes or regulations. The models can be used in whole or in part or not at all, depending on local needs, opportunities and constraints. CLARB does, however, recommend that members give serious consideration to important issues that the CLARB model law and regulations address—issues that underlie some of the current and expected future stress on regulation including professional mobility, access to practice and public protection.

What does voting “yes” to approve the resolution to adopt the revised models mean for members?

This would enable CLARB to publish the documents as a recommended standard to promote public protection and facilitate reasonable access to licensure in any jurisdiction. It is a voluntary standard and, while Boards are encouraged to adopt it to the greatest extent possible, it is understood that each jurisdiction will make an independent decision on adoption.

How does the CLARB Model Law promote public protection?

It is a resource for legislatures and licensing boards addressing issues related to the public-protection mission of regulation.

This Model Law promotes uniformity in licensing laws (affording predictability, commercial efficiency, and enhanced trust in the profession), establishes minimal standards of competence for those practicing landscape architecture, and facilitates professional mobility and portability through a licensure transfer process.

What is the process by which the proposed model law and regulations are offered for adoption by the membership?

From the CLARB Bylaws: A resolution is drafted and distributed to the membership for review and consideration no later than 60 days prior to the Annual Meeting. Members in attendance at the meeting will vote on the resolution and an affirmative vote of the majority is required for passage.

How do the CLARB Models compare to other laws published by other regulatory board associations (including design profession groups)?

The model law task force took into consideration all of the related design discipline models as well as the Federation of Associations of Regulatory Boards (FARB) Uniform Practice Act. Ultimately the revised model was drafted using the FARB model as the basis to encourage uniformity, not only among landscape architecture licensing boards, but across all regulated professions.

What are CLARB's plans for future updates?

Due to the evolving nature of the regulatory environment, CLARB will review and revise the CLARB model law and regulation on an as-needed basis.

Who can I contact with questions?

Please feel free to contact Veronica Meadows if you have further questions regarding the draft models. Phone 571-432-0332 x116 or vmeadows@clarb.org

Agenda Item I.6

DISCUSS AND POSSIBLE ACTION ON STRATEGIC PLAN OBJECTIVE TO CONSIDER ADVOCATING FOR CLARB TO INSTITUTE AN INTERNSHIP/EXPERIENCE-BASED PROGRAM TO ALLOW APPLICANTS' PARTICIPATION IN THE LICENSURE PROCESS EARLY AND PROVIDE A MORE COMPREHENSIVE EXPERIENCE COMPONENT

The Landscape Architects Technical Committee's (LATC) 2017-2018 Strategic Plan contains an objective which directs the Committee to "consider advocating for CLARB to institute an internship/experience-based program to allow applicants' participation in the licensure process early and provide a more comprehensive experience component."

The California Architects Board (Board) has required a structured internship since 2005 (prior to 2005, candidates were required to gain architectural experience with no specific requirements as to the type of experience [programming, code research, risk management, etc.]). Candidates are required to complete the Architectural Experience Program (AXP) of the National Council of Architectural Registration Boards (NCARB). NCARB describes AXP as follows:

The Architectural Experience Program™ (AXP™) provides a framework to guide you through gaining and recording your professional experience. Developed by NCARB, the program is required by most U.S. jurisdictions and is a key step on the path to earning a license. Through the AXP, you'll learn how to safely and competently handle the scenarios you'll face as an architect. With broad experience areas that reflect the current phases of practice, the program prepares you for everything from site design to project management. You can start earning AXP™ experience after you graduate from high school (or the established equivalent). You'll need three things before you start:

- 1. An experience opportunity that qualifies for AXP credit*
- 2. An NCARB Record*
- 3. A supervisor or mentor*

Experience Requirements

The AXP covers a number of architecture-related opportunities and areas. Keep in mind that each opportunity must meet certain conditions, and at least half of your experience must be earned while employed by a qualified architecture firm under the supervision of an architect. As your career develops, review the AXP requirements to ensure you're getting the experience you need.

NCARB Record

To report experience, you'll need to establish an NCARB Record, which will become a detailed, verified account of your education, experience, and examination history. You'll also need a Record to start the Architect Registration Examination® (ARE®).

Recording AXP Experience

To complete the AXP, you'll need to demonstrate competent performance of 96 tasks identified across six experience areas. There are two methods of demonstrating your experience:

- (1) Documenting a minimum of 3,740 hours across six experience areas;*
- (2) Submitting an online portfolio with samples of your work (Note: this option—known as the AXP Portfolio—is only for experienced designers with experience beyond five years applying for initial licensure)*

Supervisors and Mentors

All of your experience reports must be reviewed and approved by an AXP supervisor (or, in some cases, a mentor).

Attached for the Committee's reference is the NCARB Architectural Experience Guidelines from May 2017, which provides comprehensive information on the AXP program.

For the LATC (and CLARB), an AXP-like program could balance the need for multiple pathways into the profession while maintaining protection of the public's health, safety, and welfare. In addition, NCARB's experience has been that candidates' participation in AXP leads to overall improvement in pass rates on the Architect Registration Examination.

At today's meeting, the Committee is asked to discuss and take possible action on the strategic plan objective to consider advocating for CLARB to institute an internship/experience-based program.

Attachment:

NCARB Architectural Experience Program Guidelines (May 2017)



Architectural Experience Program Guidelines

Introduction	2	Documenting Your Experience Through Hours	14	Documenting Your Experience Through a Portfolio	27
What is the Architectural Experience Program?	2	Required Hours	14	Eligibility	27
About NCARB	3	Experience Settings	15	Overview of Steps	27
NCARB Services	3	Experience Setting A: Practice of Architecture	15	Supervision Requirements	28
Registration (Licensure)	4	Experience Setting O: Other Experience Opportunities	16	Exhibits	28
NCARB Certification	5	Employment Requirements	17	Employment History	29
Getting Started	6	AXP Supervisor	18	Best Practices	29
Create Your NCARB Record	6	Direct Supervision	18		
Experience Areas & Tasks	7	Mentor	18	Next Steps	30
Practice Management	8	Reporting Requirement	19		
Project Management	9	Other Work Experience Under Licensed Professionals	20		
Programming & Analysis	10	Design or Construction Related Employment	20		
Project Planning & Design	11	Community-Based Design Center/Collaborative	21		
Project Development & Documentation	12	CSI Certifications: CCS & CCCA	21		
Construction & Evaluation	13	Design Competitions	22		
		NCARB's Professional Conduct Monograph	23		
		Site Visit With Mentor	23		
		AIA Continuing Education for Health Safety Welfare (HSW)	24		
		Construction Work	25		
		Best Practices	26		

What is the Architectural Experience Program?

The Architectural Experience Program™ (AXP™) is an essential step in the path to becoming an architect. Through the AXP, you will learn about the daily realities of architectural practice, acquire comprehensive experience in basic practice areas, explore specialized areas of practice, develop professional judgment, and refine your career goals. The AXP is developed and administered by the National Council of Architectural Registration Boards (NCARB). In most jurisdictions, completion of the AXP is a requirement for initial registration (licensure). The AXP identifies the tasks that are essential for competent practice. The program is structured to prepare you to practice architecture independently upon initial registration.

Demonstrating Competent Performance

There are two methods of demonstrating competent performance of the AXP tasks. Most licensure candidates will complete the AXP by reporting hours. You will need to document a minimum of **3,740 required hours** under the six experience areas to complete the program. Some tasks may be easier to complete earlier in your career, while others may take more time and experience to complete. You and your supervisor should work together to create a plan that best fits your goals and abilities.

At least half of your experience must be completed under the supervision of a qualified architect; however, there are many ways to complete the remainder of your AXP hours outside the employment of an architect. These opportunities will be covered in the experience settings section.

The second method of demonstrating competent performance of the AXP tasks is through an AXP Portfolio. This new method is intended for experienced design professionals who put their licensure on hold and allows you to demonstrate your experience through the preparation of an online portfolio.



SIX EXPERIENCE AREAS

Practice Management

Project Management

Programming & Analysis

Project Planning & Design

Project Development
& Documentation

Construction & Evaluation

About NCARB

The National Council of Architectural Registration Boards (NCARB) is a global leader in architectural regulation, dedicated to helping professionals reach their career goals, providing key data about the path to licensure, and protecting the public's health, safety, and welfare.

We are a nonprofit organization made up of the architectural licensing boards of 54 states and territories. While each jurisdiction is responsible for regulating the practice of architecture within its borders, NCARB develops and administers national programs for licensure candidates and architects to ensure they have the mobility to go wherever their career takes them.

To accomplish this, NCARB recommends and encourages national requirements for architectural licensure. We develop and recommend standards for the 54 licensing boards, who then issue licenses to applicants who meet their specific registration requirements.

NCARB Services

NCARB exists to help you advance from student to practicing architect, so our services span the many phases of your career—think of us as your professional guide. Whether you're navigating the Architectural Experience Program™ (AXP™), completing the Architect Registration Examination® (ARE®), or earning your NCARB Certificate, NCARB is here to help.

And with our secure digital filing system, we can store all your major milestones, including official transcripts, employment history, examination successes, and more—a safe record of all of your achievements and accomplishments, ready to be transmitted to the jurisdiction of your choice.

NCARB Mission

NCARB protects the public's health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects.

Registration (Licensure)

Before you can officially call yourself an architect, you have to earn your license. Once you do, you'll prove to your firm and your community that you're able to protect the health, safety, and welfare of those who live and work in the built environment. Each licensing board has its own set of requirements, but navigating them doesn't have to be complicated. NCARB has developed a number of tools and resources to help you succeed in meeting your jurisdiction's specific standards in the following three areas:

Education



The recommended first step to becoming an architect is finding a school that offers a professional degree in architecture from a program accredited by the [National Architectural Accrediting Board](#) (NAAB) or the [Canadian Architectural Certification Board](#) (CACB).

With over 120 schools to choose from, the NAAB can help you find a school that fits your vision—or you can take advantage of the education alternatives that some jurisdictions offer. More information about starting your education in architecture can be found in the [Education Guidelines](#).

Experience



Licensure candidates also have to gain experience under the supervision of a practicing architect. The AXP provides the framework to guide you through earning and recording your professional experience—covering everything from site design to project management. And you can start reporting experience after graduating high school.

We know you'll be busy learning the ins and outs of architecture. That's why we offer a number of tools—including a free mobile app—that can help you log experience hours and understand the program requirements. And since completing the AXP is a core component for certification, you'll be on your way to earning your NCARB Certificate, too.

Ready to start earning experience? All the information you need can be found in this document.

Examination



Another key part of becoming an architect is demonstrating your knowledge and skills through the Architect Registration Examination (ARE). With exam divisions that are designed to reflect the current profession, the ARE assesses your competency to practice architecture independently. Passing the exam is another big step toward finally getting that license.

Whenever you need a helping hand, our tips, guides, and inspiring success stories are there to make sure you have what you need to get it done. To learn more about the exam and start planning, read the [ARE Guidelines](#) and the [ARE 5.0 Handbook](#).

NCARB Certification

Following initial licensure, obtaining an NCARB Certificate ensures you can get the most out of your career in architecture. It provides mobility and signifies that you have met the national standards that guide the 54 licensing boards. With an NCARB Certificate in hand, it's simpler to get licensed across jurisdictions—allowing you the freedom and flexibility to pursue your career and connect with clients regardless of location.

Benefits of the Certificate

Once you've earned your NCARB Certificate, you can take advantage of all the following benefits:

NCARB CREDENTIAL

Obtaining and maintaining an NCARB Certificate demonstrates that you've met national standards. You can now use the letters "NCARB" after your name.

RECIPROCITY

The Certificate streamlines the process for obtaining a license in a new jurisdiction.

MOBILITY

Gaining reciprocity in multiple jurisdictions allows you the freedom to go wherever the work takes you.

COMPETITIVE EDGE

Setting yourself apart from other architects can be key for your career; the greater flexibility you'll enjoy as a Certificate holder is often an important factor for firms when hiring and promoting.

SECURITY

As an NCARB Certificate holder, you don't have to worry about record keeping—all your information is stored on our secure server, ready whenever you need it.

FREE CONTINUING EDUCATION

Earning continuing education hours in Health, Safety, and Welfare (HSW) has never been easier, thanks to NCARB's online [Mini-Monograph Series](#)—free for Certificate holders!



For more information about how to access all the opportunities the NCARB Certificate has to offer, read the [Certification Guidelines](#).

GETTING STARTED

Establishing Your NCARB Record

In order to report experience for the AXP, you'll need an NCARB Record—a detailed, verified record of your education and experience, used to establish your qualifications for examination, registration, and certification. You'll also need an NCARB Record to start and complete the Architect Registration Examination (ARE) or apply for the NCARB Certificate.

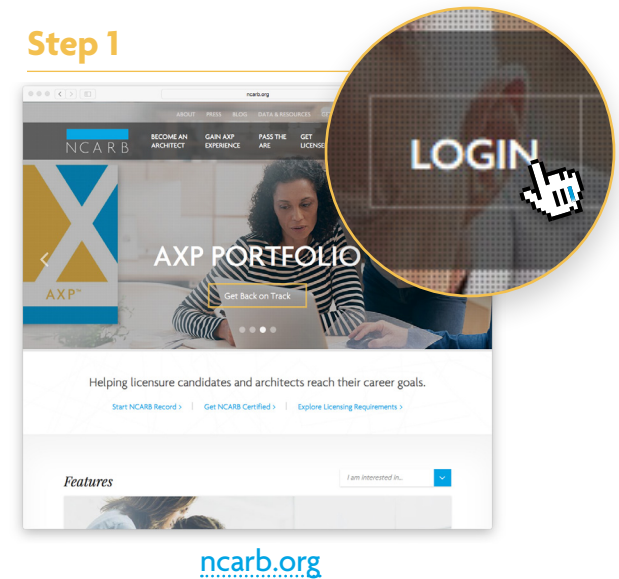
Create Your NCARB Record

To create your NCARB Record, click **Login in to My NCARB** (step 1) on the NCARB homepage. Then, click **Establish Record** (step 2). Once you have established your account, add the NCARB Record service. If you need additional time or information to complete the application, you can save it and return later.

In order to establish an NCARB Record and receive your NCARB Record number, you must complete the application and submit payment. Once you click **Submit**, you will receive two emails. The first will confirm receipt of your payment. The second will assign your NCARB Record number and provide further instructions.

More information on the cost of establishing and maintaining your NCARB Record can be found on our [fees page](#). All fees are subject to change, and are non-refundable unless otherwise noted. If you have applied for an NCARB Record in the past, please do not reapply. Instead, reactivate your existing Record by logging in to your NCARB Record online and selecting the Annual Renewal option. All renewals and reactivations are submitted online.

Step 1



ncarb.org

Step 2



my.ncarb.org

Experience Areas

The AXP includes **96 tasks** that are typically performed in **six experience areas**. These tasks were established by the *2012 Practice Analysis of Architecture* as the key items a licensure candidate should be capable of performing in order to practice architecture independently. You should use the AXP as a tool to help you gain the necessary experience to prepare you for the profession and beyond.

Six Experience Areas

Practice Management	8
Project Management	9
Programming & Analysis	10
Project Planning & Design	11
Project Development & Documentation	12
Construction & Evaluation	13

Practice Management

Practice Management is where you'll gain experience running an architecture firm—including the ins and outs of managing a business, marketing your firm, securing projects, working with clients, and sustaining a positive and professional work environment.

Practice Management Tasks

Upon completing the AXP, you should be able to competently perform the following tasks:

- ☐ Adhere to ethical standards and codes of professional conduct
- ☐ Develop professional and leadership skills within firm
- ☐ Comply with laws and regulations governing the practice of architecture
- ☐ Prepare proposals for services in response to client requirements
- ☐ Prepare final procurement and contract documents
- ☐ Participate in community activities that may provide opportunities or design of facilities that reflect community needs
- ☐ Understand implications of project delivery technologies
- ☐ Develop procedures for responding to contractor requests (Requests for Information)
- ☐ Participate in professional development activities that offer exchanges with other design professionals
- ☐ Prepare marketing documents that accurately communicate firm's experience and capabilities
- ☐ Understand implications of policies and procedures to ensure supervision of design work by architect in responsible charge/control
- ☐ Establish procedures for documenting project decisions
- ☐ Maintain positive work environment within firm that facilitates cooperation, teamwork, and staff morale
- ☐ Develop procedures for responding to changes in project scope
- ☐ Develop and maintain effective and productive relationships with clients
- ☐ Establish procedures to process documentation during contract administration

Project Management

In Project Management, you'll learn how to deliver projects that meet your contractual requirements, so you'll be prepared to budget, coordinate, oversee, and execute a project.

Project Management Tasks

Upon finishing the AXP, you should be able to competently perform the following tasks:

- ☐ Participate in pre-construction, pre-installation, and regular progress meetings with design team
- ☐ Determine design fee budget
- ☐ Coordinate design work of consultants
- ☐ Collaborate with stakeholders during design process to maintain design intent and comply with owner specifications
- ☐ Determine project schedule
- ☐ Coordinate design work of in-house team members
- ☐ Understand implications of project delivery methods
- ☐ Prepare Architect-Consultant Agreement
- ☐ Prepare written communications related to design ideas, project documentation, and contracts
- ☐ Assist client in determining delivery method for construction of project
- ☐ Maintain compliance with established milestones
- ☐ Prepare Owner-Architect Agreement
- ☐ Assist Owner in obtaining necessary permits and approvals
- ☐ Perform constructability review to determine buildability, bid ability, and construction sequencing of proposed project
- ☐ Conduct periodic progress meetings with design and project team
- ☐ Establish methods for Architect-Client communication based on project scope of work
- ☐ Identify changes in project scope that require additional services
- ☐ Manage modifications to the construction contract
- ☐ Manage information exchange during construction
- ☐ Perform constructability reviews throughout the design process
- ☐ Perform quality control reviews throughout the documentation process
- ☐ Define roles and responsibilities of team members
- ☐ Determine scope of services
- ☐ Manage project-specific bidding process
- ☐ Monitor performance of design team consultants
- ☐ Evaluate appropriateness of building information modeling (BIM) for proposed project
- ☐ Present design concept to stakeholders
- ☐ Submit schedule of Architect's services to Owner for each phase
- ☐ Resolve conflicts that may arise during design and construction process
- ☐ Prepare staffing plan to meet project goals
- ☐ Manage implementation of sustainability criteria
- ☐ Assist client in selecting contractors

Programming & Analysis

Programming & Analysis is the first phase of a project, often referred to as pre-design. You'll experience tasks related to researching and evaluating client requirements, building code and zoning regulations, and site data to develop recommendations on the feasibility of a project.

Programming & Analysis Tasks

Upon finishing the AXP, you should be able to competently perform the following tasks:

- ☐ Determine impact of applicable zoning and development ordinances to determine project constraints
- ☐ Gather information about community concerns and issues that may impact proposed project
- ☐ Analyze existing site conditions to determine impact on facility layout
- ☐ Evaluate results of feasibility studies to determine project's financial viability
- ☐ Determine impact of environmental, zoning, and other regulations on site
- ☐ Establish sustainability goals affecting building performance
- ☐ Prepare diagrams illustrating spatial relationships and functional adjacencies
- ☐ Establish project design goals
- ☐ Prepare site analysis diagrams to document existing conditions, features, infrastructure, and regulatory requirements
- ☐ Consider recommendations from geotechnical studies when establishing design parameters
- ☐ Assist owner in preparing building program including list of spaces and their characteristics
- ☐ Develop conceptual budget
- ☐ Gather information about client's vision, goals, budget, and schedule to validate project scope and program
- ☐ Evaluate opportunities and constraints of alternative sites
- ☐ Assess environmental impact to formulate design decisions
- ☐ Determine impact of existing transportation infrastructure on site
- ☐ Consider results of environmental studies when developing site alternatives
- ☐ Review legal documents related to site to determine project constraints

Project Planning & Design

Project Planning & Design covers the schematic design phase of a project. You'll learn to layout the building design, review building codes and regulations, coordinate schematics with consultants, and communicate design concepts with your client.

Project Planning & Design Tasks

Upon finishing the AXP, you should be able to competently perform the following tasks:

- ☐ Perform building code analysis
- ☐ Develop sustainability goals based on existing environmental conditions
- ☐ Prepare code analysis documentation
- ☐ Define requirements for site survey based on established project scope
- ☐ Select materials, finishes, and systems based on technical properties and aesthetic requirements
- ☐ Determine design parameters for building engineering systems
- ☐ Prepare design alternatives for client review
- ☐ Present design ideas to client orally
- ☐ Oversee design integration of building components and systems
- ☐ Evaluate results of feasibility studies to determine project's technical viability
- ☐ Review local, state, and federal codes for changes that may impact design and construction
- ☐ Prepare Cost of Work estimates
- ☐ Determine impact of existing utilities infrastructure on site
- ☐ Apply principles of historic preservation for projects involving building restoration or renovation
- ☐ Understand implications of evolving sustainable design strategies and technologies
- ☐ Design landscape elements for site
- ☐ Develop mitigation options to address adverse site conditions

Project Development & Documentation

In Project Development & Documentation, you'll gain experience with projects after the schematic design has been approved—focusing on construction documents and coordinating with regulatory authorities to gain the necessary approvals for construction.

Project Development & Documentation Tasks

Upon finishing the AXP, you should be able to competently perform the following tasks:

- ☐ Communicate design ideas to the client graphically
- ☐ Prepare submittals for regulatory approval
- ☐ Communicate design ideas to client with two-dimensional (2-D) computer aided design software
- ☐ Select furniture, fixtures, and equipment that meet client's design requirements and needs
- ☐ Communicate design ideas to the client using hand drawings
- ☐ Communicate design ideas to client with three-dimensional (3-D) computer aided design software
- ☐ Update Cost of Work estimates

Construction & Evaluation

In Construction & Evaluation, you'll get involved with the construction administration and post-construction phases of a project—this includes being out on the job site; meeting with contractors, clients, and building officials; and punching lists, leading to the completion of your project.

Construction & Evaluation Tasks

Upon finishing the AXP, you should be able to competently perform the following tasks:

- ☐ Review shop drawings and submittals during construction for conformance with design intent
- ☐ Respond to Contractor Requests for Information
- ☐ Complete field reports to document field observations from construction site visit
- ☐ Review results from field reports, third-party inspections, and other test results for conformance with contract documents
- ☐ Review Application and Certificate for Payment
- ☐ Manage project close-out procedures and documentation

Documenting Your Experience Through Hours

In order to document your experience, you'll need to submit reports of your hours under each experience area. These reports must be submitted within an eight-month period in order to gain full credit.

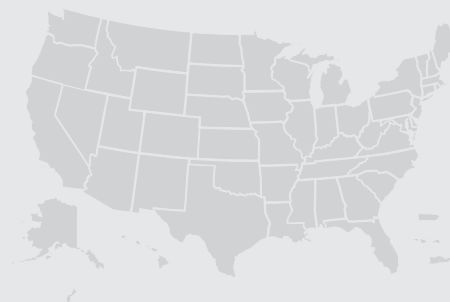
ELIGIBILITY REQUIREMENT

In order to be eligible to participate in the AXP, you must have successfully earned a high school diploma or an established equivalent.

Required Hours

To complete the AXP, you must meet the required number of hours for each of the six experience areas. For each experience report, you'll need to competently perform tasks defined in one or more of the experience areas.

EXPERIENCE AREA	REQUIRED HOURS
Practice Management	160
Project Management	360
Programming & Analysis	260
Project Planning & Design	1,080
Project Development & Documentation	1,520
Construction & Evaluation	360
TOTAL	3,740



PLEASE NOTE

Some jurisdictions may require additional experience and/or have a minimum employment duration requirement, so NCARB recommends that you continue to report all of your hours. Doing so will help facilitate licensure and reciprocity in jurisdictions that have additional experience requirements.

Documenting Your Experience Through Hours

Experience Settings

Your experience reports will fall under one of two experience settings: setting A or setting O.

These settings separate your experience into two categories:

- A: Work performed for an architecture firm.
- O: Experiences that can be performed outside an architecture firm.

They serve to define the type of organization, the work performed, and who verifies the experience.

Experience Setting A: Practice of Architecture

1,860 hours minimum

You must earn a minimum of 1,860 hours in experience setting A. There is no maximum number of hours you may earn in this experience setting.

In order to qualify, these hours require direct supervision by an AXP supervisor licensed as an architect in a U.S. or Canadian jurisdiction in an organization engaged in the lawful practice of architecture.

LAWFUL PRACTICE

The definition of the “lawful practice” of architecture is determined by individual jurisdictions. For more information, contact your registration board.

Documenting Your Experience Through Hours

Experience Setting O: Other Experience Opportunities

If you are not currently working for an architecture firm, there are many other opportunities for earning the required hours to complete the AXP. Some of these experiences require employment, but others do not. There is no minimum number of hours required for this experience setting, although many of the opportunities have a maximum limit.

OPPORTUNITY	WHETHER OR NOT EMPLOYED?	WHO APPROVES	WHERE THE HOURS GO	HOURS
<u>Other Work Experience Under Licensed Professionals</u>	See employment requirements	AXP Supervisor	Any AXP experience area	Up to 1,860 hours
<u>Design or Construction Related Employment</u>	See employment requirements	AXP Supervisor	Any AXP experience area	Up to 320 hours
<u>Community-Based Design Center/Collaborative</u>	Yes	"Designated" AXP Supervisor	Any AXP experience area	Up to 320 hours
<u>CSI Certification: CCCA</u>	Yes	NCARB	Construction & Evaluation	40 hours
<u>CSI Certification: CCS</u>	Yes	NCARB	Project Planning & Design	40 hours
<u>Design Competitions</u>	Yes	Mentor	Any AXP experience area	Up to 320 hours
<u>NCARB's Professional Conduct Monograph</u>	Yes	NCARB	Practice Management	Up to 10 hours
<u>Site Visit With Mentor</u>	Yes	Mentor	Construction & Evaluation	Up to 40 hours
<u>Construction Work</u>	Yes	AXP Supervisor	Construction & Evaluation	Up to 320 hours
<u>AIA Continuing Education for HSW</u>	Yes	NCARB	Any AXP experience area	Up to 20 hours per area

Documenting Your Experience Through Hours

Employment Requirements

To earn experience in setting A or work-related setting O opportunities including: “Other Work Experience Under Licensed Professionals,” “Design or Construction Related Employment,” and some scenarios in “Construction Work,” you must be employed.

- Unpaid internships are not eligible to earn experience hours with the exception of the approved Community-Based Design Center/Collaborative as defined in experience setting O.
- No experience may be earned outside of the U.S. or Canada, except at an organization engaged in the practice of architecture or an approved Community-Based Design Center/Collaborative as defined in experience setting O.
- If the employment situation earns academic credit or is a requirement for a class, it can still qualify for AXP hours. Only employment situations qualify for AXP in this condition. The experience needs to be in compliance with the employment requirement and submitted as per the AXP rules.

Documenting Your Experience Through Hours

AXP Supervisor

Your AXP supervisor is the individual who supervises you on a daily basis and has professional knowledge of and responsibility for your work. Your AXP supervisor is required to certify that the information you submit on your experience report is true and correct and that you performed the tasks competently.

AXP supervisors are usually registered architects; however, in certain experience opportunities, your AXP supervisor may be a professional from another discipline.

In experience setting A and the opportunities within O that require your AXP supervisor to be licensed, your AXP supervisor must have an active license at the time the experience occurred. However, your supervisor does not have to be registered in the jurisdiction where they or you are located. You may have multiple supervisors over the course of your experience.

Direct Supervision

To earn experience hours in workplace settings described in this document, you must work under the direct supervision of an AXP supervisor. Your supervisor must verify your experience and foster a professional relationship that is grounded in a direct professional association.

“Direct supervision” of an AXP participant must occur either through personal contact and/or remote communication (e.g. email, online markups, webinars, Internet), provided that your supervisor maintains control over your work and has sufficient professional knowledge to determine the competency of your performance.

Mentor

You may have many mentors throughout your career—these can be loyal advisors, teachers, or coaches. In the AXP, there are opportunities for your mentor to certify certain experience opportunities and provide guidance in your professional development.

In order to qualify for these opportunities, your mentor must hold a current license to practice architecture in a U.S. or Canadian jurisdiction; however, your mentor does not have to be registered in the jurisdiction where they or you are located.

Earning Experience in New York

If you are earning experience in New York, you must contact the New York Board to verify its supervisor requirements.

AXP Supervisors

If you are an AXP supervisor, we have resources on our website that can help you understand your role and expectations. You only need a free My NCARB account to be a supervisor; you do not need an NCARB Record.

Documenting Your Experience Through Hours

Reporting Requirement

All AXP experience must be reported within the required amount of time.

Experience must be submitted through the online reporting system or My AXP mobile app (free for iPhone and Android). To earn full credit for experience, you must submit all experience in reporting periods of no longer than six months and within two months of completion of each reporting period.

Experience reported beyond this eight-month period will be accepted at a reduced value of 50 percent toward the AXP requirements for up to five years after the date of the experience. After that time, the experience will no longer count toward your AXP hours.

Provisions have been made for reasonable extensions to the two-month filing period. For more information on the reporting requirements and extensions, please refer to the [NCARB website](#).



PLEASE NOTE

Architects registered in a U.S. or Canadian jurisdiction, as well as architects registered outside of the United States or Canada whom NCARB has confirmed eligible for its foreign architect path to certification, documenting AXP for the purpose of obtaining the NCARB Certificate:

- Are not subject to these reporting requirements when retroactively documenting their experience
- Must document their experience via the online reporting system or My AXP mobile app

For more details on NCARB certification requirements and options, refer to the [Certification Guidelines](#).

Documenting Your Experience Through Hours

Experience Setting O

OTHER WORK EXPERIENCE UNDER LICENSED PROFESSIONALS

You may earn up to 1,860 hours for working in any combination of the following employment settings:

For experience gained in the United States or Canada:

- Direct supervision by an individual licensed as an architect in a U.S. or Canadian jurisdiction in an organization not engaged in the practice of architecture.
- Direct supervision by an individual licensed in a U.S. or Canadian jurisdiction as a landscape architect or engineer (practicing as a structural, civil, mechanical, fire protection, or electrical engineer in the field of building construction

For experience gained outside of the United States or Canada:

- Direct supervision by an architect not registered in the United States/Canada engaged in the practice of architecture.

DESIGN OR CONSTRUCTION RELATED EMPLOYMENT

You may earn up to 320 hours for working in design or construction related employment. Only experience that aligns with the AXP tasks can qualify for AXP hours.

Design or construction related activities qualify under the direct supervision of a person experienced in the activity of:

- Analysis of existing buildings
- Planning
- Programming
- Design of interior space
- Review of technical submissions
- Management of building construction activities

No license is required for the AXP supervisor for experience gained in this opportunity.

Documenting Your Experience Through Hours

... EXPERIENCE SETTING O CONTINUED

Community-Based Design Center/Collaborative

You may earn up to 320 hours for volunteer service in support of a pre-approved charitable organization outside of a recognized experience setting or academic requirement.

Community-Based Design Center/Collaborative organizations must apply to NCARB and be pre-approved by NCARB before the experience occurs.

To be considered as a recognized organization, the Community-Based Design Center/Collaborative must meet the following criteria:

- The organization must have 501(c)(3) status as a charitable organization.
- The work must be in support of “building” or “planning” projects.
- The organization must have an established ongoing relationship with an architect who can be responsible for your direct supervision. This architect will be considered the “designated AXP supervisor” for the organization.
- The work performed by the organization must be documented as related to the AXP experience areas and certified by the “designated AXP supervisor” as directly related to the practice of architecture.

CSI Certifications: CCS & CCCA

Whether or not you are employed, you may earn hours for completing the following CSI certifications:

CSI Certified Construction Specifier (CCS): 40 hours in Project Planning & Design for passing the CCS certification.

CSI Certified Construction Contract Administrator (CCCA): 40 hours in Construction & Evaluation for passing the CCCA certification.

Information regarding the Construction Specifications Institute is available at www.csinet.org.

For the list of qualifying Community-Based Design Center/Collaborative organizations currently recognized by NCARB, please check [our website](#).

SUBMITTING CSI CERTIFICATION

- You must upload the CSI certificate documenting completion of the program
- Once submitted, the CSI Certification is reviewed and approved by NCARB

Documenting Your Experience Through Hours

... EXPERIENCE SETTING O CONTINUED

Design Competitions

You may earn up to 320 hours for completion and submission of a design competition entry outside of a recognized experience setting or academic requirement.

Competitions completed for a firm while employed count for AXP credit under the related experience setting.

The design competition must be completed under the supervision of a mentor and meet the following criteria:

- Align to at least one of the AXP tasks
- Be for a “building” or “planning” project
- Be a formally structured competition with specified submission requirements
- Sponsored by a recognized business entity, governmental agency, or professional association
- You must be appropriately credited on the competition entry

WORK PRODUCT

You must retain copies of all documentation related to design competitions completed for AXP credit for a period of at least three years beyond the date the experience is approved by your mentor.

REQUIRED DOCUMENTATION

- You must upload a complete Design Competition Verification Form to the online reporting system.
- The competition entry must be completed and submitted in compliance with the published design competition requirements.

EXPECTATIONS

AXP participant

- Select appropriate competition with mentor approval
- Develop competition entry
- Review work with mentor on a regular basis
- Submit competition entry
- Complete the verification form
- Document experience through the online reporting system and upload the verification form

Mentor

- Approve competition selection
- Review competition work with AXP participant on a regular basis
- Review final competition entry prior to submission

Documenting Your Experience Through Hours

... EXPERIENCE SETTING O CONTINUED

NCARB's Professional Conduct Monograph

Up to 10 hours in Practice Management

You may earn 10 hours in Practice Management by reading the full [NCARB Professional Conduct Monograph](#) and passing the related quiz. Or, you may earn 1-2.5 hours in Practice Management by reading each of the NCARB Professional Conduct mini-monographs and passing the related quizzes.

NCARB monographs are written by experts in their fields and explore topics relevant to architectural practice. They may be completed by architects to satisfy their continuing education requirements or by licensure candidates for AXP credit. If you complete an NCARB monograph for AXP hours, you will not be eligible to repeat the monograph for continuing education credit for license renewal.

Site Visit With Mentor

You may earn up to **40 hours in Construction & Evaluation** for visiting construction sites with your AXP mentor.

The site visit must be outside of a recognized experience setting.

EXPECTATIONS OF MENTOR

- Opportunities to see the progress of a job over time are ideal; however, single visits to a site are acceptable
- The experience should be interactive with opportunities to discuss how issues related to the specific project were resolved
- The discussion should include why particular design decisions were made

EXPECTATIONS OF THE AXP PARTICIPANT

- You should be able to review and discuss the project relative to the drawings
- You should interact with members of the design and construction industry involved in the project

Documenting NCARB's Professional Conduct Monograph

- Take and pass the quiz. The quiz will be available to you in your NCARB Record.
- Individuals who do not pass the quiz may repeat the quiz as necessary.
- You will automatically earn AXP hours upon passing the quiz.

AXP participants can access the NCARB [Professional Conduct Monograph](#) at no charge through their NCARB Record.



Documenting Your Experience Through Hours


... EXPERIENCE SETTING O CONTINUED

AIA Continuing Education for Health Safety Welfare (HSW)

You may earn up to 20 hours per experience area by completing AIA-approved continuing education resources and programs that qualify for HSW. Self-reported continuing education is not eligible for AXP credit. One AIA HSW learning unit earns one AXP hour.

DOCUMENTING AIA CONTINUING EDUCATION

- If you are not an American Institute of Architecture Students (AIAS) or AIA Associate member, you may obtain a temporary AIA customer number by completing the webform at www.aia.org. Contact the AIA at emergingprofessionals@aia.org with any additional questions.
- If you are an AIAS or AIA Associate member, you may use your member number to report continuing education.
- You must upload your AIA transcript documenting completion of AIA continuing education when reporting your continuing education. Certificates of completion cannot be accepted. Your AIA transcript is available at www.aia.org/education.
- Once reported, AIA continuing education is reviewed and approved by NCARB.



Information regarding the American Institute of Architects (AIA) continuing education programs is available at:

www.aia.org/education

Documenting Your Experience Through Hours

... EXPERIENCE SETTING O CONTINUED

Construction Work

You may earn up to **320 hours in Construction & Evaluation** for construction work performed in either of two scenarios:

- Paid position meeting the AXP employment requirement
- Volunteer service at a nonprofit organization

GENERAL EMPLOYMENT SCENARIOS

Qualifying construction activities include “hands-on” experience working for a variety of organizations including, but not limited to:

- General contractor
- Subcontractor
- Fabrication shop
- Materials supplier
- Manufacturers (doors, windows, etc.)
- Developer/development corporation
- School district or higher education physical plan or facilities department
- Facilities department for a private corporation
- Military construction battalion (e.g. Navy Seabees)
- Disaster relief efforts
- Nonprofits (e.g. Habitat for Humanity, Community Development Corporation, Youth Corps, religious/multi-denominational development corporations, neighborhood housing services)

TYPES OF CONSTRUCTION WORK

Qualifying construction activities include “hands-on” experience working in a variety of scenarios including, but not limited to:

- Building layout
- Framing
- Roofing
- Concrete and masonry
- Painting and finishing
- Drywall and plastering
- Flooring
- Tile setting
- Wiring and equipment installation
- Ductwork mechanical equipment installation
- Plumbing and fixture installation
- Site clearing and preparation
- Backhoe operation, grading, etc.

APPROVAL OF CONSTRUCTION WORK

An AXP supervisor who meets the requirements of direct supervision and is experienced in the activity being performed (e.g. foreman, project manager, etc.) must certify your Construction Work experience. Your AXP supervisor does not have to be licensed to certify your work in this opportunity.

Documenting Your Experience Through Hours

Best Practices for Completing the AXP Through Documenting Hours

When searching for an architecture firm, make sure the firm has opportunities for you to gain experience in all of the tasks and areas necessary to complete the AXP.

While working, have regular meetings with your supervisor to go over your progress in completing the AXP and develop a plan to finish the program in a timely manner.

THINGS TO DISCUSS:

- How often should you be reporting hours to your AXP supervisor
- Upcoming projects and experience opportunities that would help you finish the AXP
- Experience opportunities in the office

Record your hours daily using the timesheet method in the online reporting system or mobile app and submit your hours to your AXP supervisor in blocks of two months or less. These shorter blocks allow you to keep better records of your progress and allow you to make adjustments with your supervisor as needed.

Never leave employment at an office prior to making sure your AXP supervisor approves all your experience gained under their supervision. When you are no longer working for an office, it can become more difficult to get your former supervisor to approve hours you have submitted.

Do not take your timesheet hours and copy them into the AXP experience requirements. The AXP is not a measurement of the hours you spend at work. In order to successfully complete the program, you must competently perform the tasks listed in each of the six experience areas. If your office work falls outside of the AXP requirements, then those hours should not be documented for AXP (i.e. traveling to a job site).

Documenting Your Experience Through the AXP Portfolio

This method of documenting AXP experience is meant for experienced professionals who have worked for firms in the past and are currently unable to complete the AXP due to the reporting requirement. Through the portfolio, you will submit to your supervisor/mentor exhibits of completed work to demonstrate competency in each of the 96 tasks required by the AXP.

To complete the AXP through this process, you will need to meet all the AXP requirements through the portfolio. In other words, you cannot complete the experience requirement through a combination of reporting hours and the AXP portfolio. You can still participate in the portfolio option if you have submitted hours, but they will not count toward the portfolio requirements.

Eligibility

To be eligible to complete the AXP through the portfolio, you must meet each of the following requirements:

- Do not hold a license to practice architecture in any of the 54 NCARB jurisdictions or Canada
- Have a minimum of two years of experience that meets the requirements of the AXP that is older than five years, as defined in [employment history](#).
- Have a current [architect supervisor](#) who meets the requirements to approve your portfolio
- Be unable to finish documenting the AXP through the [hour documentation method](#)
- All experience must have occurred post high school graduation or an established equivalent

Overview of Steps Toward Completing AXP Portfolio

1. **Complete the AXP Portfolio eligibility review application**
 - a. In order for NCARB to determine if you are eligible for this program you will need to:
 - i. Identify your [architect supervisor](#).
 - ii. List all past work experiences from high school graduation to present. You do not need an active NCARB record for the application.
2. **If NCARB determines that you are eligible to participate in the AXP Portfolio, you will need to:**
 - a. Log in to your My NCARB Record.
 - i. If you do not have an NCARB Record, you will need to establish one and notify your NCARB AXP Portfolio eligibility reviewer before proceeding to the next step.
 - b. From your Record, go to the experience tab and report past employment history from high school graduation to present.
 - i. Report only work experiences as defined in the [employment requirement](#).
 - ii. For experiences that are within the past five (5) years, you will need to submit via the [hour method](#). These reports will need to be submitted to the person who was your supervisor at the time of the experience. For experiences that are older than five (5) years, you will report using the duration option (for Reporting Format select "None"). You may submit these reports to your portfolio architect supervisor.
 - iii. Submit experience reports.
 - c. Once all applicable employment history has been approved, notify your NCARB AXP Portfolio eligibility reviewer.
3. **NCARB will complete a final AXP Portfolio eligibility review. If we have questions, we will contact you. Otherwise, your eligibility reviewer will grant you access to the AXP Portfolio documentation system.**
4. **Complete the AXP Portfolio requirements**
 - a. Every AXP task will require at least one exhibit that demonstrates your experience and competency in that task. From the AXP Portfolio documentation system, you will be able to upload exhibits and assign your exhibits to the AXP tasks.
 - b. Your portfolio architect supervisor will review your exhibits and determine if you have demonstrated competent performance for each of the AXP tasks. Your portfolio architect supervisor may request that you provide additional exhibits.
 - c. Once your portfolio reviewer is satisfied that you have demonstrated competent performance for each of the AXP tasks, you will have completed the AXP Portfolio and satisfied NCARB's experience requirement.

Documenting Your Experience Through the AXP Portfolio

Supervision Requirements

CURRENT ARCHITECT SUPERVISOR

If you are currently working for an architect, this person must serve as your AXP supervisor.

Your supervisor needs to meet the following requirements:

- Have an active license to practice architecture in one of the 54 NCARB jurisdictions for a minimum of six (6) months
- Have had a working relationship with you for a minimum of six (6) months

ARCHITECT MENTOR

If you are not currently working for an architect, your architect mentor may act as your architect supervisor to review and approve your portfolio.

Your mentor needs to meet the following requirements:

- Have an active license to practice architecture in one of the 54 NCARB jurisdictions for a minimum of one (1) year
- Have known you for a minimum of one (1) year

Exhibits

You will demonstrate competency in each of the 96 AXP tasks through exhibits. Exhibits will typically be PDFs and/or images of drawings, certificates, word documents, etc.

You will need to have at least one exhibit associated with each AXP task. However, one exhibit can be associated with multiple tasks.

You can view a list of potential exhibits for each task on the NCARB [website](#). This list is just a resource and not meant to be a requirement.

Documenting Your Experience Through the AXP Portfolio

Employment History

You will create a history of work experience in your NCARB Record based upon the [reporting requirement](#). Use the [hour method](#) to report all experience gained within the past five years. Then submit any experience older than five years through duration only. If you have already submitted experience reports, you will need to fill in the gaps to show eligibility for the portfolio.

The online reporting system will require a work setting and a supervisor name. You can use your current architect supervisor to approve past experience. Only include work experiences that meet the requirements of experience setting A or experience setting O.

As part of your eligibility for the portfolio, you will need at least two years of full-time experience that meets the requirements of the AXP gained outside of a five-year window from the date you request eligibility for the AXP Portfolio:

- Minimum of one year of Experience Setting A.
- Up to one year of any combination of the opportunities from Experience Setting 'O' below:
 - ◊ Up to one year - Other Work Experience Under Licensed Professionals
 - ◊ Up to two months - Design or Construction Related Employment
 - ◊ Up to two months - Construction Work.

Part-time experience will accrue at 50 percent toward the two-year requirement. You may need to provide a reference for each of the work experiences listed in your Record.

Best Practices for Completing the AXP through the Portfolio

This process is only for people who have a body of experience that fulfills the AXP but falls outside the reporting requirement.

It is best to collect exhibits for each of the tasks and make a plan to finish this process prior to starting. Talk with your supervisor/mentor about expectations for your portfolio before submitting your body of experience.

Some portfolio supervisors prefer the exhibits have descriptive text in the documents you upload that states how this document demonstrates competency for the associated tasks.

Next Steps

The AXP is only one component that leads to licensure in the 54 NCARB jurisdictions. Make sure you are able to meet the education and examination requirements as well. For details on how to gain licensure, view the NCARB [registration board requirements](#) page.

Once you have received your license and it's time to renew your NCARB Record, be sure to answer "yes" to the question: "Have you received a license to practice architecture since last renewal?" This will put you in the queue to get your Record evaluated for NCARB certification. For some jurisdictions, NCARB will need to send verification of your license. After we have all the necessary documents, your Record will be evaluated to determine if it meets the requirements for NCARB certification per the [Certification Guidelines](#).

If you want to start this process prior to your next NCARB renewal, contact NCARB customer service after receiving your license.

Agenda Item J

ENFORCEMENT PROGRAM

1. Review of Annual Enforcement Statistics
2. Discuss and Possible Action to Recommend to the Board to Amend LATC's *Disciplinary Guidelines* and Title 16, CCR Section 2680 (Disciplinary Guidelines)

Agenda Item J.1

REVIEW OF ANNUAL ENFORCEMENT STATISTICS

The Landscape Architects Technical Committee (LATC) maintains an ongoing goal of reducing its average enforcement case completion timeline and seeking greater efficiencies in the handling of all enforcement cases. As part of the Department of Consumer Affairs' Consumer Protection Enforcement Initiative, the LATC's enforcement completion goal is 18 months.

At the end of fiscal year (FY) 16/17, the LATC had 15 pending enforcement cases. The average time to complete an investigation in FY 16/17 was 147 days, an approximate 52% reduction from FY 15/16 (304 days). The attached Enforcement Statistics by Fiscal Year chart (Attachment J.1.1) displays LATC enforcement case data from the past five FYs (FY 12/13 to FY 16/17). In addition, supplemental Enforcement Graphic Data (Attachment J.1.2) provides supplementary data from the past three FYs (FY 14/15 to FY 16/17).

Attachments:

1. Enforcement Statistics by Fiscal Year
2. Enforcement Graphic Data

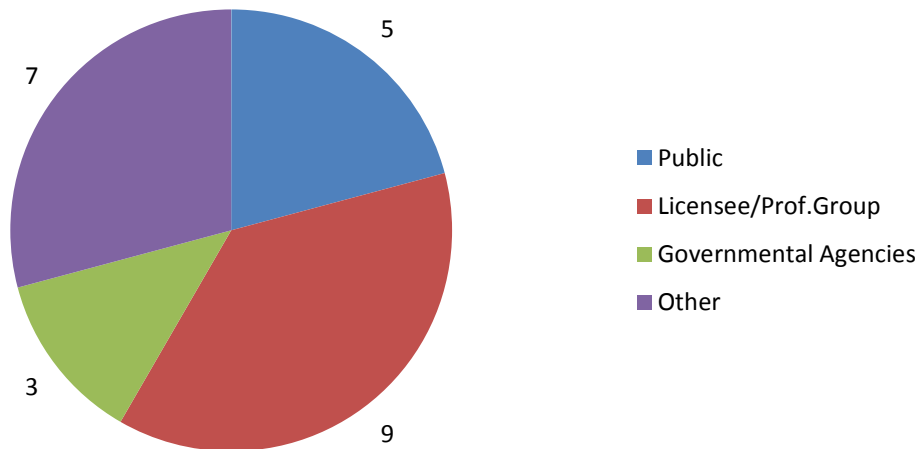
LATC Enforcement Statistics by Fiscal Year

Enforcement Data	2012/13	2013/14	2014/15	2015/16	2016/17
Complaints Received (Source)	Total: 27	Total: 32	Total: 23	Total: 22	Total: 24
Public	4	6	7	9	5
Licensee/Prof. Groups	10	12	8	9	9
Governmental Agencies	3	3	5	2	3
Other	10	11	3	2	7
Complaints Received (By Type)	Total: 27	Total: 32	Total: 23	Total: 22	Total: 24
Competence/Negligence	6	1	2	2	1
Unprofessional Conduct	0	1	2	5	2
Fraud	0	0	0	0	0
Health & Safety	0	0	0	0	0
Unlicensed Activity	21	24	17	12	12
Other	0	6	2	3	9
Investigations Commenced	Total: 27	Total: 32	Total: 23	Total: 22	Total: 24
Complaints Closed	Total: 23	Total: 40	Total: 26	Total: 33	Total: 19
Cease/Desist Compliance	17	14	13	7	3
Citation Issued	1	4	0	8	4
Insufficient Evidence	0	2	0	2	1
Letter of Advisement	2	3	6	8	4
No Jurisdiction	1	6	2	2	1
No Violation	0	10	5	4	4
Referred for Disciplinary Action	0	1	1	1	1
Other (i.e., Deceased, Error, etc.)	2	0	0	1	1
Referred for Criminal Action	Total: 0	Total: 0	Total: 0	Total: 0	Total: 0
Referred to AG's Office	Total: 1	Total: 4	Total: 2	Total: 1	Total: 1*
Accusations Filed	0	1	2	1	0
Accusations Withdrawn	0	0	0	0	0
Accusations Dismissed	0	0	0	0	0
Citations Appealed	1	3	0	0	0
Disciplinary Actions	Total: 0	Total: 0	Total: 0	Total: 2	Total: 0
Revocation	0	0	0	1	0
Voluntary Surrender	0	0	0	1	0
Suspension Only	0	0	0	0	0
Probation with Suspension	0	0	0	0	0
Probation	0	0	0	0	0
Probation Violations	Total: 0	Total: 0	Total: 0	Total: 0	Total: 0

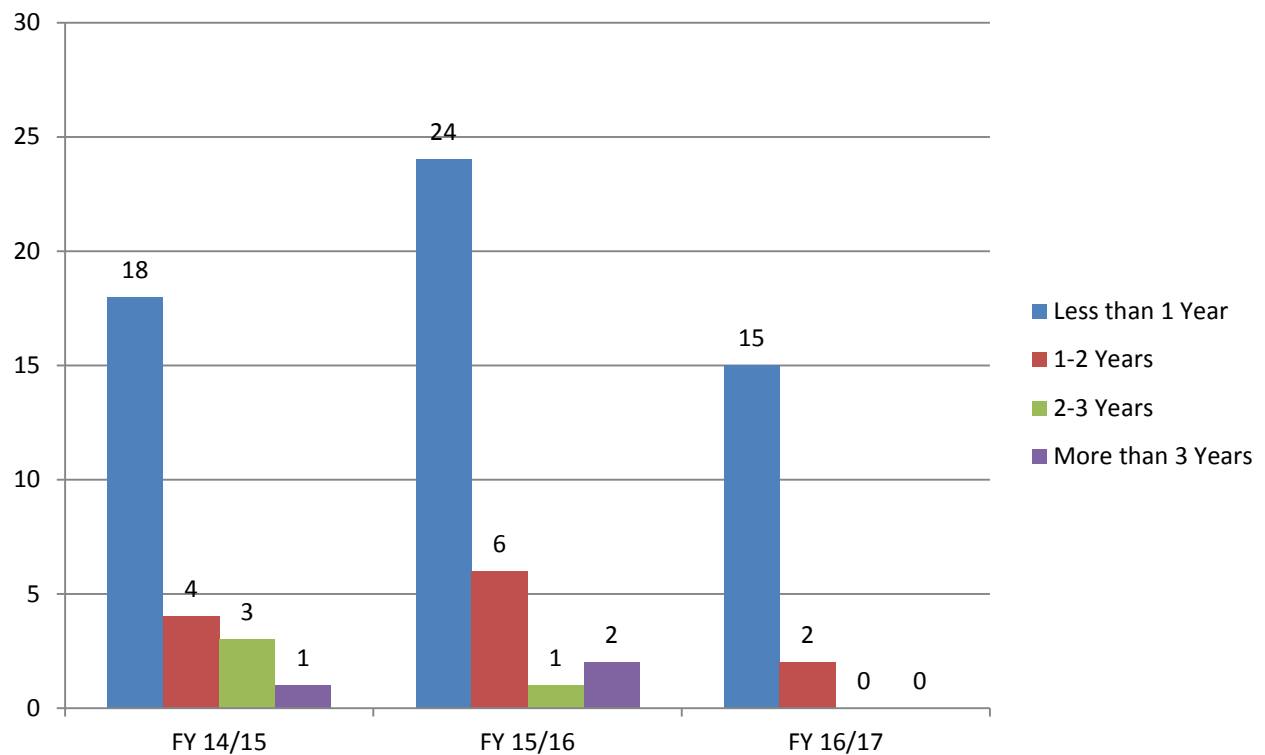
*No further action has yet commenced since this case was referred to the Attorney General's Office.

Enforcement Graphic Data

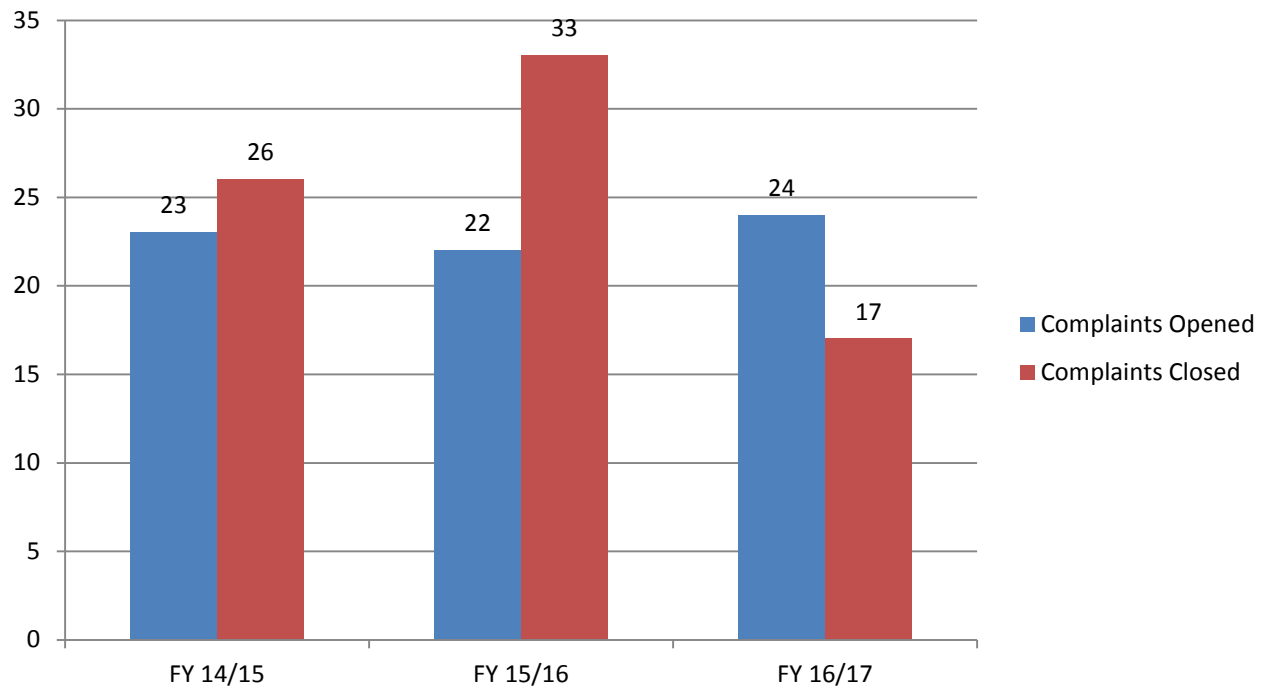
Source of Complaints Received FY 16/17



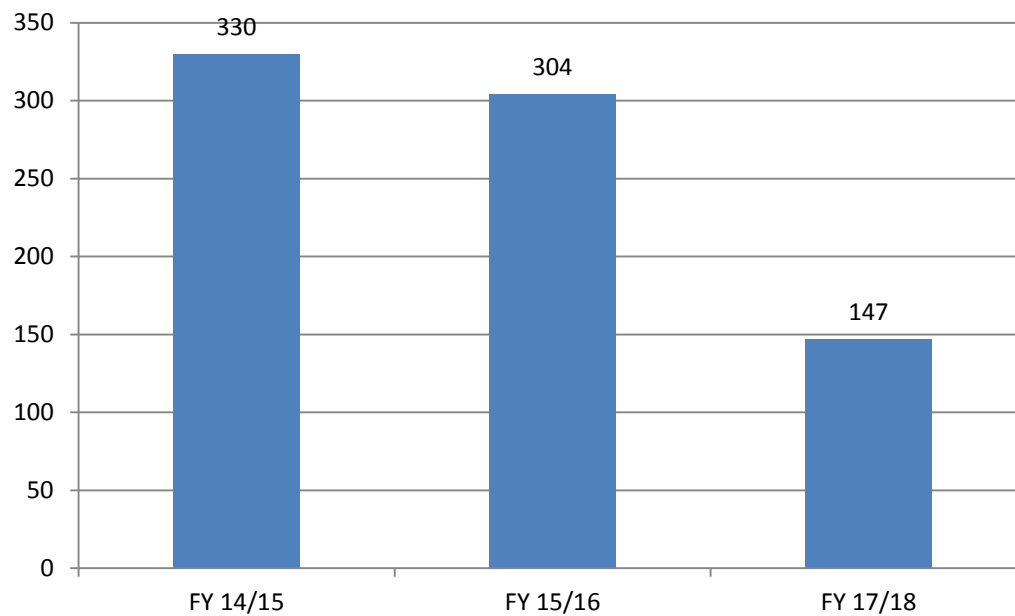
Comparison of Age of Close Complaints by FY



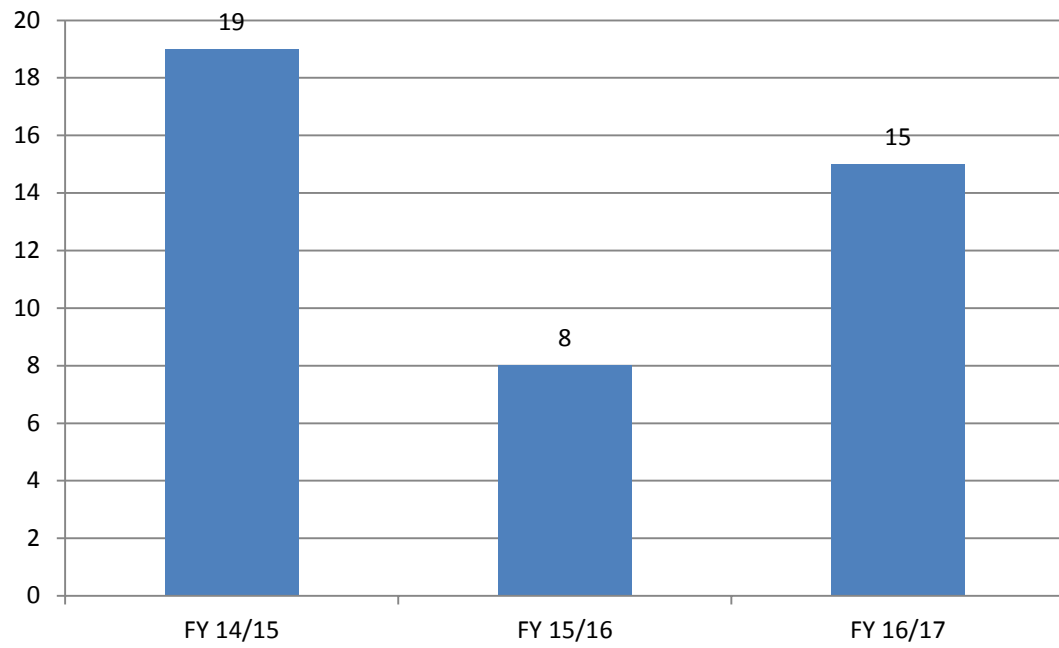
Comparison of Complaints Opened and Closed by FY



Comparison of Average Days to Complete Investigation by FY



Comparison of Number of Complaints Pending at End of FY



Agenda Item J.2

DISCUSS AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD TO AMEND LATC'S *DISCIPLINARY GUIDELINES* AND TITLE 16, CCR SECTION 2680 (DISCIPLINARY GUIDELINES)

The Landscape Architects Technical Committee's (LATC) Strategic Plan contains an objective to "amend regulations to incorporate the updated *Disciplinary Guidelines* to maintain consistent decisions in disciplinary cases." The LATC's *Disciplinary Guidelines* were last updated in 2000. The California Architects Board's (Board) Strategic Plan similarly contains an objective to update its *Disciplinary Guidelines*. The Board and LATC have been collaborating their efforts to complete the objectives to increase efficiencies.

Board staff consulted with Department of Consumer Affairs (DCA) legal counsel and a Deputy Attorney General (DAG) liaison and reviewed the *Disciplinary Guidelines* for both the Board for Professional Engineers, Land Surveyors, and Geologists and the Contractors State License Board to determine potential changes needed to the *Guidelines*. The proposed changes were reviewed by the Board's Regulatory and Enforcement Committee in 2013 and 2014 and the Board on December 10, 2014 and June 10, 2015.

LATC staff worked in conjunction with the Board on the *Disciplinary Guidelines* and incorporated edits approved by the Board that were applicable to the LATC. Revised versions of the LATC's *Disciplinary Guidelines* (based on the Board's changes) were approved by the LATC on February 10, 2015 and August 6, 2015.

Following the August 2015 approval, DCA legal counsel advised staff that additional research may be necessary regarding Optional Conditions relating to the California Supplemental Examination and written examination in the *Guidelines*. LATC staff subsequently discussed the matter with legal counsel on September 30, 2015. Board staff reviewed legal counsel's comments as they relate to the Board's *Disciplinary Guidelines* and determined the Board's *Guidelines* would also need to be amended.

On October 21, 2015, Board and LATC staff sent proposed edits to these conditions to legal counsel for review. Legal counsel notified Board and LATC staff on November 12, 2015, that the proposed edits were acceptable, but substantive, and would require re-approval by the Board. At its December 15, 2016 meeting, the Board voted to approve the Board's *Disciplinary Guidelines*.

With the Board's recent approval of its *Disciplinary Guidelines* and authorization to proceed with a regulatory amendment, LATC staff reviewed and revised its own *Disciplinary Guidelines* to mirror the Board's wherever possible. The attached draft of the LATC's *Disciplinary Guidelines* show all of the tracked changes previously reviewed at the August 6, 2015 meeting, with the additional recommended revisions highlighted in yellow. In accordance with the Board's

approved *Guidelines*, the following revisions were also made to the LATC's *Disciplinary Guidelines*:

- Expanding the content of the “General Considerations” section to better assist Administrative Law Judges in preparing proposed decisions and DAGs in negotiating stipulated settlements.
- Adding recommended maximum and minimum penalties for additional violations of BPC.
 - § 5616 (Landscape Architecture Contract – Contents, Notice Requirements)
 - § 5659 (Inclusion of License Number – Requirement)
 - § 5678 (Report of Settlement or Arbitration Award – Licensee)
 - § 140 (Failure to Record and Preserve Cash Transactions Involving Wages)
 - § 141 (Effect of Disciplinary Action Taken by Another State or the Federal Government)
 - § 143.5 (Provision Prohibited in Settlement Agreements)
 - § 499 (False Statement in Support of Another Person's Application)
- Amending the recommended minimum penalties for violations of the Act, general provisions of the BPC, and regulations based upon changes made to the standard and optional conditions of probation.
- Adding model language for disciplinary orders involving license revocation, probation, public reproof, the surrender of a license, a petition for reinstatement, a petition to revoke probation, and the denial of a license application.
- Adding a severability clause, a license surrender option, and requirements for a probationer to maintain an active and current license and notify the Board of any changes to his or her address and telephone number to the standard conditions of probation.
- Adding an ethics course and the procedures for the notification to clients to the optional conditions of probation.
- Amending the language of Optional Conditions 12 (California Supplemental Examination) and 13 (Written Examination) to revise the timelines within the “condition subsequent” option as they relate to the tolling provisions, and provide a “condition precedent” option that would require a probationer to take and pass the examination(s) prior to resuming or continuing practice.
- Adding a Quarterly Probation Report form as an attachment to the Guidelines.
- Making minor, technical or non-substantive changes, such as renumbering the conditions of probation.

At today's meeting, the Committee is asked to discuss and take possible action to recommend to the Board the approval of the recommended highlighted revisions to its *Disciplinary Guidelines* and authorize staff to proceed with the required regulatory change to amend CCR section 2680 in order to incorporate the revised *Disciplinary Guidelines* by reference.

Attachments:

1. LATC's *Disciplinary Guidelines* with recommended revisions
2. Proposed Regulatory Language, Title 16, California Code of Regulations Section 2680

TABLE OF CONTENTS

<u>I.</u>	<u>INTRODUCTION</u>
<u>II.</u>	<u>GENERAL CONSIDERATIONS</u>
	<u>A. Proposed Decisions</u>
	<u>B. Stipulated Settlements</u>
	<u>C. Cost Reimbursement</u>
	<u>D. Factors to be Considered.....</u>
	<u>E. Substantial Relationship Criteria.....</u>
	<u>F. Criteria for Rehabilitation</u>
<u>III.</u>	<u>DEFINITION OF PENALTIES.....</u>
<u>IV.</u>	<u>DISCIPLINARY GUIDELINES.....</u>
	<u>A. Business and Professions Code.....</u>
	<u>B. General Provisions of Business and Professions Code</u>
	<u>C. Title 16, California Code of Regulations</u>
	<u>D. Violation of Probation</u>
<u>V.</u>	<u>MODEL DISCIPLINARY ORDERS</u>
	<u>A. Licensee.....</u>
	<u>B. Petition for Reinstatement</u>
	<u>C. Petition to Revoke Probation.....</u>
	<u>D. Applicant</u>
<u>VI.</u>	<u>CONDITIONS OF PROBATION</u>
	<u>A. Standard Conditions</u>
	<u>B. Optional Conditions.....</u>
<u>VI.</u>	<u>REHABILITATION CRITERIA</u>
	<u>ATTACHMENT: QUARTERLY PROBATION</u>
	<u>REPORT</u>

DISCIPLINARY GUIDELINES

I. INTRODUCTION

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~Board~~CAB), Landscape Architects Technical Committee (LATC) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, landscape architects, others involved in the disciplinary process, and ultimately the ~~Board~~CAB, ~~shall~~may be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses ~~are referenced to the statutory and regulatory provisions.~~

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation ~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines and ~~that~~ mitigating or aggravating circumstances ~~and~~ or other factors may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken.

Additional copies of this document may be obtained by contacting the ~~LATC~~Board at its office in Sacramento, California. There may be a charge assessed sufficient to cover the cost of production and distribution of copies.

II. GENERAL CONSIDERATIONS

A. Proposed Decisions

The Board requests ~~that~~ proposed decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their ~~definitions~~ descriptions.
- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if he or /she is present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for

departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

B. Stipulated Settlements

The Board will consider agreeing to stipulated settlements to promote cost-effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to a settlement with the Board, he or she may be required to admit to the violation set forth in the accusation or statement of issues. All proposed stipulated settlements must be accompanied by a memorandum from the Deputy Attorney General addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

C. Cost Reimbursement/Recovery

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including, but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

D. Factors to be Considered

In determining whether revocation, suspension, or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. ~~Total criminal record.~~ Actual or potential harm to any consumer, client or the general public.
3. ~~The time that has elapsed since commission of the act(s) of offense(s).~~ Prior disciplinary record.
4. ~~The extent to which the respondent Whether the licensee has complied with any terms or parole, probation, restitution or any other sanctions lawfully imposed against the respondent licensee.~~ Number and/or variety of current violations.
5. ~~Mitigation evidence. If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~ Aggravating evidence.
6. Mitigating evidence.
7. ~~Rehabilitation Evidence, if any, of rehabilitation submitted by the respondent licensee.~~
7. ~~In the case of a criminal conviction, compliance with terms of sentence and/or court ordered probation.~~
8. ~~Overall criminal record.~~
9. Time passed since the act(s) or offense(s) occurred.
9. Whether the respondent's conduct was intentional or negligent, demonstrated incompetence, or, if the respondent is being held to account for conduct committed by another, the respondent had knowledge of or knowingly participated in such conduct.
10. Any financial benefit to the respondent from his or her misconduct.

- ~~7.11.~~ Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
- ~~8.12.~~ Recognition by the respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.

E. Substantial Relationship Criteria

Title 16, California Code of Regulations section 2655 states:

For the purpose of denial, suspension, or revocation of the license of a landscape architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a landscape architect if to a substantial degree it evidences present or potential unfitness of a landscape architect to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

- (a) Any violation of the provisions of Chapter 3.5 of Division 3 of the Business and Professions Code.

F. REHABILITATION CRITERIACriteria for Rehabilitation

(For cases involving an applicant, the conviction of a crime, the reinstatement of licensure, or the reduction of penalty)

Title 16, California Code of Regulations, ~~Division 26,~~ section 2656, ~~Criteria for Rehabilitation states:~~ requires the Board, when considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code; the suspension or revocation of a license based on the conviction of a crime; a petition for reinstatement of a license; or a petition for reduction of penalty, to consider the following criteria:

- (a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for a license will consider the following criteria:
- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
 - (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
 - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) Evidence, if any, of rehabilitation submitted by the applicant.
- (b) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his or her present eligibility for a license, will consider the following criteria:
- (1) Nature and severity of the act(s) or offense(s).
 - (2) Total criminal record.

- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

III. DEFINITION OF PENALTIES

Revocation: Loss of a license as the result of any one or more violations of the Landscape Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of his/her license and demonstrates to the Board's satisfaction that he or /she is rehabilitated.

Suspension: Invalidation of a license for a fixed period of time, not to exceed a period of one year.

Stayed Revocation: Revocation of a license, held in abeyance pending respondent's compliance with the terms of his or /her probation.

Stayed Suspension: Suspension of a license, held in abeyance pending respondent's compliance with the terms of his or /her probation.

Probation: A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving his or /her conduct or preventing the likelihood of a reoccurrence of the violation.

Public Reproof: A condition of probation whereby the respondent is required to appear before the Board to review in public the violation which he or /she was determined to have committed and the penalties imposed.

Such other matters as justice may require.

IV. DISCIPLINARY GUIDELINES

The offenses are listed by statute number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets ~~listed after each condition of probation~~ refers to the specific standard or optional conditions of probation listed on pages XX ~~XX~~.

A. Business and Professions Code Sections

Section 5616: Landscape Architecture Contract – Contents, Notice Requirements

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Cost reimbursement [#16]

b. Restitution [#17] (if applicable)

Section 5640: Unlicensed Person Engaging in Practice - Sanctions

~~-Applicant~~ **Maximum:** Revocation or Denial of application for a license application

~~-Applicant~~ **Minimum:** ~~Ninety (90) days actual suspension~~ Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~ Ethics course [#14]

b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

Section 5642: Partnership, Corporation – Unlicensed Person

Maximum: Revocation and public reproof

Minimum: Stayed revocation, 90 days actual suspension, and 5 years' probation ~~for 5 years~~ on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~

ba. Cost reimbursement [~~#12~~16]

Section 5659: Inclusion of License Number – Requirement

Maximum:	Revocation
Minimum:	Stayed revocation and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:
	a. Ethics course [#14]
	b. Cost reimbursement [#16]
	c. Restitution [#17] (if applicable)

Section 5666: Practice in Violation of Chapter Provisions

The appropriate penalty depends on the nature of the offense.

Maximum:	Revocation
Minimum:	Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:
	a. Cost reimbursement [#16]
	b. Restitution [#17] (if applicable)

Section 5667: Fraud, Misrepresentation - Obtaining License

Maximum Minimum:	Revocation
Minimum:	Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:
	a. Ethics course [#14]
	b. Cost reimbursement [#16]

Section 5668: Impersonating Landscape Architect – Practice Under Assumed Name

Licensee Maximum:	Revocation
Licensee Minimum:	Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] on and the following <u>optional</u> conditions:
	a. All standard conditions of probation [#1-#7]
	b. Continuing education courses <u>Ethics course</u> [#14]
	e. b. Cost reimbursement [#16]
	d. c. Restitution [#17] (if applicable)

Section 5669: Aiding, Abetting - Unlicensed Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years' probation [on all standard conditions \[#1-10\]](#) ~~on~~ and the following [optional](#) conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba. Continuing education courses~~ [Ethics course](#) [\[#14\]](#)

~~eb.~~ Cost reimbursement [\[#1216\]](#)

~~dc.~~ Restitution [\[#1317\]](#) [\(if applicable\)](#)

Section 5670: Fraud, Deceit in Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years' probation [on all standard conditions \[#1-10\]](#) ~~on~~ and the following [optional](#) conditions:

a. ~~All standard conditions of probation [#1-#7]~~ [Ethics Course](#) [\[#14\]](#)

b. Continuing education courses [\[#1415\]](#)

c. Cost reimbursement [\[#1216\]](#)

d. Restitution [\[#1317\]](#) [\(if applicable\)](#)

Section 5671: Negligence, ~~Willful Misconduct in Practice~~

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years' probation [on all standard conditions \[#1-10\]](#) ~~on~~ and the following [optional](#) conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b. California Supplemental Examination~~ [\[#9\]](#)

~~c. Written Examination~~ [\[#10\]](#)

~~da.~~ Continuing education courses [\[#1415\]](#)

~~eb.~~ Cost reimbursement [\[#1216\]](#)

~~fc.~~ Restitution [\[#1317\]](#) [\(if applicable\)](#)

Section 5671: Willful Misconduct in Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Continuing education course [#15]

c. Cost reimbursement [#16]

d. Restitution [#17] (if applicable)

Section 5672: Gross Incompetence in Practice

Maximum: Revocation

Minimum: Stayed revocation, 2090 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b.~~ California Supplemental Examination [#912]

~~c. Written examination [#109]~~

~~b.~~ Continuing education courses [#1115]

~~c.~~ Cost reimbursement [#1216]

~~f.~~ Restitution [#1317] (if applicable)

Section 5673: False Use of Signature

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b.~~ Continuing education courses Ethics course [#1114]

~~e.~~ Cost reimbursement [#1216]

~~d.~~ Restitution [#1317] (if applicable)

Section 5675: Felony Conviction - Sanctions

Maximum: Revocation
Minimum: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years' probation [on all standard conditions](#) [\[#1-10\]](#) ~~on~~ [and](#) the following [optional](#) conditions:

~~a. All standard conditions of probation~~ [\[#1-7\]](#)

~~b. Continuing education courses~~ [\[#1110\]](#)

~~ea.~~ Cost reimbursement [\[#1216\]](#)

~~d. Restitution~~ [\[#1312\]](#)

~~eb.~~ Criminal Probation Reports [\[#1418\]](#)

Section 5675.5: [Disciplinary Action by a Public Agency](#) – ~~Disciplinary Action~~

Maximum: Revocation
Minimum: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years' probation [on all standard conditions](#) [\[#1-10\]](#) ~~on~~ [and](#) the following [optional](#) conditions:

~~a. All standard conditions of probation~~ [\[#1-7\]](#)

~~b. California Supplemental Examination~~ [\[#910\]](#)

~~c. Written Examination~~ [\[#10\]](#)

~~da.~~ Continuing education courses [\[#1415\]](#)

~~eb.~~ Cost reimbursement [\[#1216\]](#)

~~fc.~~ Restitution [\[#1317\]](#) [\(if applicable\)](#)

Section 5676: Plea of Nolo Contendere – Criminal Conviction - Sanctions

Maximum: Revocation
Minimum: Stayed revocation, 90 days actual suspension [\[#11\]](#), and 5 years' probation [on all standard conditions](#) [\[#1-10\]](#) ~~on~~ [and](#) the following [optional](#) conditions:

~~a. All standard conditions of probation~~ [\[#1-7\]](#)

~~b. Continuing education courses~~ [\[#10\]](#)

~~ba.~~ Cost reimbursement [\[#1216\]](#)

~~d. Restitution. [#12]~~

~~e.~~ Criminal Probation Reports [#1418]

Section 5678: Report of Settlement or Arbitration Award – Licensee

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

a. Cost reimbursement [#16]

B. General Provisions of Business and Professions Code

Section 125.6: Discrimination by Licensee

Maximum: Revocation

Minimum: Stayed revocation, 6090 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba.~~ Cost reimbursement [#1216]

Section 140: Failure to Record and Preserve Cash Transactions Involving Wages

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

a. Cost reimbursement [#16]

Section 141: Effect of Disciplinary Action Taken by Another State or the Federal Government

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Continuing education courses [#15]

b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

Section 143.5 Provision Prohibited in Settlement Agreements

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

Section 480 (a): Denial of Licenses

An applicant's application may be denied for (1) conviction of a crime substantially related to the qualifications, functions, or duties in of the practice of landscape architecture; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act ~~which~~that if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.

Maximum/Minimum: Denial of license application

Minimum: Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Continuing education course [#15]

c. Cost reimbursement [#16]

d. Restitution [#17] (if applicable)

Section 490: Conviction of Crime; Suspension, Revocation – Grounds

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b. Continuing education courses [#11]~~

~~ea. Cost reimbursement [#12]~~ 16]

~~d. Restitution [#13]~~

~~eb. Criminal Probation Reports [#14]~~ 18]

Section 496: Subversion of Licensing Examinations or Administration of Examinations

Maximum/Minimum: ~~Denial or~~ Revocation ~~or denial~~ of license application
Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education course [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 499: False Statement in Support of Another Person's Application

Maximum: Revocation
Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

C. Title 16, California Code of Regulations

Division 2, Title 16, Chapter 26 Article 1. General Provisions

Section 2670:

Rules of Professional Conduct

(a) Competence

Maximum: Revocation
Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~
- ba. California Supplemental Examination [#912]
- ~~c. Written Examination [#101]~~
- db. Continuing education courses [#115]
- ec. Cost reimbursement [#1216]
- fd. Restitution [#1317] (if applicable)

(b) Willful Misconduct

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b. California Supplemental Examination [#9]~~

~~c. Written Examination [#10]~~

a. Ethics course [#14]

~~db.~~ Continuing education courses [#115]

~~ec.~~ Cost reimbursement [#1216]

~~fd.~~ Restitution [#1317] (if applicable)

(bc) Full Disclosure

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~ Ethics course [#14]

~~b. Continuing education courses [#11]~~

~~eb.~~ Cost reimbursement [#1216]

~~dc.~~ Restitution [#1317] (if applicable)

(ed) Informed Consent

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba.~~ Continuing education courses [#115]

~~eb.~~ Cost reimbursement [#~~12~~16]

~~dc.~~ Restitution [#~~13~~17] (if applicable)

(~~de~~) Conflict of Interest

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

a. ~~All standard conditions of probation~~ [#1-#7] Ethics course [#14]

~~b. Continuing education courses~~ [#11]

~~eb.~~ Cost reimbursement [#~~12~~16]

~~dc.~~ Restitution [#~~13~~17] (if applicable)

(~~ef~~) Copyright Infringement

Maximum: Revocation

Minimum: Stayed revocation, 90 days actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

a. ~~All standard conditions of probation~~ [#1-#7] Ethics course [#14]

b. Continuing education courses [#~~11~~15]

c. Cost reimbursement [#~~12~~16]

d. Restitution [#~~13~~17] (if applicable)

D. Violation of Probation

Maximum Penalty

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

Minimum Penalty

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offense(s).

V. MODEL DISCIPLINARY ORDERS

A. Licensee

Revocation of License

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and shall forward or deliver his or her license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of his or her revoked license for three (3) years from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ _____ within thirty (30) days of the effective date of this Decision.

Option: As a condition precedent to reinstatement of his or her revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of his or her license unless otherwise ordered by the Board.

Revocation Stayed and License Placed on Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years on the following terms and conditions:

Public Reproval

Landscape Architect License No. _____, issued to respondent _____, is publicly reproved. This reproval constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

Surrender License

Respondent _____ surrenders Landscape Architect License No. _____ as of the effective date of this Decision. Respondent shall relinquish and shall forward or deliver his or her license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

The petition for reinstatement filed by petitioner _____ is hereby granted and petitioner's landscape architect license shall be fully restored.

Grant Petition and Place License on Probation

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Grant Petition and Place License on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted and petitioner's landscape architect license shall be fully reinstated upon the following conditions precedent:

Upon completion of the conditions precedent above, petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Extension of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for an additional _____ year(s) on the following terms and conditions:

D. Applicant

(in cases where a Statement of Issues has been filed)

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted and a landscape architect license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

Grant Application and Place License on Probation

The application filed by respondent _____ for initial licensure is hereby granted and a landscape architect license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Grant Application and Place License on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted and a landscape architect license shall be issued to respondent upon the following conditions precedent:

Upon completion of the conditions precedent above and successful completion of all licensing requirements including payment of all fees, respondent shall be issued a landscape architect license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Deny Application

The application filed by respondent _____ for initial licensure is hereby denied.

VI.—~~STANDARD~~ CONDITIONS OF PROBATION

A. Standard Conditions

(To be included in all Cases of Probation)

Severability Clause

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey All Laws

Respondent shall obey all federal, state, and local laws and regulations ~~governing the practice of landscape architecture in California~~ and comply with all conditions of probation.

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board ~~on using the Board's a~~ Quarterly Probation Report ~~of Compliance~~ form (1/11/10/98 Rev. 9/2016) obtained from the Board (Attachment).

3. Personal Appearances

Upon reasonable notice by the Board, ~~the~~ respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. Cooperate During Probation

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of his/her compliance with the terms and conditions of this probation. Upon reasonable notice, ~~the~~ respondent shall provide the Board, its agents or employees, with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice landscape architecture in California for the length of the probation period. Failure to pay all fees prior to respondent's license expiration date shall constitute a violation of probation.

6. Notification of Changes to Address and/or Telephone Number

Respondent shall notify the Board in writing of any and all changes to his or her address of record and telephone number within 10 calendar days of such change.

57. Tolling for Out-of-State Practice, Residence or In-State Non-Practice

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as a landscape architect or held any landscape architecture related professional license or registration within 30 calendar days of the effective date of this Decision. Respondent shall further provide information regarding the status of each license and registration and any changes in the license or registration status within 10 calendar days, during the term of probation. Respondent shall inform the Board if he or she applies for or obtains a landscape architectural license or registration outside of California within 10 calendar days, during the term of probation.

In the event respondent should leave California to reside or to practice outside the State or for any reason stop practicing landscape architecture in California, respondent shall notify the Board or its designee in writing within 10 days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled, if and when he or she ceases practicing in California. Non-practice is defined as any period of time exceeding 30 days in which respondent is not engaging in any activities defined in Section 5615 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the LATC. It shall be a violation of probation for Respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years. ~~Non-practice is defined~~

~~as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in Section 5615 of the Business and Professions Code.~~

All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursements, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California. All other provisions of probation shall recommence on the effective date of resumption of practice in California. ~~Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period.~~

68. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If an accusation or a petition to revoke probation is filed against respondent during probation or the matter is referred to the Attorney General's office, the Board shall have continuing jurisdiction ~~until the matter is final,~~ and the period of probation shall be automatically extended until the matter is final.

If a respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

~~If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.~~

9. License Surrender While on Probation

During respondent's term of probation, if he or she ceases practice due to retirement or health reasons, or is otherwise unable to satisfy any condition of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and exercise its discretion in determining whether to grant the request, or take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation. All costs incurred (i.e., cost reimbursement) are due upon reinstatement or relicensure.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board.

710. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

~~VI.—OPTIONAL CONDITIONS OF PROBATION~~

B. Optional Conditions

811. Suspension

Respondent is suspended from the practice of landscape architecture for _____ days beginning on the effective date of ~~the~~this Decision.

912. California Supplemental Examination

Option 1 (Condition Subsequent)

Within ~~_____ days~~six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within six months, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or ~~/~~she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Failure to pass the required examination no later than one year prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

1013. Written Examination

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, ~~R~~espondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (LARE).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or ~~/~~she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Failure to pass the required examination no later than one year100 days prior to the

~~termination of probation shall constitute a violation of probation.~~ Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (LARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

14. Ethics Course

Within 30 days of the effective date of this Decision, respondent shall submit for prior Board approval a course in ethics that will be completed within the first year of probation.

Failure to satisfactorily complete the required course as scheduled or failure to complete same within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of the course required by this condition, and for paying all costs of said course.

15. Continuing Education Courses

Respondent shall successfully complete and pass professional education courses approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than one year~~100 days~~ prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of each course required by this condition, and for paying all costs of such courses.

16. Cost ~~Reimbursement~~ Recovery

Respondent shall reimburse the Board \$ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the effective date ~~the Board's of this~~ Decision~~is final~~.

Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

17. Restitution

Within _____ days of the effective date of this Decision, respondent shall make restitution to _____ in the amount of \$ _____ and shall provide the Board with proof from

_____ attesting that the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

1418. Criminal Probation Reports

In the event of conviction If respondent is convicted of any crime, Respondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of his or her probation officer.

1514. Relinquish License and Wall Certificate

Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.

1619. Notification to Clients/Cessation of Practice

In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall comply with procedures provided by the Board regarding notification to, and management of, provide all clients with whom he or she has a current contractual relationship in the practice of landscape architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.

VII. REHABILITATION CRITERIA

California Code of Regulations, Title 16, Division 26, Section 2656, Criteria for Rehabilitation states:

- (a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for a license will consider the following criteria:**
- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial,**
 - (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.**
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or**
 - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.**
 - (5) Evidence, if any, of rehabilitation submitted by the applicant.**
- (b) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such**
- (1) Nature and severity of the act(s) or offense(s).**

- (2) Total criminal record.
 - (3) The time that has elapsed since commission of the act(s) or offense(s).
 - (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
 - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
 - (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

QUARTERLY PROBATION REPORT

1. NAME: _____ TELEPHONE #: () _____

ADDRESS OF RECORD: _____

CITY: _____ STATE: _____ ZIP CODE: _____

2. NAME OF FIRM: _____ YOUR TITLE: _____

FIRM ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE #: () _____

3. On the second page of this form, detail your landscape architectural activities for the probation period beginning:

_____ and ending _____
Mo. Day Year Mo. Day Year

4. List any other activities related to the practice of landscape architecture:

ACTIVITY

DATE

5. I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.

Signature: _____

Date: _____

DATE: _____ QUARTER: _____ YEAR: _____

CLIENT NAME: _____ TELEPHONE #: () _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

<u>PROJECT TITLE/ADDRESS</u>	<u>PROJECT DESCRIPTION</u>	<u>DATE START-COMPLETE</u>	<u>YOUR INVOLVEMENT</u>

CLIENT NAME: _____ TELEPHONE #: () _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

<u>PROJECT TITLE/ADDRESS</u>	<u>PROJECT DESCRIPTION</u>	<u>DATE START-COMPLETE</u>	<u>YOUR INVOLVEMENT</u>

CLIENT NAME: _____ TELEPHONE #: () _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

<u>PROJECT TITLE/ADDRESS</u>	<u>PROJECT DESCRIPTION</u>	<u>DATE START-COMPLETE</u>	<u>YOUR INVOLVEMENT</u>

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

PROPOSED REGULATORY LANGUAGE

Article 1. General Provisions

Amend Section 2680 as follows:

Section 2680. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" [Rev. ~~7/2017~~ ~~2015~~ ~~2000~~] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 5622, 5630, and 5662, Business and Professions Code; and Section 11425.50(e), Government Code. Reference: Sections 125.3, 125.6, 140, 141, 143.5, 480(a), 490, 496, 499, 5616, 5640, 5642, 5659, 5660, 5662, ~~and~~ 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5, ~~and~~ 5676, and 5678, Business and Professions Code; and sections ~~11400.20, 11400.21, 11425 and~~ 11425.50(e), Government Code.

Agenda Item K

REVIEW AND CONFIRM FUTURE LATC MEETING DATES

July

4	<i>Independence Day</i>	<i>Office Closed</i>
13	Landscape Architects Technical Committee (LATC) Meeting	Sacramento

September

4	<i>Labor Day</i>	<i>Office Closed</i>
7	California Architects Board (Board) Meeting	Burbank
14-16	Council of Landscape Architectural Registration Boards Annual Meeting	Boise, ID

October

20-23	American Society of Landscape Architects Annual Meeting	Los Angeles
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November

1	LATC Meeting	San Diego
10	<i>Veterans Day Observed</i>	<i>Office Closed</i>
23-24	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

December

7	Board Meeting	Sacramento
25	<i>Christmas Day</i>	<i>Office Closed</i>

Agenda Item L

ADJOURNMENT

Time: _____