

NOTICE OF MEETING
Landscape Architects Technical Committee

LATC MEMBERS

Patricia Trauth, Chair
Marq Truscott, Vice Chair
Andy Bowden
Susan M. Landry
David Allen (DJ) Taylor, Jr.

July 20, 2018

**Woodbury University
Showroom**

**2212 Main Street
San Diego, CA 92113
(619) 235-2900 or (916) 575-7230 (LATC)**

*Action may be
taken on any
item listed on
the agenda.*

The Landscape Architects Technical Committee (LATC) will hold a meeting, as noted above.

Agenda

**10:00 a.m. – 3:30 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 May 4, 2018 LATC Meeting Minutes
- E. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs
- F. Presentation Regarding the Model Water Efficient Landscape Ordinance (MWELO) by Julie Saare Edmonds, Senior Environmental Scientist of the California Department of Water Resources
- G. Discuss and Possible Action on LATC's Certification of Experience Form to Incorporate Proposed Amendments to California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620 (Education and Training Credits)
- H. Discuss and Possible Action on CCR, Title 16, Division 26, Article 1, Section 2620.5 (Requirements of an Approved Extension Certificate Program)

(Continued)

- I. Council of Landscape Architectural Registration Boards (CLARB)
 - 1. Review CLARB September 27-29, 2018 Annual Meeting Agenda
 - 2. Review and Possible Action on 2018 CLARB Board of Directors and Committee on Nominations Elections Ballot
 - 3. Review and Possible Action on Resolution to Approve Proposed Amendments to CLARB Bylaws
- J. Discuss and Possible Action on 2017-2018 Strategic Plan Objectives to:
 - 1. Revisit Development of the Annual Enforcement Report Using the Board as a Model to Assess the Effectiveness of Consumer Protection Efforts
 - 2. Review Data Respective to Unlicensed Activity and Licensee Violations to Identify if Trends Exist in Order to Shape Consumer Education and Enhance Enforcement Efforts
 - 3. Research the Possibility of Enhancing the Statutory Written Contract Requirement to Include a Consumer Notification to Enhance Consumer Education
- K. Discuss and Possible Action on LATC's 2018 Sunset Review Report and Member Administrative Procedure Manual
- L. Review of Future LATC Meeting Dates
- M. Adjournment

The notice and agenda for this 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) 575-7233.

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 Committee 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 Committee are open to the public. This meeting may be webcast. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee 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)).

(Continued)

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:

Person: Tremaine Palmer

Telephone: (916) 575-7233

Email: tremaine.palmer@dca.ca.gov

Telecommunication Relay Service: Dial 711

Mailing Address:

Landscape Architects Technical Committee

2420 Del Paso Road, Suite 105

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Providing your request at least five (5) 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 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

Susan M. Landry

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 THE 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 MAY 4, 2018 LATC MEETING MINUTES

The Landscape Architects Technical Committee (LATC) is asked to review and take possible action on the attached May 4, 2018 LATC Meeting Minutes.

Attachment:

May 4, 2018 LATC Meeting Minutes (Draft)

Minutes

CALIFORNIA ARCHITECTS BOARD **Landscape Architects Technical Committee Meeting**

May 4, 2018
Sacramento, California

Landscape Architects Technical Committee (LATC) Members Present

Patricia Trauth, Chair
Marq Truscott, Vice Chair
Andrew Bowden
Susan M. Landry

LATC Member Absent

David Allan Taylor, Jr.

Staff Present

Vickie Mayer, Interim Executive Officer
Brianna Miller, Program Manager
Trish Rodriguez, Special Projects Manager
Marccus Reinhardt, Program Manager, California Architects Board (Board)
Tara Welch, Attorney III, Department of Consumer Affairs (DCA or Department)
Kourtney Nation, Examination Coordinator
Tremaine Palmer, Special Projects Analyst
Stacy Townsend, Enforcement Analyst

Guests Present

Dean Grafilo, Director, DCA (present during Agenda Item B)
Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services
Tian Feng, LATC Liaison, Board Vice President
Martin Carrion, Association of Professional Landscape Designers (APLD)
Leigh Morgan
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects (CCASLA)
Marcia Scott, APLD

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

LATC Chair Patricia Trauth called the meeting to order at 9:30 a.m. and introduced Susan M. Landry, who was appointed to the Committee by the Speaker of the Assembly on April 19, 2018. 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 introduced the Director of DCA, Dean Grafilo. Mr. Grafilo announced that Dennis Cuevas-Romero was selected to fill the Deputy Director position for the DCA Division of Legislative Affairs. He reported that the Director's Quarterly Meeting occurred on April 30, 2018, during which he met with executive officers and bureau chiefs regarding Department-facing issues that include pro-rata, a recent executive officer salary study, and various Department policies. He added that the next Director's Quarterly Meeting would be held on July 30, 2018. Mr. Grafilo also touched on plans to conduct teleconferences with board and bureau leadership.

Mr. Grafilo discussed with the Committee the Department's efforts regarding internal communication. He reported that, in April 2018, the Department launched its first Licensing and Enforcement Workgroup meeting with executive officers, bureau chiefs, and board/bureau licensing and enforcement staff to identify business processes that would strengthen DCA's boards and bureaus.

With regard to DCA's leadership training, Mr. Grafilo stated that 12 participants graduated in March 2018, from the Department's inaugural Future Leadership Development Program, including LATC's Program Manager, Brianna Miller. He continued that the program consisted of special leadership development exercises, special projects that could positively impact DCA, meeting with executives who shared career advice, and opportunities for the participants to develop new working relationships.

Mr. Grafilo also reported on the required Board Member Orientation Training held in March 2018 that detailed the important functions and responsibilities of board members. He reminded the Committee that members are required to complete this training within one year of appointment or reappointment. Mr. Grafilo advised that upcoming training sessions would be held on June 6, September 18, and December 5, 2018. He added that new board member and executive boot camp training is now available through the SOLID Training Office.

Following Mr. Grafilo's update, Ms. Trauth announced that all motions and seconds would be repeated and that votes would be taken with roll call. In response to Andrew Bowden's inquiry regarding Ms. Landry's need to be sworn in, Ms. Landry advised that she had been sworn in by her local assemblyman.

C. Public Comment on Items Not on the Agenda

There were no comments from the public.

D. Review and Possible Action on November 2, 2017 LATC Meeting Minutes

Ms. Trauth asked for a motion to approve the November 2, 2017 LATC Meeting Minutes. Ms. Landry asked if she should abstain from voting due to her new appointment to the Committee. Tara Welch advised that Ms. Landry abstain from the vote.

- **Marq Truscott moved to approve the November 2, 2017 LATC Meeting Minutes.**

Andrew Bowden seconded the motion.

Members Bowden, Truscott, and Chair Trauth voted in favor of the motion. Member Landry abstained. The motion passed 3-0-1.

E. Program Manager's Report – Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs

In reference to Attachment E.1 (Monthly Report [March 2018]), Ms. Miller reported that LATC is continuing to work on the Business Modernization project, which would transition LATC to a new licensing and enforcement platform. She continued that, in August, LATC and Board staff began meetings with DCA's Office of Information Services (OIS) and DCA SOLID's Organizational Change Management (OCM) team to review the project forecast and, concurrently, completed a project charter.

Mr. Bowden asked if LATC would eventually transition to BreZE. Ms. Miller responded that the Business Modernization process encompasses a determination of business needs and identification of a business platform that would best fit LATC's needs. Ms. Trauth asked if the Board is currently utilizing BreZE. Ms. Miller responded, "no", and advised that LATC is navigating the process in parallel with the Board.

Ms. Miller also reported on Assembly Bill (AB) 2138 and noted that the LATC and Department are monitoring the bill due to its impact on enforcement processes by proposing new review standards for criminal convictions. Ms. Welch advised that the bill would limit consideration of criminal convictions to only those within five years and it would require boards to revise standards of qualifying convictions. She also advised that the Department is monitoring AB 2483 as its provisions would be impactful to the role a board plays in payment of an antitrust award against a member.

Ms. Miller reported that former Executive Officer, Doug McCauley's, last day was March 1, 2018 and that Vickie Mayer was sworn in as Interim Executive Officer during the Board meeting held on the same day. Ms. Miller continued that the Board is working with DCA's Office of Human Resources to recruit and fill the Executive Officer position. Mr. Bowden inquired whether the Committee would have an opportunity to participate in the hiring process. Ms. Mayer responded that Business and Professions Code (BPC) section 5517 requires the Board to make the selection. She advised that the position was advertised to the Council of Landscape Architectural Registration Boards (CLARB) and the American Society of Landscape Architects (ASLA), and that the filing deadline was April 4, 2018. She continued that a selection committee of two Board

members would conduct interviews on May 8, 2018 and that a recommended list of candidates would be provided to the Board at its June 13, 2018 meeting.

Ms. Miller reported that OIS has begun rolling out the new license look-up platform, which will enable the LATC to display current information on an ongoing basis as well as enable consumers to view all license related data for a licensee. She also advised that the Department would be holding a meeting for interested programs for the potential usage of credit cards for license renewals.

Ms. Miller reported that, at the April 18, 2017 LATC meeting, proposed language was reviewed for California Code of Regulations (CCR) section 2620.5 (Requirements for an Approved Extension Certificate Program). She continued that the Committee determined more information was needed and, resultantly, referred it to a subcommittee. Due to competing deadlines, she advised that the process was temporarily halted, but staff have recently begun consultation with legal counsel regarding LATC's next course of action. Mr. Truscott asked if the proposed language would be provided to the Education/Experience Subcommittee (Subcommittee). Ms. Miller responded that, due to the subject matter of the proposal, a new subcommittee may need to be formed as it is not under the Subcommittee's charge. Ms. Welch advised that the LATC first determine the intent of the proposed changes to the regulations.

Regarding examination pass rates contained in the manager's report, Ms. Landry inquired about the 54% pass rate of the California Supplemental Examination (CSE) in comparison to sections of the national Landscape Architect Registration Examination pass rates taken in 2017. Kourtney Nation responded that the Office of Professional Examination Services (OPES) advised LATC staff that, because of the low number of examinees, the percentages are skewed; further, OPES focuses on the average performance of examination items over three to five years. In addition, Ms. Mayer stated that the examination development process, which includes the occupational analysis, is based on standards that are monitored by OPES. Furthermore, she stated that OPES's present evaluation is that pass rates are in an acceptable range. Mr. Bowden requested that, for the national pass rates, a column be added to the chart for the number of candidates per section. Ms. Nation stated that staff could obtain and include that data.

F. Review and Possible Action on Proposed Amendments to California Code of Regulations (CCR) Title 16, Division 26, Article 1, Section 2615 (Form of Examinations) and Proposed Amendments to CCR Section 2620 (Education and Training Credits)

Ms. Miller reported that, at the November 2, 2017 LATC meeting, proposed language was approved to amend CCR section 2620 (Education and Training Credits) to include related degrees, non-related baccalaureate degrees, an experience-only pathway, accredited architecture and civil engineering degrees, and experience supervised by a landscape contractor. She continued that, following the Board's approval of the proposed language in December, additional modifications to the language were needed. She noted that Attachment F.1 (Proposed amendments to CCR § 2620) depicts previous and proposed amendments.

Ms. Welch noted that, in the proposed language, CCR sections 2620(a)(10) and 2620(a)(11) need edits to change the text of (b)(2) to (b)(1) which reference the definition of partial completion in CCR section 2620(b)(1). Tian Feng inquired about the difference between using the term

“registered” and “licensed.” Mr. Bowden clarified that some states use the term “licensed” and others use “registered.”

In reference to proposed language in CCR section 2620(a)(12), Ms. Landry expressed concern over an out-of-state candidate, who has no practice experience in the state of California, earning six years of experience credit for out-of-state experience. Mr. Bowden clarified that it is one of the newly created pathways, the LATC’s proposed “experience-only” pathway. Mr. Feng commented that the national examination would still need to be taken and passed. Ms. Landry asked if the credit was applied to the national examination or to the CSE. Ms. Trauth clarified that the experience credit is granted to sit for the national examination and, thereafter, the CSE.

Ms. Miller advised that, in order to align initial and reciprocity requirements, CCR section 2615 (Form of Examinations) needed to be amended to ensure congruence with CCR section 2620. She referenced the changes in Attachment F.2 (Proposed Amendments to CCR § 2615) and asked the Committee to review and take possible action to recommend to the Board approval of amendments to CCR sections 2615 and 2620. Ms. Miller added that amendments to both regulations would be jointly submitted to the Office of Administrative Law.

- **Marq Truscott moved to approve the proposed language as presented by staff with editions to CCR sections 2620(a)(10) and 2620(a)(11) to change the text of (b)(2) to (b)(1), which reference the definition of partial completion in CCR section 2620(b)(1).**

Andrew Bowden seconded the motion.

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

G. Discuss and Possible Action on LATC’s Certification of Experience Form to Incorporate Proposed Amendments to CCR, Title 16, Division 26, Article 1, Section 2620 (Education and Training Credits)

Ms. Miller reported that, at the November 2, 2017 LATC meeting, during the discussion of creating new pathways to licensure, the Committee discussed how the new pathways could potentially impact the Certification of Experience form. She referenced Attachment G.2 (Sample Employment/Experience Verification forms [DCA Boards and Other States]) and stated that staff reviewed CLARB and other boards’ forms. Ms. Miller continued that, upon analysis, staff discovered that the existing form needed to be updated to be reflective of current requirements delineated in CCR section 2620, which is depicted in Attachment G.3 (Certification of Experience – [Rev. April 2018]).

To address projected changes to CCR section 2620, Ms. Miller presented the proposed amendments to the Certification of Experience form in Attachment G.4 (Certification of Experience – [Draft May 2018]), which depicts the inclusion of a category for work performed as or under a licensed landscape contractor. Mr. Bowden expressed dissatisfaction that the form does not list criteria about a candidate’s experience level to demonstrate diversity in experience gained. Mr. Bowden stated that LATC is unable to verify work experience due to not having an internship program.

With regard to modifying the form, Ms. Miller stated that LATC had to consider current regulatory authority. Ms. Welch stated that, should the Committee wish to expand the experience criteria denoted on the form, the requirements would need to be included in regulation. She added that requirements need to be clear so staff and candidates understand the requirements.

Ms. Trauth stated that the Board has an internship program and that LATC would need to develop something similar. Mr. Bowden stated that the form could act as a means to monitor a candidate's experience. Ms. Mayer stated that staff prepared the form for the LATC's consideration based on the current parameters in regulation. She continued that, if additional parameters are proposed, then they will need to be justified given the LATC presently approves certified experience without having criteria listed on the Certification of Experience form. Ms. Mayer further noted that, with regard to concerns that the experience pathway is unstructured, the Board had an experience-only pathway for many years whereby candidates earned eight years of experience credit without completing an internship program and no issues arose.

Mr. Feng referenced Attachment G.5 (Certification of Experience – [Prior Version February 2017]) and noticed that it lists more criteria. Ms. Mayer commented that staff had removed what was not in regulation and that Attachment G.3 (Certification of Experience – [Rev. April 2018]) depicts what is currently in regulation. Ms. Landry agreed with Mr. Bowden about listing more criteria on the form to verify a candidate's experience, and inquired if "landscape contracting" should be changed to "landscape contractor." Ms. Trauth suggested changing the term to "landscape construction." The Committee decided to change the term on the form to "landscape construction." Mr. Feng noted that Washington State's Employment and Experience Verification form identified percentages and inquired how they were measured. He suggested researching Washington's form and regulations to determine if its experience verification method is effective.

Mr. Bowden inquired about the LATC utilizing the findings of other states' experience certification forms and regulations as supporting documentation to justify a list of experience criteria. Ms. Welch responded that the Committee could possibly rely on other states listing specific experience criteria as supporting documentation. Mr. Truscott asked if LATC could utilize testing criteria and incorporate specific experience criteria from other states. Ms. Welch responded that any changes to the Certification of Experience form would need to be justified; therefore, relying on examination criteria alone may not be sufficient.

Ms. Trauth stated her desire to research how other states manage their experience-only pathways. Ms. Welch suggested that LATC review the regulations and forms of one or two states of interest and draft a proposal to validate specific experience requirements.

Ms. Landry expressed her discomfort with the proposed form and suggested utilizing test plan percentages and examination categories as a reference to create a list of experience criteria. Ms. Trauth suggested researching New York and Washington's experience certification forms for experience-only pathways. She added that if New York and Washington do not have experience-only pathways, staff should research Florida's experience requirements, as well.

- **Andrew Bowden moved to hold previously approved proposed regulatory language under Agenda Item F until additional experience verification information is obtained**

regarding the Certification of Experience form from two other states, New York and Washington, with experience-only pathways.

Susan Landry seconded the motion.

Tracy Morgan Hollingworth commented that, during the Subcommittee meeting, the landscape contractor on the Subcommittee expressed discomfort in signing the Certification of Experience form without specific experience criteria listed. She also offered to gather information and conduct research with the assistance of CCASLA.

- **Andrew Bowden moved to amend the motion to hold previously approved proposed regulatory language under Agenda Item F until additional experience verification information is obtained regarding the Certification of Experience form from two other states with experience-only pathways.**

Susan Landry seconded the amendment to the motion.

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

H. Review and Possible Action to Approve 2018-19 Intra-Departmental Contract with Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development

Ms. Nation reported that the current contract with OPES for CSE development expires June 30, 2018 and that the new contract extends from July 1, 2018 to June 30, 2019. Ms. Landry expressed her satisfaction with OPES.

Mr. Bowden asked about the frequency of the contract. Ms. Nation responded that the contract is executed annually, which results in the issuance of a new CSE form yearly in September.

Mr. Bowden inquired about the cost for OPES's services. Ms. Nation responded that there was a slight increase due to having more workshops on the weekends, which require additional staff time and costs.

- **Andrew Bowden moved to approve the Intra-Departmental Contract with OPES for CSE development for fiscal year (FY) 2018-2019.**

Susan Landry seconded the motion.

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

I. Discuss and Possible Action on 2017-2018 Strategic Plan Objectives to:

1. Revamp the LATC's Website to be More User-Friendly for Consumers

2. Prepare for Sunset Review Process to Demonstrate the LATC's Effectiveness

Ms. Miller reported that, as part of LATC's 2017-2018 Strategic Plan, the Committee has an objective to "Revamp the website (using the California Architects Board's website as a possible template) to be more user-friendly for consumers." She stated that the Board's website utilizes the California Department of Technology's (CDT) website template, which is designed for state agency use to promote uniformity and a standardized look and feel.

Ms. Miller explained that staff, utilizing CDT's v5 template, created a developmental website portrayed in Attachment 1 (Screenshots of Select LATC Developmental Website Pages). She continued that some examples of design changes include: a more reader-friendly layout for easier navigation, CDT's formatting of the header and footer, active tabs which display descriptors, and CDT's accessibility standards. She added that, if approved, staff will work with OIS to implement the developmental website.

During the demonstration of the website, Ms. Landry asked about the organization of the links under the Consumers Quick Hits section. Board Program Manager, Marccus Reinhardt, responded that the Board's Communications Committee opted to display page links in alphabetical order and the LATC is following this model. Mr. Feng inquired about the banner links on the bottom of the homepage. Mr. Reinhardt responded that the links are required to be a part of the template.

Ms. Landry inquired about the LATC's contact information not being displayed at the bottom of the homepage. Mr. Reinhardt responded that contact information was directed by DCA to be a part of the "About Us" tab. A member of the public asked if the website had undergone user testing and if more graphics were considered for visual cues. Mr. Reinhardt responded that the state has been using the template and the Board has not received any user complaints.

Upon request, the LATC compared the proposed developmental website with the Board's existing website. Through this review, the Committee chose to include on the LATC's website the same web buttons used by the Board for license verification, enforcement actions, and email subscriptions. Mr. Feng inquired about the relationship between the Board and LATC's developmental website and asked if each website included a prominent link to the other. Ms. Mayer responded that the Board has a link to LATC's website under Recommended Links, and that the websites cross-reference one another. The Committee decided that the LATC's developmental site will more prominently display a link to the Board's website.

Under the "About Us" tab, Ms. Landry suggested switching the placement of the History link with the Mission, Vision, and Values link. Upon discussion, the Committee decided to place the Mission, Vision, and Values link first.

Mr. Bowden asked whether the Practice Act link on the homepage could state "Practice Act" instead of "Act." Ms. Miller responded that it is consistent with the Board's display. Mr. Reinhardt commented that the wording of the Practice Act was not covered under CDT's requirements; however, it might be due to spacing constraints. Upon discussion and, in order to be more descriptive, the Committee decided to change "Act" to "Practice Act" or, if "Practice Act" does not fit, then "Laws."

- **Marq Truscott moved to approve the developmental website with the revisions of:**
1) Changing the License Search, Enforcement Actions, and Subscribe for Email Alerts buttons to mirror the Board's website; 2) Under the About Us tab, place the Mission, Vision, and Values link first; 3) For the Practice Act link on the homepage, change Act to Practice Act and, if Practice Act does not fit, then change to Laws; and 4) Make the cross reference link between the Board and LATC more visible.

Andrew Bowden seconded the motion.

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

Ms. Miller reported that the LATC must complete the Sunset Review process once every four years and that the Sunset Review Report (Report) is due December 1, 2018. She continued that the most recent iteration of the Report is included as an attachment for the Committee's review and feedback. Ms. Miller advised that, for subsequent review and feedback, the Report will be provided to the Board's Executive Committee and, thereafter, to the Board at its June 13, 2018 meeting. Following Board review, Ms. Miller advised that the Report would be presented to the LATC during its meeting on July 20, 2018 for approval. The Report, thereafter, will be presented to the Board on September 12, 2018 for final approval.

Ms. Miller reported that a working group, comprised of Ms. Trauth and Mr. Bowden, will assist staff while developing the Report. She announced that DCA's Sunset Review Training would be held on May 24, 2018. She continued that, at that time, the 2018 Sunset Review Template may be revealed and that, if necessary, the LATC's current draft may be updated and mirror the Board's responses where appropriate. In addition, Ms. Miller stated that data for FY 17/18 is nearing completion and, once received, the data will be recorded to the appropriate sections of the Report and summarized trends will be updated. Ms. Trauth asked if the training would be webcast. Ms. Mayer responded, "no," and advised that a Committee member could attend or that an update on what was presented could be provided.

Ms. Trauth asked where current proposed policy changes and newly created pathways should be placed in the Report. Ms. Mayer responded that there is a section for new issues and that the Committee can decide if incorporating research related to the Certification of Experience form is appropriate.

Ms. Miller reported that Attachment I.2.1 (LATC 2018 Sunset Review Report Section 1 Background) depicts the history, mission, organizational structure, and major changes in key legislation and regulations. Ms. Welch indicated that Table 1b, Board/Committee Member Roster, should include a footnote to clarify member appointment terms, and that the *Disciplinary Guidelines* and CCR section 2680 should be included in Item 3 of the Report. The Committee noted Ms. Welch's recommendations.

Ms. Miller reported that Attachment I.2.2 (LATC 2018 Sunset Review Report Section 2 Performance Measures) depicts the customer satisfaction survey and feedback results. She noted that performance measures would be included as an attachment in Section 12 of the Report.

Ms. Miller reported that Attachment I.2.3 (LATC 2018 Sunset Review Report Section 3 Fiscal) depicts budget trends, fees, and expenditures. In reference to Item 12 of the Report, Mr. Bowden inquired about the absence of figures in Table 3, Expenditures by Program Component.

Ms. Mayer responded that the table is still in the process of being completed, adding that the Board is collecting data using the same calculation method as the prior Sunset Report. Ms. Welch suggested inserting the fee authority within LATC's response to Item 14 of the Report, which authorizes the Board to collect fees.

Ms. Miller reported that Attachment I.2.4 (LATC 2018 Sunset Review Report Section 4 Licensing) depicts licensing data, information provided to applicants, questions regarding criminal history, fingerprinting, and examination data. Ms. Landry asked if Item 21 of the Report would need to be updated based on today's motions for Agenda Items F and G. Ms. Mayer responded that it may need to be updated to reflect staff's research results related to the Certification of Experience form. Ms. Landry asked if the LATC would implement a fingerprinting requirement. Ms. Mayer responded that neither the Board nor LATC has authority to fingerprint; however, ability to gain authority to conduct fingerprinting is being reexamined. Mr. Feng asked about the purpose of obtaining fingerprints. Ms. Mayer responded that fingerprint results could be grounds to deny an applicant if the violation relates to the scope of licensure.

Ms. Miller reported that Attachment I.2.5 (LATC 2018 Sunset Review Report Section 5 Enforcement) depicts enforcement program statistics, statistical trends, and unlicensed activity. Ms. Miller advised that, for Item 34 of the Report, an amendment to Table 9b Enforcement Statistics (continued) was needed whereby the average number of days to complete a disciplinary action case is 953 days, not 1,092 days. Mr. Feng asked if the average is considered low compared to the Board. Ms. Mayer responded that it is slightly lower.

Ms. Miller reported that Attachment I.2.6 (LATC 2018 Sunset Review Report Section 6 Public) depicts information published on LATC's website, frequency of meeting webcasting, information provided to the public, and methods of consumer outreach and education.

Ms. Miller reported that Attachment I.2.7 (LATC 2018 Sunset Review Report Section 7 Online Practice) depicts online practice issues. Ms. Miller noted that the response will be updated to align with the Board's response. Mr. Feng inquired about the meaning of online practice and Mr. Bowden responded that his interpretation of the prompt is that it is seeking information about when a licensee provides services online to persons in another state. Ms. Mayer advised that the Board has slightly revised their response and needs to determine if it applies to landscape architects. Ms. Landry commented that the Practice Act states that licensees cannot stamp plans that are not under their direct supervision and asked how an online production mill meets said criteria. In response to Ms. Landry, Mr. Bowden read from the section which states that, "such arrangements can stretch the limit of an operational definition of the landscape architect's 'responsible control' over the work produced." He commented that no one has complained about a landscape architect stamping plans from another state; however, it may not be proper practice. Ms. Mayer stated that by stamping the plans, they are considered correct and that the licensee who stamped the plans is taking responsibility of such plans. She advised that the Board has not received any complaints. As an aside, Mr. Bowden inquired about a landscape architect stamping his/her license number on any form of written communication or advertisement, adding that the license number was once required. Ms. Mayer responded that the license number is only required to be on a written contract and stamp. She continued that there is a general provision of the BPC

that requires the license number to be added to advertisements; however, a regulation would need to be promulgated in order to require the general provision.

Ms. Miller reported that Attachment I.2.8 (LATC 2018 Sunset Review Report Section 8 Workforce) depicts workforce development, job creation, actions taken by LATC, licensing delays, and barriers to entry. Ms. Miller advised that this section portrays LATC's expanded pathways to licensure.

Ms. Miller reported that Attachment I.2.9 (LATC 2018 Sunset Review Report Section 9 Current Issues) depicts current issues and includes the Consumer Protection Enforcement Initiative and LATC's participation in BreZE.

Ms. Miller reported that Attachment I.2.10 (LATC 2018 Sunset Review Report Section 10 Response to Prior Sunset Issues) depicts LATC's actions and responses to issues raised in the prior Sunset Review Report. Ms. Miller advised that responses to the 2014 Sunset Review Report would be included with an update.

Ms. Miller reported that Attachment I.2.11 (LATC 2018 Sunset Review Report Section 11 New Issues) depicts solutions to issues identified by the LATC and new issues undergoing work by the Committee. She continued that prior to Mr. McCauley's departure, a decision was made to include enhanced pathways to licensure and written contract requirements in this section. Ms. Mayer advised that, previously, the Board had pursued statutory amendments to revise the written contract provisions; however, it was too substantive to be applied to an omnibus bill. She continued that Mr. McCauley decided to include the proposal in the Board's Sunset Review Report, provide the proposed language to the legislature, and ask for it to be included in their bill when they extend the sunset date. Ms. Mayer further stated that the Board's proposed amendments have not been presented to the Committee for possible amendments to LATC's written contract provisions; however, at the July 20, 2018 LATC meeting, the Committee would be provided the proposal that the Board approved for architects. She added that, if the Committee is in agreement with the amendments, it will be included in the Report.

J. Review and Possible Action on Proposed Amendments to LATC's *Disciplinary Guidelines* and CCR, Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)

Stacy Townsend reported that, at the July 13, 2017 LATC meeting, the Committee voted to approve the *Disciplinary Guidelines (Guidelines)*. She advised that, thereafter, DCA Legal reviewed the *Guidelines* and recommended additional edits, which the Board approved at its September 7, 2017 meeting. Ms. Townsend continued that, at the December 7, 2017 Board meeting, the Board approved its *Guidelines* and recommended corresponding changes to LATC's *Guidelines*, which are depicted in the attachment. She asked the LATC to review and take possible action to recommend to the Board approval of the revised *Guidelines*.

Ms. Landry suggested that, in section 125.6 of Attachment J.1 (LATC's *Disciplinary Guidelines* with Recommended Revisions), the term "handicap" should be changed to "disabled" to align with the California Building Code Standards. Ms. Mayer responded that, if that is the standard, the term could be changed. Upon further review, the Committee decided to revert back to the title's current language of "Discrimination by Licensee" in lieu of amending the language.

Ms. Welch stated that, due to section 2 on page 20, the attachment on page 26 needs to include “Attachment A” and “(Rev. 5/2018).” She also advised using the full spelling of “revised” for the revision date in the proposed language of Attachment J.2 (Proposed Regulatory Language, Title 16, California Code of Regulations Section 2680) as well as on the front page of Attachment J.1 for consistency. Ms. Welch further advised that, in the reference authority of the proposed language, existing text of “, 11425.50” needed to be reinserted and, after the text, the addition of a comma. The Committee agreed with Ms. Welch’s editions.

- **Andrew Bowden moved to approve the *Disciplinary Guidelines* with the revisions of:**
1) Reverting back to the existing language of the title of BPC section 125.6 (Discrimination by Licensee); 2) Adding the language “Attachment A and (Rev. 5/2018)” to the Quarterly Report; 3) Editing line 3 of CCR section 2680 of the proposed language to “(Revised 2018)” as well as including “(Revised 2018)” on the *Disciplinary Guidelines* face page; and 4) Reinserting existing text of “, 11425.50” and, after the text, the addition of a comma in the Authority Cited section of the proposed language.

Marq Truscott seconded the motion.

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

K. Review of Future LATC Meeting Dates

Mr. Bowden requested that the annual meeting dates for ASLA and American Institute of Architects be included on the schedule. Mr. Truscott inquired about the July 20, 2018 meeting location. Ms. Miller responded that the meeting would be held in Southern California and that staff is working on securing a meeting location.

Mr. Truscott commented that the California Department of Water Resources (DWR) formed a landscape stakeholder advisory group for the Model Water Efficient Landscape Ordinance (MWELo) amendments and that they would soon have a draft summary of the proposed amendments. He continued that new development and retrofitted landscape water efficiency standards are governed by MWELo; therefore, LATC should attempt to participate in the process. He suggested inviting DWR for a presentation.

Ms. Morgan Hollingworth suggested the LATC hold its meeting at the Metropolitan Water District in Southern California. She added that its resource personnel could possibly provide a briefing on MWELo amendments.

L. Adjournment

The meeting adjourned at 2:43 p.m.

Agenda Item E

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

The California Architects Board and Landscape Architects Technical Committee's (LATC) June 2018 Monthly Report provides a synopsis of current activities and is attached for the LATC's review.

Attachments:

1. Monthly Report (June 2018)
2. California Architects Board June 13, 2018 Meeting Notice



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MEMORANDUM

DATE: July 13, 2018

TO: Board and Landscape Architects Technical Committee (LATC)
Members

FROM: *Vickie Mayer*
Vickie Mayer, Interim Executive Officer

SUBJECT: JUNE 2018 MONTHLY REPORT

The following information is provided as an overview of Board activities and projects as of June 29, 2018.

ADMINISTRATIVE/MANAGEMENT

Board The Board met on June 13, 2018, in Sacramento. The remaining Board meetings for 2018 are scheduled for September 12, 2018, in the Bay Area; and December 13-14, 2018, in Sacramento. The December meeting will include a Strategic Planning session.

Business Modernization In late December, the Board in collaboration with the Department of Consumer Affairs (DCA) finalized a Business Modernization Plan (Plan) to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is an academic look at the purpose, guiding principles, objectives, and activities needed to achieve the Board's goals of business modernization. The Plan has an accompanying document, the Business Modernization Report (Report), which is an artifact specific to the Board that documents the business modernization activities that will be conducted. The Report includes proposed timelines, milestone documentation, business planning artifacts, project approval documents, among other items. Together, these documents outline a specific framework, and the Board's progress within such framework.

The primary objective of the Plan is to ensure that business modernization efforts for the Board follow a structured approach based on best practices and lessons learned, with more accurately planned, managed, and implemented technology solutions. The thorough planning, business analysis, and program-specific nature of this effort will ensure success for the Board and DCA.

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An initial meeting was held on July 11, 2017, with the Board and DCA's Office of Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, staff met with OCM staff to discuss the initial inventory of the Board's existing administrative, enforcement, and licensing business processes. This inventory will inform the proposed timeline for the effort, currently under development. At the request of the DCA, on October 11, 2017, staff provided suggested edits to the business processes. Staff completed the Project Charter for the business activities phase of the modernization effort. The Charter specifies our role and responsibilities as key project stakeholders. It also describes the project decision-making authority for our business area, and the commitment DCA needs from the Board to conduct a successful project. Staff and management met with SOLID on November 7, 2017, to review the draft Project Charter and discuss combining the Board and LATC charters into one document. The Charter was submitted to OCM in January 2018, after approval from the Board President and LATC Chair.

Key elements of Business Modernization specific to the needs of the Board and LATC include: 1) Business Activities, 2) Project Approval Lifecycle, and 3) System Implementation. Jason Piccione, DCA Chief Information Officer, updated the Executive Committee and the Board on the Business Modernization project; he stressed that the progression of activities to implement the Business Modernization project will be based on the overall organizational readiness of both programs and ability to support an aggressive (or less aggressive) timeframe regarding staff resources. Furthermore, he reported that Business Activities are scheduled from October 2018 through October 2019, the Project Approval Lifecycle from July 2019 through November 2020, and System Implementation from November 2020 through November 2022. The proposed schedule employs a minimum viable product strategy, which could reduce the total proposed time of implementation to November 2021. The Board business process inventory has since been finalized and provided to OCM on May 21, 2018. OCM advised they would reach out to the board near the fourth quarter to begin preparation for the mapping process in October 2018.

Because this planned approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payment for renewal applications, our highest volume transaction. Staff met with OIS on May 14, 2018 along with Release 3 boards and bureaus interested in the Interim Credit Card Acceptance Portal initiative. Staff worked with DCA Budget and Legal staff to assess the projected credit card costs. The Board/LATC will be in the first group along with Pharmacy and Accountancy, targeted for November 2018.

Communications Committee The next Communications Committee meeting has not been scheduled at this time.

Executive Committee The next Executive Committee meeting has not been scheduled at this time.

Legislation Assembly Bill (AB) 767 (Quirk-Silva) [Master Business License Act] would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer an online master business license system to simplify the process of engaging in business in this state. This bill is now with the Senate Committee on Appropriations.

AB 2138 (Chiu) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction] would reduce barriers to professional licensure for individuals with prior criminal convictions by limiting a regulatory board's discretion to deny a new license application or to suspend or to revoke an existing license. This bill limits a board's discretion to cases where the applicant or licensee was formally convicted of a related crime or subjected to formal discipline by a licensing board, and prohibits license denial or suspension or revocation for offenses older than five years with the exception of violent felonies, as currently established in statute. This bill is with the Senate Committee on Appropriations.

AB 2182 (Levine) [Privacy: Department of Consumer Affairs: Online Platforms: Personal Data Privacy] would require the DCA to establish an Internet Web portal linked to its Consumer Information Center Internet Web page that contains links to the personal data privacy policies of online platforms, including social media, as specified. This bill is with the Senate Committee on Appropriations.

AB 2483 (Voepel) [Indemnification of Public Officers and Employees: Antitrust Awards] would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the DCA for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. This bill is with the Senate Judiciary Committee.

Senate Bill (SB) 721 (Hill) [Contractors: Decks and Balconies: Inspection] would require the "exterior elevated elements" of multi-family dwelling units be inspected by a licensed architect, licensed civil or structural engineer, or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. Local jurisdictions would enforce this requirement. This bill has been referred to Assembly Business & Professions Committee and Housing & Community Development Committee, currently sitting in Business & Professions Committee. This bill is with the Assembly Committee on Appropriations.

SB 984 (Skinner) [State Boards and Commissions: Representation: Appointments] would require all state boards and commissions to be comprised of a specific minimum number of women based on the total number of board or commission members on that board. This bill would also require the Office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees. This bill is with the Assembly Committee on Appropriations SB 1137 (Vidak) [Veterans: Professional Licensing Benefits] would require the Department of Veterans Affairs and the DCA, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans. This bill is with the Assembly Committee on Appropriations.

SB 1465 (Hill) [Contractors: Civil Actions: Reporting] would require a licensee to report to the Contractors State License Board registrar within 90 days of the date that the licensee has knowledge of any civil action resulting in a final judgment, executed settlement agreement, or final arbitration award against the licensee that meets specified criteria, including that the amount or value of the judgment, settlement payment, or award is \$1,000,000 or greater and that the action is the result of a claim for damages to a property or person allegedly caused by specified construction activities of a licensee on any part of a multifamily rental residential structure, as

specified. The bill would further require, within 30 days of all or a portion of the judgment, settlement payment, or award, an insurer providing a specified type of insurance to that licensee to report listed information relating to the judgment, settlement payment, or award to the registrar. This bill is with the Assembly Committee on Appropriations.

SB 1480 (Hill) [Professions and Vocations] would amend section 328 of the General Provisions of the Business and Professions Code to require the DCA to prioritize through its Consumer Protection Enforcement Initiative the enforcement of complaints against licensees involving allegations of serious harm to a minor. Other provisions of this bill are specific to individual programs. This bill is with the Assembly Committee on Appropriations.

Newsletter The latest issue of *California Architects* was published on June 26, 2018.

Sunset Review The Board's and LATC's 2018 Sunset Review Reports are due for submission to the Legislature on December 1, 2018. The draft reports were presented to the Board on June, 13, 2018, for input and recommendations.

Outreach On May 21, 2018, the Board was asked by The American Institute of Architects, California Council, Associate Director of Programs, to provide input on a Path to Licensure infographic that will be disseminated to its membership. Staff is reviewing the infographic and will provide its feedback.

Staff worked with DCA's Office of Public Affairs and the Contractors State License Board on an article in the *Consumer Connection* magazine published on June 30, 2018. The inclusion of the article in the magazine was a Strategic Plan 2017-2018 objective assigned to the Communications Committee to explore the possibility of the Board participating in consumer events as a means of communicating directly with the public. The article provides California property owners information on natural disasters and mistakes to avoid during the rebuilding, as well as consumer protection tools to ensure projects stay on track.

On June 29, 2018, DCA contacted the Board regarding its interest in the our Disaster Preparedness campaign information. The Board offered its assistance and desire to participate in upcoming townhall and outreach events.

Personnel The Board selected a candidate to fill the EO position at its June 13, 2018 meeting. The new EO has not yet been publicly announced and that person is scheduled to begin service on August 1, 2018. Efforts are underway to fill the vacant OT positions in the Enforcement, Examination and Licensing, and Administration Units and the analyst position in the Enforcement Unit.

Social Media The Board has expanded its social media presence to include three platforms, which are shown in the following table:

Platform	Current Followers	Followers 1 Year Prior	Difference
Twitter (launched in 2014)	1,183	1,094	8%
Instagram (launched September 20, 2016)	391	168	233%
Facebook (launched June 6, 2017)	61	N/A	N/A

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

7/18-19/18	Presentations Skills for Analysts (Ryan)
7/31/18	Effective Business Writing (Ryan)
8/7/18	Interviewing Techniques for Investigators and Inspectors (Katie)
8/14/18	Completed Staff Work (Ryan)
8/14/18	Excel 2016 Basics (Kianna)
8/16/18	Outlook 2016 Mail (Kianna)
8/29/18	Interpersonal Skills for Analysts (Ryan)
9/11/18	Basic Project Management (Ryan)
9/26/18	Research, Analysis, and Problem Solving (Ryan)

Website The Board anticipates commencing the process of migration to DCA Search during summer 2018. DCA Search will replace Web License Look Up, which is currently used by consumers for license verification. The new DCA Search will modernize the license verification tool by including compatibility for smartphones and providing consumers with enhanced licensee information. Specifically, the updated tool will: 1) allow for simple or advanced (focused) searching; 2) allow for broader searches across DCA entities; 3) continuously display up-to-date license information; and 4) enable consumers to view all license related data for a licensee (i.e., display licenses from other DCA entities and enforcement actions). Board staff will coordinate with DCA's Office of Information Services (OIS) to perform user acceptance testing before the final implementation. Staff posted the notice for the June 13, 2018 Board meeting and posted the latest issue of *California Architects*.

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The pass rates for ARE divisions taken by California candidates between May 1–31, 2018, are shown in the following tables:

May 2018 ARE 5.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	62	36	58%	26	42%
Practice Management	104	56	54%	48	46%
Programming & Analysis	53	23	43%	30	57%
Project Development & Documentation	81	43	53%	38	47%
Project Management	82	49	60%	33	40%
Project Planning & Design	124	51	41%	73	59%

May 2018 ARE 4.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Building Design & Construction Systems	15	7	47%	8	53%
Building Systems	16	7	44%	9	56%
Construction Documents & Services	93	28	30%	65	70%
Programming, Planning, & Practice	103	38	37%	65	63%
Schematic Design	12	7	58%	5	42%
Site Planning & Design	65	30	46%	35	54%
Structural Systems	19	9	47%	10	53%

National pass rates for 2017 ARE 5.0 and ARE 4.0 are shown in the following tables:

2017 ARE 5.0

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Construction & Evaluation	238	54%	61%	-7%
Practice Management	488	42%	50%	-8%
Programming & Analysis	296	43%	53%	-10%
Project Development & Documentation	602	47%	56%	-9%
Project Management	292	58%	59%	-1%
Project Planning & Design	774	42%	50%	-8%

2017 ARE 4.0

DIVISION	CALIFORNIA		NATIONAL	DIFFERENCE
	Total	Passed	Passed	
Building Design & Construction Systems	607	56%	62%	-6%
Building Systems	636	56%	59%	-3%
Construction Documents & Services	1,607	46%	52%	-6%
Programming, Planning, & Practice	1,507	48%	52%	-4%
Schematic Design	317	80%	81%	-1%
Site Planning & Design	1,087	59%	64%	-5%
Structural Systems	585	59%	59%	0%

California Supplemental Examination (CSE) Staff, at the direction of the Board, researched with the Office of Professional Examination Services (OPES) the feasibility of reducing the mandatory

180 day wait time after a candidate fails the CSE while maintaining examination security and defensibility. The Board was provided an update on the research at its December 7, 2017 meeting, and directed staff to proceed with a regulatory proposal to reduce the wait time from 180 to 90 days. At its March 1, 2018 meeting, the Board received a presentation from OPES detailing how the reduction in the wait time will be implemented in March 2019, and approved proposed regulatory language to commence the rulemaking process. Staff is currently developing a regulatory proposal for submittal and notice.

The current Intra-Departmental Contract (IAC) with the OPES for examination development for fiscal year (FY) 2017/18 expires on June 30, 2018. On March 22, 2018, the current IAC was amended to include the additional workshops required to reduce the mandatory retake waiting period. Staff worked with OPES to develop a new IAC for FY 2018/19 that was presented to and approved by the Board at its June 13, 2018 meeting.

The pass rates for the CSE taken by candidates between June 1–30, 2018, and prior FYs are shown in the following tables:

June 1–30, 2018 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
133	88	66%	45	34%

**FY 2017/18 CSE
(as of June 30, 2018)**

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
1,144	645	56%	499	44%

FY 2016/17 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
1,096	712	65%	384	35%

NCARB Integrated Path to Architectural Licensure (IPAL) Launched in 2015, IPAL is an initiative spearheaded by NCARB and designed to provide students the opportunity to complete the requirements for licensure in a more integrated and streamlined manner while earning their accredited degree. Programs from three California schools were accepted by NCARB for participation: NewSchool of Architecture and Design, University of Southern California, and Woodbury University; currently, there are 26 programs at 21 participating schools.

The Board sponsored an amendment to update Business and Professions Code (BPC) section 5550.2, which permits the Board to grant early eligibility to take the ARE for students enrolled in an NCARB-accepted integrated degree program. Periodically, the Board invites accepted California schools to its meetings for updates on the progress of their respective program. Woodbury University provided the Board with an update on its IPAL program at the Board's September 7, 2017 meeting.

At its October 18, 2017 meeting, the Professional Qualifications Committee voted to recommend the Board send NCARB a letter requesting it collaborate with The American Institute of Architects on reviving the Emerging Professional's Companion. The Board considered the recommendation at the December 7, 2017 Board meeting, and declined to take action on it.

Professional Qualifications Committee (PQC) The PQC members are currently being polled for possible meeting date in October 2018.

Regulatory Proposals California Code of Regulations (CCR) Sections 124 (California Supplemental Examination) and 124.5 (Review of California Supplemental Examination) – At its June 15, 2017 meeting, the Board directed staff to collaborate with OPES and research the feasibility of reducing the CSE retake waiting period. Based upon the results of its research, OPES determined and advised staff the waiting period could be reduced from 180 to 90 days with no compromise of examination integrity. Staff presented OPES' findings to the Board at its December 7, 2017, meeting and advised members it could bring a regulatory proposal to amend CCR section 124 for approval at the next Board meeting in March 2018. Board members subsequently voted in support of reducing the waiting period to 90 days and directed staff to commence the rulemaking process.

Staff developed proposed regulatory language to amend CCR section 124 and reduce the CSE waiting period. Staff also proposed language to amend CCR section 124.5 as it pertains to the CSE review process and release of examination results. The Board approved the proposed regulatory language to amend CCR sections 124 and 124.5 at its March 1, 2018, meeting and delegated authority to the EO to adopt the regulations, provided no adverse comments are received during the public comment period, and, if needed, to make minor technical or non-substantive changes.

Following is a chronology, to date, of the processing of the Board's regulatory proposal for CCR sections 124 and 124.5:

March 1, 2018	Proposed regulatory language approved by the Board
June 12, 2018	Proposed regulation submitted to DCA Legal for Pre-Review.

ENFORCEMENT PROGRAM

Architect Consultants Building Official Contact Program: Architect consultants are available on-call to Building Officials to discuss the Board's policies and interpretations of the Architects Practice Act (Act), stamp and signature requirements, and scope of architectural practice.

Education/Information Program: Architect consultants are the primary source for responses to technical and/or practice-related questions from the public and licensees. In June, there were 61 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 35 of the contacts and included inquiries regarding written contract requirements, out-of-state licensees seeking to do business in California, scope of practice relative to engineering disciplines, and questions about stamp and signature requirements.

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 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 in the process of securing a contract with a collection agency through the informal solicitation method (Government Code (Gov.) section 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 a future meeting.

Enforcement Actions

Carlos Alberto Soria (Dallas, Texas) The Board issued a one-count citation that included a \$500 administrative fine to Soria, architect license number C-24618, for an alleged violation of BPC section 5600.05(b) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Soria failed to maintain records of completion of the required coursework for two years from the date of license renewal and failed to make those records available to the Board for auditing upon request. Soria paid the fine, satisfying the citation. The citation became final on May 18, 2018.

<u>Enforcement Statistics</u>	<u>Current Month</u> June 2018	<u>Prior Month</u> May 2018	<u>FYTD</u> 2017/18	<u>5-FY Avg</u> 2012/13- 2016/17
Complaints				
Received/Opened (Reopened):	23 (0)	35 (0)	380 (0)	314 (3)
Closed:	12	56	337	305
Average Days to Close:	76 days	129 days	98 days	days
Pending:	158	147	145*	109
Average Age of Pending:	198 days	187 days	153 days*	151 days
Citations				
Issued:	4	12	65	40
Pending:	12	22	12*	10
Pending AG: †	2	2	3*	4
Final:	14	1	54	37
Disciplinary Actions				
Pending AG:	5	5	4*	4
Pending DA:	1	1	0*	2
Final:	0	0	3	2
Continuing Education (§5600.05)**				
Received/Opened:	3	13	100	58
Closed:	4	18	101	55
Pending:	11	12	13*	21
Settlement Reports (§5588)**				
Received/Opened:	3	1	17	30
Closed:	1	2	14	30
Pending:	14	12	11*	8

* 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 2017/18, 54 citations with administrative fines became final with 62 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 section 5536(a) - Practice Without License or Holding Self Out as Architect [8.1%]
- BPC section 5536.1(c) - Unauthorized Practice [3.2%]
- BPC section 5536.22(a) - Written Contract [1.6%]
- BPC section 5584 - Negligence or Willful Misconduct [1.6%]
- BPC section 5600.05(a)(1) or (b) - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [77.4%]
- CCR section 134(a) - Use of the Term Architect [1.6%]

- CCR section 160(b)(1) or (2) - Rules of Professional Conduct (Willful Misconduct) [6.5%]

Regulatory Proposals CCR section 152.5 (*Contest of Citations, Informal Conference*) - Staff developed proposed regulatory language to amend CCR section 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 section 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 section 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 section 152.5, authorized staff to proceed with the required regulatory change to amend CCR section 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 section 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 section 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 section 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 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 section 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 section 154. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR section 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 section 154, authorized staff to proceed with the required regulatory change to amend CCR section 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.

Following the December 15, 2016 Board meeting, LATC staff updated LATC's *Disciplinary Guidelines* to include the approved revisions that are appropriate for LATC. On July 13, 2017, LATC approved the revised *Guidelines* and recommended that they be presented to the Board for approval. On September 5, 2017, Legal Counsel advised LATC staff that additional substantive changes to LATC's *Guidelines* and the proposed language to amend CCR section 2680 were necessary prior to Board approval and submission of the regulatory package. The Board approved the revisions to LATC's *Guidelines* and the proposed language to amend CCR section 2680, including the necessary changes identified by Legal Counsel, at its September 7, 2017 meeting. Following the meeting, Board staff reviewed Legal Counsel's recommendations as they relate to the Board's *Disciplinary Guidelines* and determined that they would also need to be amended. Staff prepared additional, recommended revisions to the Board's *Guidelines* and the proposed language to amend CCR section 154 in response to Legal Counsel's recommendations, and presented those revisions to the Board for review and approval at its December 7, 2017 meeting. At the meeting, the Board accepted the additional revisions to the *Guidelines*, and directed Legal Counsel and staff to conduct further research to determine if the Board has the statutory authority to impose fines through the disciplinary process and whether it should be referenced in the *Guidelines*.

Legal Counsel subsequently researched the Board's statutory authority to assess an administrative penalty or fine through discipline and found that BPC section 5565(d) authorizes the Board to

assess a fine for any of the causes of action specified in BPC section 5577 (Conviction of a Crime Substantially Related to the Qualifications, Duties, or Functions of an Architect), and BPC section 5588(e) authorizes the Board to impose a civil penalty against a licensee who fails to report a civil action judgment, settlement, or arbitration award of \$5,000 or greater against the licensee to the Board within 30 days. Based on Legal Counsel's research, staff revised the Board's *Disciplinary Guidelines* to: 1) include the fine and civil penalty provisions authorized by BPC sections 5565(d) and 5588(e); 2) provide information regarding the Board's citation authority in the General Considerations section; and 3) update the descriptions of BPC sections 140, 5536.5, 5577, 5579, 5582.1, 5583, 5584, 5585, and 5586, to more accurately reflect the nature of the violations. At its March 1, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the *Disciplinary Guidelines* and CCR section 154 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified. Staff is preparing the proposed regulatory package for submission to DCA, prior to publicly noticing with OAL.

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

Written Contract (BPC section 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 section 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 section 5536.22. Staff developed proposed language for BPC section 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 section 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 section 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. The language was submitted to the BP&ED Committee on October 27, 2017, for consideration to be included in the 2018 Omnibus Committee bill. BP&ED staff determined that the proposal would not be included in the omnibus bill because it was deemed substantive, and instead, suggested that the Board present it to the Legislature for consideration via the "New Issues" section of the Sunset Review Report.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Business Modernization Refer to section under Board's Administrative/Management.

Committee Patricia Trauth, was re-appointed by the Governor on June 8, 2018. Ms. Trauth's term ends on June 1, 2022.

The LATC met on May 4, 2018 in Sacramento. The LATC's next meeting on July 20, 2018 will be held at Woodbury University in San Diego. Thereafter, the LATC has meetings scheduled on November 15-16, 2018 (Sacramento).

Social Media The LATC maintains a Twitter account that currently has 144 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

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

The LATC is anticipated to begin the process of transitioning to the DCA's updated and modernized Web License Look Up in Summer 2018. Presently, the LATC's License Look Up feature is a PDF that is updated and re-posted on the website on a monthly basis. DCA seeks to include LATC on its modernized license search feature, which will be compatible for smart phones and provide consumers with enhanced licensee information. Specifically, this new search tool will enable the LATC to display current information on an ongoing basis as well as enable consumers to view all license related data for a licensee (i.e., display all licenses that a person may hold from DCA's boards and bureaus as well as enforcement actions). It will also make searches easier by enabling search filters to distill search results. At the onset of conversion, LATC staff will engage with DCA's OIS to participate in user-testing before rollout of the Web License Look Up.

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) LATC's Intra-Departmental Contract with OPES for examination development during Fiscal Year (FY) 2017/18 expired on June 30, 2018. Staff coordinated with OPES to develop a new IAC for FY 2018/19 which was approved by the LATC at its May 4, 2018 meeting.

OPES provides the LATC with Occupational Analysis (OA) and examination development services. BPC section 139 requires that an 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. Staff recruits subject matter experts to participate in examination development workshops to focus on item writing and examination construction.

CSE Results The pass rates for the CSE taken by candidates during FY 2017/18, and prior FYs are shown in the following tables:

FY 2017/18

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
181	107	55%	89	45%

FY 2016/17 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
153	80	52%	73	48%

FY 2015/16 CSE

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
132	94	71%	38	29%

Landscape Architect Registration Examination (LARE) The LARE was administered from April 9-21, 2018. The candidate application deadline was February 23, 2018. Examination results were released in late May. The next LARE administration will be held August 6-18, 2018 and the candidate application deadline was June 22, 2018. Examination results will be released within six weeks of the last day of administration.

The pass rates for LARE sections taken by California candidates during the April 9-21, 2018, administration are shown below:

SECTION	NUMBER OF SECTIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Sections	Passed	No. of Sections	Failed
Project and Construction Management	88	57	65%	31	35%
Inventory and Analysis	64	40	63%	24	37%
Design	68	48	71%	20	29%
Grading, Drainage and Construction	82	55	67%	27	33%

National pass rates for LARE sections taken in 2017 are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	235	66%	1,192	72%	-6%
Inventory and Analysis	225	66%	1,108	73%	-7%
Design	223	66%	1,094	70%	-4%
Grading, Drainage and Construction Documentation	224	66%	1,136	68%	-2%

Regulatory Proposals CCR sections 2615 (Form of Examinations) and 2620 (Education and Training Credits)- 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 section 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 section 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 (GC) section 11346.4, the one-year deadline to finalize the existing regulatory proposal was August 12, 2017, which did not allow 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 section 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.

At the July 13, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The Committee voted to establish an Education and Experience Subcommittee (Subcommittee) to determine the execution for these proposed pathways to licensure. Specifically, the Committee directed the Subcommittee to determine the appropriate amount of credit to grant for these new pathways, and define related versus unrelated degrees and the execution of an 'experience-only' pathway. The Subcommittee met on October 3, 2017, and issued recommendations in accordance with its charge. These recommendations were provided to the LATC at its meeting on November 2, 2017. The LATC made minor revisions to the Subcommittee's recommendations and voted to recommend to the Board the approval of amendments to CCR section 2620. Upon the Board's review of amendments for CCR section 2620 during its meeting on December 7, 2017, the Board voted to approve the language. As initial licensing provisions and reciprocity provisions are closely tied, the LATC voted on July 13, 2017, to recommend to the Board that reciprocity requirements align with the final, amended provisions to CCR section 2620.

Further, per LATC and Board directive to align reciprocity and initial license requirements, staff evaluated CCR section 2615 to determine if updates are necessary to bring reciprocity requirements in congruence with the newly proposed initial licensure requirements. Staff determined that updates related to reciprocity are not needed as the existing language defers to CCR section 2620 to determine licensure eligibility. However, it was found that minor changes are necessary for consistency with the proposed amendments to CCR section 2620. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7). This new language was presented to

the LATC for review and possible approval at their meeting on May 4, 2018. During this meeting, the Committee expressed concern that the Certification of Experience form may not adequately structure the experience a candidate gains, especially as it would pertain to the proposed experience-only pathway. Following discussion, the Committee directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at the next Committee meeting.

Subsequent to the Committee Meeting on May 4, 2018, staff gathered research from other licensing jurisdictions who have detailed experience criteria on their experience verification forms as well as gathered data for California licensees and active candidates who qualify for licensure with one-year of education credit and five years of experience inclusive of examination pass rates, the types of experience gained, and whether enforcement actions were taken. The findings of staff research will be presented to the LATC during its meeting on July 20, 2018.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR section 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	Board requested LATC prepare an alternate proposal that refines both initial and reciprocal licensure requirements to be more closely related to those of the Board's
July 13, 2017	LATC voted to recommend to the Board that reciprocity requirements align with initial licensure requirements once they are determined by the Education/Experience Subcommittee and approved by the LATC and the Board at subsequent meetings
October 3, 2017	The Education/Experience Subcommittee met and recommended expanded initial licensure pathways (and their respective education/experience credit allocations) as amendments to CCR section 2620 for the LATC's consideration
November 2, 2017	LATC met to review the Education/Experience Subcommittee's recommendations and voted to recommend that the Board approve proposed amendments to CCR section 2620 to expand initial licensure pathways
December 7, 2017	Board reviewed and approved the LATC's proposed amendments to CCR section 2620
May 4, 2018	LATC reviewed revised proposed regulatory language, to amend CCR 2615 and 2620, and directed staff to conduct further research regarding experience credit allocation of other licensing jurisdictions and present findings at a future Committee meeting

CCR section 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 section 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 section 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 section 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 section 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 section 2620.5, with an additional edit. At the January 24–25, 2013 LATC meeting, LATC reviewed public comments regarding the proposed changes to CCR section 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 section 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 section 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 section 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 section 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 V. 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 Mses. Landregan and Anderson, president-elect of the Council of Landscape Architectural 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 recommend regulatory changes for LATC's consideration at a later meeting date.

At this time, staff is working with Legal Counsel to assess possible regulatory changes and this matter will be presented to the Committee for discussion during the LATC Meeting on July 20, 2018.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR section 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 recommend regulatory changes for LATC's consideration
March 2018	LATC staff consulted with legal counsel regarding previously proposed amendments to CCR 2620.5

CCR sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration) – Senate Bill (SB) 800 amended Business and Professions Code (BPC) section 5680.2 to authorize a license to be renewed within five years of its expiration. The bill also prohibits 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 was approved by the Governor on October 7, 2017, and took effect on January 1, 2018.

With the passage of SB 800, CCR sections 2624 and 2624.1 are obsolete as they delineate application processes for re-licensure requirements that are no longer specified in statute. Accordingly, LATC staff have begun work on submitting a request to OAL to repeal CCR sections 2624 and 2624.1. Staff is pursuing this regulatory change in accordance with CCR section 100, which allows for a more expeditious regulatory change process because the proposed amendments are the deletion of regulatory provisions for which the statutory authority was repealed.

2017–2018 Strategic Plan Below is a summary of progress made toward the Strategic Plan objectives:

Explore and Adopt DCA's best practices for using social media: Staff met with DCA's Office of Public Affairs (OPA) on June 22, 2018 to discuss the Department's tools and recommendations for how to achieve this Strategic Plan objective. During this meeting, OPA staff suggested the development of enhanced LATC social media including creation of Facebook and Instagram accounts; however, OPA cautioned that development of these sites should await the start of the Board's new Executive Officer to ensure congruency with his/her vision. In the meantime, OPA requested requested access to LATC's Twitter account to research posting ideas aimed at increasing LATC's social media activity as well as verifying LATC's Twitter account to ensure its credibility.

Consult with DCA Public Affairs to optimize the LATC website on search engines: On June 22, 2018, LATC staff met with OPA to discuss means by which the LATC can optimize its website in search engines such that an individual searching for landscape architectural services would be more likely to see the LATC website in their results. During the meeting, OPA staff informed LATC that they will be able to provide assistance in this matter; however, it would be

best to wait until implementation of the LATC's developmental website because the site's up-to-date web coding better facilitates optimization. OPA staff further cautioned that optimization can be a lengthy process given that it should involve the LATC optimizing such web content as publications, which are often posted as PDF documents and, therefore, may require re-formatting of content.

Revamp the Website (Using the Board's website as a possible template) to be More User-Friendly for Consumers - In pursuit of fulfilling this Strategic Plan objective, a developmental website has been developed using the California Department of Technology's (CDT) template for state government websites. The purpose for this template is to provide all state government websites a standardized look and feel as well as implement a consistent display of information across state agencies. Staff utilized v5 of the California State Template and the Board's website as a model. The developmental website contains the same information as the LATC's existing website; however, the information on the developmental website is displayed in a manner consistent with CDT standards as well as the Board's own layout.

The proposed developmental website was presented to the LATC at its May 4, 2018 meeting. The Committee approved the developmental website with additional revisions. Following this meeting, staff provided the website content to DCA's Office of Information Services, including the revisions determined during the LATC Meeting discussion, for finalization and implementation.

On June 28, 2018, LATC staff met with OIS to discuss revisions to the developmental website. During this meeting, OIS recommended several revisions to the coding of the website to better facilitate maintenance. The developmental website is anticipated to be ready for launch by the end of August 2018. Before this time, OIS will prepare LATC staff with a date and time of conversion, whereby the new layout will replace the existing format. Upon notification of this conversion date, LATC staff will provide a notification to its subscribers to apprise them that the website will be "down" for a short period of time.

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 DCA SOLID. 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 Patricia 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.

At the June 15, 2017 Board meeting, the Board directed the LATC to develop a proposal to align its initial and reciprocal licensure requirements with one another, and where possible, mirror those of the Board.

At the July 13, 2017 LATC meeting, the Committee reviewed proposed language to amend CCR section 2620 (Education and Training Credits) composed by staff and DCA Legal Counsel. This proposed language reflects the Board's licensing provisions by granting credit for related and non-related degrees while also adding an experience-only pathway. The Committee voted to establish an Education/Experience Subcommittee (Subcommittee) to determine the execution for these proposed pathways to licensure. Specifically, the Subcommittee was charged to define related and non-related degrees (baccalaureate and associate) and experience-only pathways and prescribe allowable credit for initial licensure.

The Subcommittee met on October 3, 2017, in Sacramento. The meeting discussion was facilitated by DCA SOLID. During the meeting, the Subcommittee discussed and determined recommended credit for each of the five initial licensure pathways under its charge and identified degrees to be defined as "related degrees."

At the November 2, 2017 LATC meeting, the Committee reviewed the Subcommittee's recommendations to amend CCR section 2620. The recommendations included prescribed education and experience credit for the following proposed pathways: Related Degrees (Accredited), Related Degrees (Unaccredited), Any Bachelor's Degree, and Experience-Only. The LATC accepted the Subcommittee's recommended pathways as presented with a modification to degrees accepted under the proposed "Related Degrees (Unaccredited)" category to be accepted under "Any Bachelor's Degree".

The LATC voted to recommend to the Board the approval of amended language to CCR section 2620 that expands the approved pathways for initial licensure. This proposed language was presented to the Board during its December 7, 2017, meeting. The Board approved the amendments to CCR section 2620.

Since the Board meeting in December 2017, it was found that two additional minor changes are necessary for CCR section 2620 for consistency with the previously approved amendments. Specifically, these changes will replace the term "Board approved degree" with "degree from an accredited program" and update a reference to CCR section 2620(a)(7).

At the May 4, 2018 meeting, the Committee approved the proposed language to CCR 2620 with revisions to CCR 2620(a)(10) and CCR 2620(a)(11). The revisions would change the text of (b)(2) to (b)(1), which reference the definition of partial completion, of a landscape architecture degree or extension certificate program, in 2620(b)(1).

In addition, staff presented to the LATC proposed changes to the Certification of Experience form that are reflective of the proposed, new experience-based pathways to licensure. Resultant of this discussion, the Committee decided to suspend the progression of the regulatory change proposal for CCR sections 2620 and 2615 until staff conduct and present to the LATC during its meeting on July 20, 2018 additional research regarding the possibility of expanding the questions within the Certification of Experience form. Should the LATC opt to expand the questions pertaining to a candidate's experience, this may be impactful to the proposed regulatory language and require additional amendments.

Advocate for Council of Landscape Architectural Registration Boards (CLARB) to Institute an Internship/Experience-Based Program - to allow applicants' participation in the licensure process early and provide a more comprehensive experience component. 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.

At the July 13, 2017 LATC meeting, the Committee discussed advocating for the CLARB to develop a structured internship program similar to NCARB's AXP. The Committee voted to draft a letter to CLARB advising of NCARB's program and for CLARB to seek guidance from NCARB in order to create a similar structured internship program (using the AXP as a model). This letter was provided to CLARB on October 13, 2017. On December 5, 2017, the LATC received a letter of response from CLARB president, Ms. Anderson. In this letter, Ms. Anderson advised that CLARB will not be moving forward with this request in the absence of additional research. She further advised that CLARB is partaking in a year-long friction analysis, which could yield pertinent data.

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 section 154 in order to incorporate the revised *Guidelines* by reference. The additional revisions to the *Guidelines* and the proposed regulatory language to amend CCR section 154 were approved by the Board at its December 15, 2016 meeting. Staff updated its *Guidelines* to include the approved revisions that are appropriate to the LATC. On July 13, 2017, the Committee approved the revised *Guidelines* and recommended they be presented to the Board for approval.

On September 5, 2017, Legal Counsel advised LATC staff that additional substantive changes to LATC's *Guidelines* and the proposed language to amend CCR section 2680 were necessary. These changes were communicated by Legal Counsel during the Board's September 7, 2017 meeting. The Board approved the revisions to LATC's *Guidelines*, including the necessary changes identified by Legal Counsel, as well as proposed language to amend CCR section 2680. Following the meeting, Board staff prepared additional, recommended revisions to the Board's *Guidelines* and the proposed language to amend CCR section 154 in response to Legal Counsel's concerns, and presented those revisions to the Board for review and approval at its December 7, 2017 meeting. At the meeting, the Board accepted the additional revisions to the Board's *Guidelines*, and directed Legal Counsel and staff to conduct further research to determine if the Board has the statutory authority to impose fines through the disciplinary process and whether it should be referenced in the *Guidelines*. At its March 1, 2018 meeting, the Board was presented with and approved the additional edits to its *Disciplinary Guidelines* with no changes and authorized staff to proceed with a regulatory amendment. Following the Board's approval of its *Guidelines*, LATC staff incorporated the changes made to the Board's *Guidelines* that were relevant to the LATC's *Guidelines*. On May 4, 2018, the Committee reviewed and approved the revised *Guidelines* and recommended they be presented to the Board for approval.

At its June 13, 2018 meeting, the Board reviewed and approved the proposed regulatory changes to the LATC's *Disciplinary Guidelines* and CCR section 2680 as modified, directed the EO to make any technical or non-substantive changes to the rulemaking package, notice the proposed text for a 45-day comment period, and, if no adverse comments are received during the 45-day comment period and no hearing is requested, adopt the proposed regulatory changes, as modified. Staff is preparing the proposed regulatory package for submission to DCA, prior to publicly noticing with OAL.

<u>Enforcement Statistics</u>	<u>Current Month</u> June 2018	<u>Prior Month</u> May 2018	<u>FYTD</u> 2017/18	<u>5-FY Avg</u> 2012/13- 2016/17
Complaints				
Received/Opened (Reopened):	2 (0)	5 (0)	40(0)	26 (0)
Closed:	3	3	37	28
Average Days to Close:	94 days	258 days	116 days	290 days
Pending:	16	17	15*	18
Average Age (Pending):	150 days	130 days	131 days*	266 days
Citations				
Issued:	0	0	0*	3
Pending:	0	0	0*	2
Pending AG: †	0	0	0*	1
Final:	0	0	0	3
Disciplinary Actions				
Pending AG:	2	2	0*	1
Pending DA:	0	0	0*	0
Final:	0	0	0	1
Settlement Reports (§5678)**				
Received/Opened:	0	0	1	2
Closed:	0	1	3	2
Pending:	1	1	1*	2

* Calculated as a monthly average of pending cases.

** Also included within "Complaints" information.

† Also included within "Pending Citations."

CALENDAR OF EVENTS

July

4

Independence Day

Office Closed

20

Landscape Architects Technical Committee (LATC) Meeting

Southern California

September

3

Labor Day

Office Closed

12

Board Meeting

Bay Area

27-29

Council of Landscape Architectural Registration Boards
Annual Meeting

Toronto, Ontario

October

19-22

American Society of Landscape Architects Annual Meeting

Philadelphia, PA

November

12

Veterans Day Observed

Office Closed

15-16

LATC Meeting & Strategic Planning Session

Sacramento

22-23

Thanksgiving Holiday

Office Closed

December

13-14

Board Meeting & Strategic Planning Session

Sacramento

25

Christmas Day

Office Closed



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF BOARD MEETING

June 13, 2018

*Action may be taken
on any item listed on
the agenda.*

Board Members

Sylvia Kwan, President
Tian Feng, Vice President
Denise Campos, Secretary
Jon A. Baker
Pasqual V. Gutierrez
Ebony Lewis
Matthew McGuinness
Robert C. Pearman, Jr.
Nilza Serrano
Barry Williams

California Architects Board
2420 Del Paso Road, Sequoia Conference Room
Sacramento, CA 95834
(916) 574-7220

The California Architects Board will hold its quarterly meeting as noted above.

Agenda

9:00 a.m. to 5:00 p.m.

(or until completion of business)

- 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 11125 and 11125.7(a)).
- D. Closed Session (9:15 a.m.) – Pursuant to Government Code Sections 11126(a)(1), 11126(c)(3), and 11126.1, the Board Will Meet in Closed Session to:
 - 1. Conduct Interviews and Possible Appointment of Executive Officer (EO)
 - 2. Review and Possible Action on March 1, 2018 Closed Session Minutes
 - 3. Deliberate and Vote on Disciplinary Matters
- E. Reconvene Open Session (1:45 p.m. approximate)
- F. Report on Actions Taken During Closed Session Regarding EO Appointment
- G. Review and Possible Action on March 1, 2018 Board Meeting Minutes
- H. Interim Executive Officer's Report
 - 1. Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
 - 2. Update on Board's Budget

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

cab@dca.ca.gov
www.cab.ca.gov

(Continued)

- I. Discuss and Possible Action on Executive Committee's Recommendations to the Board Regarding 2017-2018 Strategic Plan Objective to Prepare for the Sunset Review Process in Order to Facilitate a Positive Outcome
- J. Discuss and Possible Action on Proposed Legislation:
 - 1. Assembly Bill (AB) 767 (Quirk-Silva, 2018) Master Business License Act
 - 2. AB 2138 (Chiu, 2018) Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction
 - 3. AB 2182 (Levine, 2018) Privacy: Department of Consumer Affairs: California Data Protection Authority
 - 4. AB 2483 (Voepel, 2018) Indemnification of Public Officers and Employees: Antitrust Awards
 - 5. Senate Bill (SB) 721 (Hill, 2018) Contractors: Decks and Balconies: Inspection
 - 6. SB 984 (Skinner, 2018) State Boards and Commissions: Representation: Appointments
 - 7. SB 1137 (Vidak, 2018) Veterans: Professional Licensing Benefits
 - 8. SB 1298 (Skinner, 2018) The Increasing Access to Employment Act
 - 9. SB 1465 (Hill, 2018) Contractors: Civil Actions: Reporting
 - 10. SB 1480 (Hill, 2018) Professions and Vocations
- K. National Council of Architectural Registration Boards (NCARB)
 - 1. Review of 2018 NCARB Annual Business Meeting Agenda
 - 2. Consider and Take Action on Candidates for 2018 NCARB and Region VI Officers and Directors
 - 3. Review and Possible Action on Recommended Positions on Resolutions:
 - a. 2018-01 *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – Health, Safety, and Welfare (HSW) Category Realignment
 - b. 2018-02 *Certification Guidelines* Amendment – Revision to the Education Evaluation Services for Architects (EESA) Requirement for the Education Alternative to Certification
 - c. 2018-03 Amendment and Restatement of the *NCARB Model Rules of Conduct*
 - d. 2018-04 Amendment and Restatement of the *NCARB Bylaws*
- L. Review and Possible Action on 2018/19 Intra-Departmental Contract With Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development
- M. Landscape Architects Technical Committee (LATC) Report
 - 1. Update on May 4, 2018 LATC Meeting
 - 2. Review and Possible Action on LATC's Recommendation Regarding Proposed Amendments to LATC's *Disciplinary Guidelines* and California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2680 (Disciplinary Guidelines)
- N. Review of Future Board Meeting Dates
- O. 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. The Board may webcast this meeting on its website at www.cab.ca.gov. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 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 (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 to participate in the meeting may make a request by contacting:

Person: Mel Knox

Telephone: (916) 575-7221

Email: mel.knox@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

California Architects Board

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) 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. (Business and Professions Code section 5510.15.)

Agenda Item F

PRESENTATION REGARDING THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO) BY JULIE SAARE EDMONDS, SENIOR ENVIRONMENTAL SCIENTIST OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES

At the Landscape Architects Technical Committee (LATC) meeting on May 4, 2018, the Committee requested an opportunity at a future meeting to discuss MWELO, inclusive of welcoming a representative from the Department of Water Resources (DWR) to provide the Committee with a presentation on updates being made to the Ordinance.

In February 2018, DWR collected recommendations from stakeholders for revisions to MWELO that included changes to its provisions in the following topic areas:

- Landscape Plans
- Irrigation
- Codes and Standards
- Water Budget
- Trees
- Stormwater
- Local Agency Planning

It is anticipated that DWR will release proposed revisions to MWELO in the near future and expects to begin the rulemaking process on October 1, 2018. At that time, DWR will collect public comment.

At today's meeting, Julie Saare Edmonds, Senior Environmental Scientist from DWR, will provide a presentation regarding proposed amendments to MWELO.

Agenda Item G

DISCUSS AND POSSIBLE ACTION ON LATC'S CERTIFICATION OF EXPERIENCE FORM TO INCORPORATE PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2620 (EDUCATION AND TRAINING CREDITS)

The LATC's 2017-2018 Strategic Plan contains objectives to expand pathways to both initial and reciprocal licensure by exploring requirements for applicants who have degrees related to the field of landscape architecture or experience only. Currently, applicants for both initial and reciprocal licensure must verify a minimum of six years of combined education and training credit. Education credit may be granted for either a degree or approved extension certificate in landscape architecture, or a degree in architecture accredited by the National Architectural Accreditation Board (NAAB).

The LATC is currently pursuing a proposal to expand the pathways to initial licensure to include 1) related baccalaureate degrees, 2) non-related baccalaureate degrees, 3) experience-only, and 4) experience under a landscape contractor. Given these changes to experience allowances, LATC discussed possible impacts to the Certification of Experience form, required at time of application, and instructed staff to review the form to see if changes are necessary to accommodate the new experience-based pathways. In doing so, the Committee advised staff to also review the experience verification form used by the Council of Landscape Architectural Registration Boards (CLARB) and research how other states evaluate their experience-only pathways.

At their December 7, 2017 meeting, the Board approved LATC's proposal to amend CCR section 2620. Following the meeting, staff began research into how the form might need to be revised to accommodate the proposed regulation changes. In doing so, staff collected experience verification forms used by CLARB, the non-healing arts boards within the Department of Consumer Affairs (DCA), and a selection of other states' landscape architect licensing boards. Staff also worked with DCA Legal Counsel to determine appropriate revisions to the current Certification of Experience form. Based on this review, it was determined that the existing form should be modified to meet current regulations, including adding a section for self-certification for instances where the candidate qualifies for experience credit under current CCR section 2620 by holding a qualifying license to practice landscape architecture, architecture, civil engineering, or landscape construction; but does not require a supervisor's certification. These changes have been implemented, and the updated form is available on the LATC website.

At the May 4, 2018 LATC meeting, in consideration of proposed amendments to CCR section 2620 and the updates already made to the Certification of Experience form, staff recommended that the form be updated to include supervisory certification for work performed under the direct supervision of a licensed landscape contractor. A draft of this updated form is included in Attachment 2.

Following discussion of the updated form, the Committee directed staff to change references of “landscape contracting” to “landscape construction” on the proposed Certification of Experience form. Further, the Committee referenced other states’ experience verification forms, which include additional information about the type of work performed by a candidate, supervisors’ competency ratings, etc. The Committee directed staff to review the experience verification forms of two states (Washington and New York) with experience-only pathways to determine the states’ regulatory authority to assess the detailed experience criteria on their verification forms as well as ascertain their review procedures.

LATC staff identified 10 states that have an experience-only pathway and experience verification forms which delineate specific experience criteria and/or include supervisory ratings for the experience gained. Staff reached out to each of these states with an email questionnaire requesting information about the states’ regulatory authority to include the experience criteria on their respective experience verification forms as well as their review procedures for these applications. Staff received emailed responses from seven states, including Washington and New York, and obtained information from the other three states via phone interview. In summary, staff determined that none of these 10 states have statutory or regulatory authority requiring diversity in gained experience. In addition, these states do not specify their procedures for reviewing experience verification forms in their laws or regulations. Minor exception to this is New York which does have regulatory language that allows the Board to deny an application if a supervisor rates the candidate as unsatisfactory on the experience verification form. However, the regulations do not support the various experience criteria on the form. It is important to note that, according to California rulemaking law, all information collected on an application or form must be outlined in regulation, as well as how that information will be used to evaluate a candidate’s eligibility for licensure with clear justification. Attachment 3 shows the responses from 5 of the 10 surveyed states, including Washington and New York, as well as their respective experience verification forms for reference.

Given the LATC has, historically, not had provisions in regulation that stipulate experience criteria beyond the amount of experience required to qualify for licensure, staff conducted additional research into the “performance” of candidates and licensees who qualify for or gained licensure with one year of education credit (for an associate degree in landscape architecture or a degree in architecture and five years of experience) to further inform the Committee’s discussion on this matter. Staff reviewed the records of active candidates and individuals licensed after the transition from the Board of Landscape Architects to LATC in 1998 who met the experience requirement for examination with five years of qualifying work experience and one year of education credit for an associate degree in landscape architecture or degree in architecture (notably, architecture became an accepted degree in 2012). There were 38 licensees and candidates identified; of this total, 16 are licensees and 22 are active candidates. Examination data compiled included the Professional Examination for Landscape Architects and several iterations of the Landscape Architect Registration Examination (LARE).

With regard to examination pass rates, the chart below shows the data for 17 licensees/candidates who took the current iteration of the LARE (so that comparative LARE data can be displayed). Also included in this table are the reported California Supplemental Examination (CSE) scores (only 16 licensees/candidates have taken the CSE) from the entire data pool of candidates/licensees. It is important to note that the data comparisons are only for the Committee’s reference but that the data is not directly comparable due to the large discrepancy in

sample sizes (i.e., the sample of licensees/candidates identified for this research is exceedingly smaller than the population of Californian LARE test-takers).

Comparison of LARE and CSE Pass Rate Data for Candidates/Licensees with 1 year of Education Credit Against CSE and LARE Pass Rates for all California Candidates (Inclusive of those with 4 Years of Education Credit)				
Exam Type	Attempts	Passed	Pass Rate	Pass Rate for all California Candidates
CSE	19	15	79%	52% *
LARE (9/2012 Present)				
Section 1	22	14	64%	71%**
Section 2	19	11	58%	65%**
Section 3	21	11	52%	68%**
Section 4	20	11	55%	55%**

* Data for FY 16/17

**Data is average of annual 2012-2017 exam data

In addition to examination data, staff assessed the types of work experience gained by the pool of 38 licensees/candidates to determine the types of experience most often gained. The most common types of experience are as follows:

- Preliminary drawings/drafts/designs
- Construction documents
- Planting
- Irrigation
- Project Management

Lastly, staff reviewed enforcement records and determined that there were no enforcement actions taken against the licensees who qualified for licensure with one-year of education credit and five years of experience.

At today's meeting, the LATC is asked to consider the provided data along with the draft, proposed Certification of Experience form (Attachment 4) and take possible action to determine whether edits are needed to the Certification of Experience form and/or CCR section 2620. Also attached for the Committee's reference is CLARB Employment Verification Form (Attachment 4).

Attachments:

1. Certification of Experience – (Draft July 2018)
2. Questionnaire Responses From Other States Regarding Their Experience Verification Forms Including Each State's Verification Form for Reference (New York, North Carolina, Oregon, Virginia, Washington)
3. CLARB Employment Verification Form

Executed on _____ at _____
Date City or County State Country

Section III – Self-Certification

Completed by candidate with qualifying licensed experience

This will certify that I worked under my own license for the following time period:

From _____ To _____ ☐ Full Time ☐ Part Time Hours/Week _____
Month/Year Month/Year

Candidate's License Type License# State Issued Country Issue Date Expiration Date

Business Address City State Zip Code Country Business Phone Number

Check the box(s) that identifies the type(s) of work you performed:

☐ Landscape Architecture ☐ Architecture ☐ Civil Engineering ☐ Landscape ~~Contracting~~ Construction

I certify under penalty of perjury under the laws of the State of California that the information contained in this certification is true and correct.

Executed on _____ at _____
Date City or County State Country

Candidate Name (please print)

Candidate Signature

DISCLOSURES

Collection and Use of Personal Information. The LATC and California Architects Board (CAB) of the Department of Consumer Affairs (DCA) collect the personal information requested on this form as authorized by Business and Professions Code sections 5630, 5650, 5651, 5652 and Civil Code section 1798 et seq. The LATC and CAB use this information principally to identify and evaluate applications for examination and licensure, to issue and renew licenses, and enforce licensing standards set by law and regulation.

Mandatory Submission. Submission of the requested information is mandatory. The LATC cannot consider your application for examination unless you provide all of the requested information.

Access to Your Information. You may review the records maintained by the LATC and CAB that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. The LATC and CAB make every effort to protect the personal information you provide. The information you provide may be disclosed in the following circumstances:

- Response to a Public Records Act request, as allowed by the Information Practices Act;
- To another government agency as required by state or federal law; or
- To a court or administrative order, a subpoena, or a search warrant.

Contact Information. For questions about this notice or access to your records, you may contact the LATC at 2420 Del Paso Road Suite 105, Sacramento, CA 95834, (916) 575-7230 or email latc@dca.ca.gov. For questions about the DCA's privacy policy or the Information Practices Act, contact the Office of Privacy Protection, 1625 North Market Boulevard, Sacramento, CA 95834, (866) 785-9663, or email privacy@dca.ca.gov.

State Interview Responses

New York

1. **Do you have in your laws/rules/regulations text which stipulates the sort of evaluations you perform in reviewing a candidate's experience? If so, please provide this language.**

Email response:

Per §7324 (Requirements for a professional license. Experience): have experience satisfactory to the board in appropriate landscape architectural work and of sufficient amount so that the combined college study and experience total eight years.

Follow-up telephone conversation:

"Experience satisfactory to the board" allows the Board to deny the application based on a supervisor's unsatisfactory rating; however, there is nothing in regulation that supports the various experience criteria on the form.

2. **Would you please provide the review procedures for evaluation of the candidate experience form? Are candidates required to verify experience in specific areas designated on the experience verification form (i.e., do you have a designation of the type of experience – denoted in a specific category – that is part of the assessment)? If so, what areas of experience are required? Is there a minimum requirement whereby a candidate must have "x" amount of experience in "x" amount of experience areas?**

Email response:

I think you're asking if we require experience in each area noted – the answer is no, we don't.

3. **How do you assess whether a candidate meets your jurisdiction's experience requirement(s)? If there is a minimum requirement, what steps does your jurisdiction take when an experience form is submitted that does not meet the requirement(s)?**

Email response:

If work occurs in NY or on NY projects, in addition to making sure the supervisor is licensed and registered in NY, we also examine the firm structure, to make sure it meets NY's requirements.

Follow-up telephone conversation:

With regard to the form's experience areas, there is no mandate insofar as which category the experience is in. With regard to the supervisory rating, any rating of "excellent", "satisfactory", or "marginal" gets credit, whereas a rating of "unsatisfactory" means that the candidate does not get credit for that experience.

4. **What occurs when an applicant is given an unsatisfactory/poor rating in one or more of the designated experience areas?**

Email response:

Email goes to candidate telling them of their deficiency; if needed additional experience is documented on a NY form and submitted to the Board via US Mail.

Follow-up telephone conversation:

Where professional conduct ratings are "unsatisfactory", but other ratings are positive, the licensee can be contacted for more detail and it can go before the board.

- 5. If a form is deemed unsatisfactory to warrant experience credit, is the applicant given the opportunity to revise the form or appeal the decision?**

Email response:

NY disallows the experience.

- 6. Do experience requirements differ between someone who is seeking licensure with combined education and experience versus someone who is qualifying via an experience-only pathway?**

Email response:

Quality and documentation required of experience doesn't vary; the duration of experience required does vary.

Section II: Verification Of Experience

INSTRUCTIONS TO ENDORSER: To uphold the licensing law and safeguard life, health and property, the New York State Board for Landscape Architecture evaluates the level and character of each applicant's practical experience in landscape architectural work.

The ratings and comments you provide below will help the Board evaluate the applicant's work, ability, and character. Please complete Section II, sign, date and stamp or seal the attestation and return both pages of the form directly to the Office of the Professions at the address at the end of the form. **Do not return this form to the applicant.**

1 The dates of employment as shown by the applicant in item 6 on page 1 are correct. ☐ YES ☐ NO
(If "No", please clarify on a separate sheet)

2 The experience(s) checked by the applicant for the dates of employment in item 6 on page 1 are correct. ☐ YES ☐ NO
(If "No", please clarify on a separate sheet)

3 Please indicate to the best of your knowledge the applicant's ability to practice landscape architecture by placing an "X" in the appropriate spaces below. If you check the "unsatisfactory" box for "experience" or "conduct," please submit a letter of explanation with this form.

RATING AREAS	ON LATEST DATES OF EMPLOYMENT					ON DATE OF THIS REPLY				
	Excellent	Satisfactory	Marginal	Unsatisfactory	Not qualified to answer	Excellent	Satisfactory	Marginal	Unsatisfactory	Not qualified to answer
Education										
Practical Experience										
Professional Conduct										

AFFIDAVIT WITH ACKNOWLEDGMENT (Notarization required.)

SUPERVISOR/LICENSED COLLEAGUE

I have read the applicant's summary of professional experience (Section I). I hereby certify that I am knowledgeable about, and qualified to attest to, the applicant's work and landscape architecture ability and that, except as otherwise noted on this form, or in attached correspondence, the work experience described by the applicant and the time claimed for it are true and accurate.

☐ Check here if you are attaching additional information.

Signature: _____ Date: _____ / _____ / _____
Month Day Year

Print Name: _____

Title: _____

License Number: _____ Dates of Registration: _____

Name of Firm: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

Place
Stamp or Seal
Here

NOTARY

State of _____ County of _____

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to this application and acknowledged to me that he/she executed the application and swore that the statements made by him/her in the application and all supporting materials are true, complete, and correct.

Notary Public's signature _____

Notary ID number _____

Expiration date _____ / _____ / _____
Month Day Year

Notary Stamp

Return Directly to: New York State Education Department, Office of the Professions, Division of Professional Licensing Services, Landscape Architecture Unit, 89 Washington Avenue, Albany, NY 12234-1000.

North Carolina

- 1. Do you have in your laws/rules/regulations text which stipulates the sort of evaluations you perform in reviewing a candidate's experience? If so, please provide this language.**

Email response:

The Rules of the Board state:

21 NCAC 26 .0301(f) EXAMINATION AND LICENSURE (f) -

To fulfill the experience requirements established by G.S. 89A-4(a)(4), an applicant shall have a minimum of 8,000 hours of professional experience in landscape architecture working under the direct supervision of a registered landscape architect. In submitting an initial individual application to the Board for registration, a licensed landscape architect shall certify that the applicant has completed the number of hours required by this Rule. An applicant may petition the Board for up to 8,000 hours of experience credit by providing proof of work experience that is directly related to the practice of landscape architecture as defined by G.S. 89A-1(3). Experience credits shall be based on a full-time work week of 40 hours and a work year of at least 2,000 hours. Part-time work shall be fully described and may be given proportional credit. An applicant is ineligible to receive experience credit if the work was in fulfillment of an educational requirement.

- 2. Would you please provide the review procedures for evaluation of the candidate experience form? Are candidates required to verify experience in specific areas designated on the experience verification form (i.e., do you have a designation of the type of experience – denoted in a specific category – that is part of the assessment)? If so, what areas of experience are required? Is there a minimum requirement whereby a candidate must have “x” amount of experience in “x” amount of experience areas?**

Reference to provided Rule (above):

Experience credits shall be based on a full-time work week of 40 hours and a work year of at least 2,000 hours. Part-time work shall be fully described and may be given proportional credit. An applicant is ineligible to receive experience credit if the work was in fulfillment of an educational requirement.

- 3. How do you assess whether a candidate meets your jurisdiction's experience requirement(s)? If there is a minimum requirement, what steps does your jurisdiction take when an experience form is submitted that does not meet the requirement(s)?**

Email response:

Applicants who do not meet the minimum experience requirement are asked to send an electronic portfolio of their work at the same time that the application is submitted. The Board reviews the application and the portfolio at their regularly scheduled meeting. If Board members are still unsure, the applicant is asked to appear before the Board at the next regularly scheduled meeting. This appearance may be in person or by Skype, Facebook video chat or other electronic means. The applicant is given 10-15 minutes to present, the Board asks any questions they may have and then the applicant is asked to step out of the room and or is muted while the Board deliberates. Once a final decision is reached, the applicant receives the Board's decision at that time.

- 4. What occurs when an applicant is given an unsatisfactory/poor rating in one or more of the designated experience areas?**

Email response:

The Board can ask for additional information from the provider of the unsatisfactory rating and/or additional references may be requested.

- 5. If a form is deemed unsatisfactory to warrant experience credit, is the applicant given the opportunity to revise the form or appeal the decision?**

Email response:

Yes.

- 6. Do experience requirements differ between someone who is seeking licensure with combined education and experience versus someone who is qualifying via an experience-only pathway?**

Email response:

No.



NORTH CAROLINA BOARD OF LANDSCAPE ARCHITECTS

P.O. Box 41225 • Raleigh, NC 27629-1225 • Phone: (919) 850-9088 • Fax: (919) 872-1598

Email ncbla@bellsouth.net • www.ncbola.org

EMPLOYER VERIFICATION FORM

Re: _____ (name of applicant)

Dear Employer:

The individual listed above has applied to the North Carolina Board of Landscape Architects to become registered as a landscape architect under the provisions of Chapter 89-A of the General Statutes of North Carolina. You are listed as the current or former employer of the individual.

Please complete the form below pertaining to this individual. The information will be treated confidentially. The information is required for approval of the individual's application. Thank you for your assistance.

1. Was the applicant ever in the employment of your firm? Yes () No ()

2. Please give the dates of employment. From: _____ To: _____
(Mo/Day/Year) (Mo/Day/Year)

3. Give a brief description of duties and responsibilities.

4. Please indicate the applicant's activities by checking the following list:

- | | | |
|---|---|--|
| <input type="checkbox"/> General Design | <input type="checkbox"/> Planting Plans | <input type="checkbox"/> Land Use Planning |
| <input type="checkbox"/> General Drafting | <input type="checkbox"/> Specification Writing | <input type="checkbox"/> Administration |
| <input type="checkbox"/> Construction Details | <input type="checkbox"/> Cost Estimating | <input type="checkbox"/> Renderings, Perspective |
| <input type="checkbox"/> Grading Plans | <input type="checkbox"/> Supervise Construction | <input type="checkbox"/> Consultation |
| <input type="checkbox"/> Recreation Planning | <input type="checkbox"/> Supervise Planting | <input type="checkbox"/> Teaching |

5. What is your opinion of the applicant's competency?

	Excellent	Satisfactory	Unsatisfactory
Technical Knowledge	_____	_____	_____
Professional Experience	_____	_____	_____
Reputation in the Profession	_____	_____	_____

6. Are you a registered Landscape Architect? Yes () No () If so, please list state(s) and Registration Number.

STATE: _____ LICENSE/REGISTRATION NO.: _____

Signature: _____ Date: _____

Name (please print or type): _____

Title: _____ Email Address: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

You may submit this form by email, mail, or fax.

Attach supplementary pages to provide additional information and/or comments, if necessary.

Oregon

- 1. Do you have in your laws/rules/regulations text which stipulates the sort of evaluations you perform in reviewing a candidate's experience? If so, please provide this language.**

Per provided draft procedures document:

Per 804-022-0005 (Initial Landscape Architect Registration not by Reciprocity):

(3)(c), (4)(c), (5)(c) all state:

A minimum of three years of work experience under the direct supervision of a licensed or registered Landscape Architect which was obtained after satisfying the requirements of OAR 804 Division 10 and (b) of this rule. The applicant must provide a work history summary and work experience verification forms.

Follow-up telephone conversation:

Oregon pursued this, but was advised by Legal that there is no authority in regulations to do so. The Board ultimately decided to put stock into the fact that the supervisor is certifying that the person gained the experience and that the successful completion of the LARE is still necessary for licensure.

- 2. Would you please provide the review procedures for evaluation of the candidate experience form? Are candidates required to verify experience in specific areas designated on the experience verification form (i.e., do you have a designation of the type of experience – denoted in a specific category – that is part of the assessment)? If so, what areas of experience are required? Is there a minimum requirement whereby a candidate must have “x” amount of experience in “x” amount of experience areas?**

Per provided draft procedures document:

The specific areas are included on the work experience form solely to encourage consideration of obtaining diversified experience both by the aspiring applicant for registration and the supervising professional.

Follow-up telephone conversation:

The board decided to leave areas of practice (obtained from CLARB) on the form as a guide for candidates about the areas of practice they could be gaining.

- 3. How do you assess whether a candidate meets your jurisdiction's experience requirement(s)? If there is a minimum requirement, what steps does your jurisdiction take when an experience form is submitted that does not meet the requirement(s)?**

Summary of provided draft procedures document:

First, staff determines if the applicant has the minimum # years of experience (or equivalent in project hours) accrued under supervision as required in the Board's registration standard rules. Second, staff determines that each supervisor was a licensed or registered Landscape Architect, licensed Engineer, or licensed Architect during the period of work supervision. If the supervisor was not licensed or registered during that time, then the work experience will not be counted towards the minimum requirement. Staff then provides a summary of work experience and packages supporting documentation in the application materials provided to the Board's Application Review Coordinator (which is a Board member assigned by the Board Chair to fulfill this role.)

4. What occurs when an applicant is given an unsatisfactory/poor rating in one or more of the designated experience areas?

Per provided draft procedures document:

At this time, nothing. The Board's form does not ask for ratings. The form asks for indication of experience in various areas of practice. The form asks for this information primarily to encourage discussion between an applicant and the person supervising. The Board does not have any regulatory requirements about showing experience in particular areas of practice. Staff can only recall one or two times where an unsatisfactory rating was given on work experience verification included in a CLARB council record submitted in support of an application to the Board. While an unsatisfactory rating will be noted in the review process, the Board does not immediately discount the experience. This is because a Board decision to discount experience based only on a single supervisor's subjective opinion may be problematic and ultimately not defensible under Board rules.

5. If a form is deemed unsatisfactory to warrant experience credit, is the applicant given the opportunity to revise the form or appeal the decision?

Summary of provided draft procedures document:

If the applicant has not documented sufficient work experience, then staff contacts the applicant to inform that the application is deemed incomplete and to inquire if there might be any additional experience that can be documented. If the applicant does not have any additional experience to submit, then the applicant is given the option of withdrawing the application to avoid a denial based on an incomplete application. The applicant is encouraged to reapply after sufficient work experience has been accrued. In limited instances, an applicant may be allowed to keep an application on hold if it appears the timeframe for resolving the work experience deficiency will be relatively short, e.g., a few months or weeks short of the minimum and actively gaining qualifying experience.

In a situation where an application cannot be fixed via submittal of more work experience information, the applicant argues that sufficient work experience has been submitted, or the applicant declines to withdraw the application, then the board may need to proceed with an application denial based on inadequate demonstration of Board standards. In this event, the applicant would have appeal rights. Counsel is engaged in such situations to determine if the denial will be based on an incomplete application (no appeal rights) or an inadequate application (appeal rights).

6. Do experience requirements differ between someone who is seeking licensure with combined education and experience versus someone who is qualifying via an experience-only pathway?

Summary of provided draft procedures document:

If the applicant does not have a LAAB degree, then additional work experience is required to supplemental the applicant's education. However, this work experience is considered as part of meeting the education standard. This work experience cannot be counted twice, i.e., it cannot also be used to satisfy the work experience standard.

All applicants, with the one exception to reciprocity applicants, must show the same minimum amount of supervised work experience to meet the Board's experience standard. The minimum is 3 years or the equivalent if the work was part-time or project-based.

Follow-up telephone conversation:

The Board has ultimately determined there is no consistent, defensible way to have differing experience components.

EMPLOYER VERIFICATION OF PRACTICAL EXPERIENCE

NAME OF CANDIDATE:

FIRM NAME AND ADDRESS:

DATE EMPLOYED: From _____ To _____

PLEASE USE AN "X" WHERE APPROPRIATE

Areas of Experience	Involvement		
	None	Minimum	Major
Landscape Architectural Design			
Plant Design			
Irrigation Design			
Grading and Drainage Design			
Planting Construction Drawings			
Irrigation Construction Drawings			
Grading and Drainage Construction Drawings			
Detail Construction Drawings			
Specification Writing			
Cost Estimating			
Construction Contract Administration			
Project Administration			
Office Administration			
General Drafting			
Other (Please explain on lines below)			

YOUR NAME, CURRENT FIRM NAME AND ADDRESS:

SIGNATURE:

DATE:

TITLE:

LICENSE NUM & STATE:

Virginia

- 1. Do you have in your laws/rules/regulations text which stipulates the sort of evaluations you perform in reviewing a candidate's experience? If so, please provide this language.**

Email response:

The bulk of our applicants for Landscape Architecture licensing utilize their CLARB record, and the only thing we look for is the length of verified experience (3 years required by regulation). However, in the case that the applicant does not have a CLARB record, they would utilize our Experience Verification Form, which is required by our regulations under 18 VAC 10-20-410.

- 2. Would you please provide the review procedures for evaluation of the candidate experience form? Are candidates required to verify experience in specific areas designated on the experience verification form (i.e., do you have a designation of the type of experience – denoted in a specific category – that is part of the assessment)? If so, what areas of experience are required? Is there a minimum requirement whereby a candidate must have “x” amount of experience in “x” amount of experience areas?**

Email response:

There are no sections under the "% of time spent in each practice category" that are required on the Experience Verification Form.

- 3. How do you assess whether a candidate meets your jurisdiction's experience requirement(s)? If there is a minimum requirement, what steps does your jurisdiction take when an experience form is submitted that does not meet the requirement(s)?**

Email response:

We assess experience based on length of time, and verifying the licensure status of the individual verifying the experience.

- 4. What occurs when an applicant is given an unsatisfactory/poor rating in one or more of the designated experience areas?**

Email response:

Our form does not request the verifier to indicate the quality of the work being verified, and therefore is no indicator for "unsatisfactory/poor rating."

- 5. If a form is deemed unsatisfactory to warrant experience credit, is the applicant given the opportunity to revise the form or appeal the decision?**

Email response:

If a form is submitted with insufficient experience length, or by an individual not qualified to complete the verification, the applicant is notified of the deficiencies and is allowed to re-submit new forms. Applications are valid for three years, and they may re-submit documentation at any time during that period.

6. Do experience requirements differ between someone who is seeking licensure with combined education and experience versus someone who is qualifying via an experience-only pathway?

Email response:

The difference for experience-only is if the applicant for licensure does not have a LAAB-accredited degree, in which case, they must provide 8 years of combined education and verified experience. These applicants are also required to have a minimum of 2 years verified by a licensed Landscape Architect.

Board for APELSCIDLA/LA EXP VER FORM
Page 1 of 2

11. Applicant's authorization and release. **This release must be signed before forwarding form to the experience verifier.**

I hereby authorize the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to make inquiries of the individual listed in #12 on page 2 of this form with respect to my background and character. I invite full disclosure and complete responses to all inquiries. I release said person from any and all claims, including claims for libel and slander, which may arise out of the communication of any information to the Board.

Signature _____ Date _____

Items #12 through #23 should be completed by the applicant's employer or associate who qualifies as the person in responsible charge under whose supervision the applicant is claiming credit for work experience.

12. Verifier's Name _____
Last First Middle Generation

13. Relationship to Applicant ☐ Supervisor ☐ Client ☐ Co-worker ☐ Other _____

14. Mailing Address _____

City State Zip Code

15. Current Position _____

16. Position held in (or in relationship to) the firm listed in #4. _____

17. Do you hold any of the following licenses? Check **all** that apply.

<input type="checkbox"/> Architect	State _____	License No. _____	Expiration Date _____
<input type="checkbox"/> Professional Engineer	State _____	License No. _____	Expiration Date _____
<input type="checkbox"/> Land Surveyor	State _____	License No. _____	Expiration Date _____
<input type="checkbox"/> Surveyor Photogrammetrists	State _____	License No. _____	Expiration Date _____
<input type="checkbox"/> Landscape Architect	State _____	License No. _____	Expiration Date _____

18. Are the dates of employment shown in #6 correct? Yes ☐ No ☐ If no, clarify. _____

19. Have you directly supervised the applicant for the entire period of time listed in #6?

Yes ☐

No ☐ If no, what is your professional relationship to the applicant? _____

How did you obtain knowledge of the applicant's professional experience?

20. Are the areas of practice selected by the applicant in #9 correct? Yes ☐ No ☐ If no, please clarify.

21. Was the applicant employed full-time (35 hours or more per week)?

Yes ☐

No ☐ If no, how many hours did the applicant work each week? _____

22. Additional Comments

23. Signature _____ Date _____

Washington

- 1. Do you have in your laws/rules/regulations text which stipulates the sort of evaluations you perform in reviewing a candidate's experience? If so, please provide this language.**

Email response:

The laws of Washington State do not specifically call out the sort of evaluations we perform. The law simply states that candidates must have "practical landscape architectural work experience under the supervision of a registered or licensed landscape architect" (RCW 18.96.070). It also clarifies that the amount of experience is dependent on the level of education – the more education the less experience required.

The rules related to this experience requirement also do not spell out specific evaluation of experience beyond the minimum years required. Those candidates that hold a degree are evaluated using CLARB's "Standards of Eligibility for Council Certification". (WAC 308-13-020)

- 2. Would you please provide the review procedures for evaluation of the candidate experience form? Are candidates required to verify experience in specific areas designated on the experience verification form (i.e., do you have a designation of the type of experience – denoted in a specific category – that is part of the assessment)? If so, what areas of experience are required? Is there a minimum requirement whereby a candidate must have "x" amount of experience in "x" amount of experience areas?**

Email response:

Verifiers are required to give a percentage of time spent in the different activities listed on the form. There is no minimum requirement for "x" amount of experience. The board looks for well-rounded experience.

The required areas are:

- a. Client relations
- b. Site design and planning
- c. Construction materials and methods
- d. Plant selection and use
- e. Coordination with consultants
- f. Working drawings
- g. Construction supervision
- h. Specification writing
- i. Cost estimating
- j. Field inspections
- k. Inspection reports and change
- l. Contract administration
- m. Office administration
- n. Other

- 3. How do you assess whether a candidate meets your jurisdiction's experience requirement(s)? If there is a minimum requirement, what steps does your jurisdiction take when an experience form is submitted that does not meet the requirement(s)?**

Some experience in all 13 areas is typically required. We only require this form if the applicant does not have a CLARB record, or if their CLARB record does not have enough detail for us to evaluate. The determination is done on a case-by-case basis by staff. If staff are unsure of the applicant's experience, then a board member is tasked with reviewing the information to determine if they think the candidate has enough experience. This is a very rare occurrence, as most applicants come through CLARB or their experience shows a lot of experience in each category.

- 4. What occurs when an applicant is given an unsatisfactory/poor rating in one or more of the designated experience areas?**

Email response:

Candidate is informed of the rating and requested to provide proof of satisfactory work experience in the area.

- 5. If a form is deemed unsatisfactory to warrant experience credit, is the applicant given the opportunity to revise the form or appeal the decision?**

Email response:

Yes

- 6. Do experience requirements differ between someone who is seeking licensure with combined education and experience versus someone who is qualifying via an experience-only pathway?**

Email response:

Experience requirements only differ in the amount of experience required, there is no difference in type of experience. Those without an accredited degree must provide more years of experience depending on their education level. For example, with an accredited degree, three years of experience is required; with a high school diploma, eight years of experience is required.



Landscape Architect Applicant Employment and Experience Verification

The individual named below has applied for a landscape architect license. As a former supervisor, please provide information that will be used to determine the applicant's eligibility for examination or reciprocity. Specific dates are important. Complete this form as soon as possible and send to:

Washington State Board of Licensure for Landscape Architects
Department of Licensing
PO Box 9012
Olympia, WA 98507-9012

1. Applicant

Type of license (<i>Check one</i>) <input type="checkbox"/> Board approval for examination <input type="checkbox"/> Reciprocity		
PRINT or TYPE Name (<i>Last, First, Middle</i>)		Former name (<i>if applicable</i>)
Mailing address		
City	State	ZIP code

2. Verifier's information

Verifier's name		Title	
Current place of employment		(Area code) Telephone number	
Address			
City		State	ZIP code
Current state of licensure	License type	License number	Year of licensure

3. Experience verification

The applicant named above worked under my supervision at (<i>name of company</i>):			
From (<i>month/year</i>)	To (<i>month/year</i>)	Total months	Average hours per week
My professional relationship with applicant (employer, supervisor, coworker, other)			
Percentage of time performing the following activities			
_____ % Client relations	_____ % Working drawings	_____ % Inspection reports and change	
_____ % Site design and planning	_____ % Construction supervision	_____ % Contract administration	
_____ % Construction materials and methods	_____ % Specification writing	_____ % Office administration	
_____ % Plant selection and use	_____ % Cost estimating		
_____ % Coordination with consultants	_____ % Field inspections	_____ % Other _____	
Describe roles and responsibilities			

Date

X

Verifier signature

CLARB Employment Verification Form

Employment Information		Employment Type *	
Council Record Holder	<input type="text"/>	<input type="text" value="Full Time"/>	
Supervisor Contact (you) *	<input type="text"/>	Nature of Work *	
Supervisor First Name *	<input type="text"/>	<input type="text" value="Landscape Architecture"/>	
Supervisor Last Name *	<input type="text"/>	Weekly Hours *	
Supervisor company at time of employment *	<input type="text"/>	<input type="text" value="40"/>	
Supervisor Licensure *	<input type="text" value="Landscape Architect"/>	Supervisor Contact Information	
Employment From *	<input type="text"/>	Supervisor Email	<input type="text"/>
Employment To *	<input type="text"/>	Supervisor Phone	<input type="text"/>
		Supervisor Address 1	<input type="text"/>
		Supervisor Address 2	<input type="text"/>
		Supervisor City	<input type="text"/>

CLARB Employment Verification Form

Supervisor Jurisdiction

Supervisor Zip Code

Supervisor Country

Landscape Architecture Skills

Project and Construction
Administration *

☒ Yes ☐ No

Grading, Drainage and Stormwater
Management *

☒ Yes ☐ No

Site Design *

☒ Yes ☐ No

Inventory, Analysis and Program
Development *

☒ Yes ☐ No

Detailed Construction Drawings *

☒ Yes ☐ No

Related Skills

Teaching/Research *

☐ Yes ☒ No

Planting Design *

☒ Yes ☐ No

Onsite construction, maintenance or
installation *

☐ Yes ☒ No

Supervisor verification questions

Are the dates of employment shown
above correct? *

☐ Yes ☐ No

Has the applicant worked under your
direct supervision? *

☐ Yes ☐ No

CLARB Employment Verification Form

Were the skills indicated above demonstrated by the applicant during their period of employment? *

☐ Yes ☐ No

Technical Competence *

Excellent



Professional Conduct *

Excellent



Technical Competence Explanation

^

v

Professional Conduct Explanation

^

v

License Information

Supervisor Jurisdiction *

^

Supervisor License Number *

Initial Registration Date *

Supervisor Registration Expiration Date *

For Supervisors: I hereby confirm the information provided is accurate to the best of my knowledge

Supervisor Validation *

^

SUBMIT

CANCEL

Agenda Item H

DISCUSS AND POSSIBLE ACTION ON CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2620.5 (REQUIREMENTS FOR AN APPROVED EXTENSION CERTIFICATE PROGRAM)

The University of California, Los Angeles (UCLA) and University of California, Berkeley (CAL) Extension Programs were established in 1976 and 1982 respectively. As part of the University of California, both Extension Programs are governed by their respective university policies and academic standards.

In November 1991, the Board of Landscape Architects (BLA) adopted Title 16, California Code of Regulations (CCR) section 2620.5, formally establishing requirements to approve extension certificate programs, based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). (It should be noted that educational credit is granted for associate degree programs and non-accredited bachelors and masters programs that are not regulated by the Landscape Architects Technical Committee [LATC], but rather, are governed by the academic institutions within which they are structured.)

In 2009, LAAB implemented changes to its accreditation standards. Prompted by these changes, the LATC, with the aid of a working group, drafted updated requirements for an approved extension certificate program and recommended the Board authorize LATC to proceed with a regulatory change to amend CCR section 2620.5. At its December 15, 2010 meeting, the Board approved proposed regulatory language to amend CCR section 2620.5. In April 2012, the regulatory proposal to amend CCR section 2620.5 was sent to the Office of Administrative Law (OAL). Thereafter, the LATC appointed the University of California Extension Certificate Program Task Force, which held a meeting in June 2012, with the charge of reviewing the proposed amendments to CCR section 2620.5 and determine how to incorporate the new standards into the development of procedures for the review of the extension certificate programs. In July 2013, OAL issued a “Decision of Disapproval of Regulatory Action,” citing deficiencies in the file relating to the necessity standard of Government Code section 11349.1 (see Attachments H.1 and H.2).

At its August 20, 2013 meeting, the LATC voted to: 1) not pursue a resubmission of the rulemaking file for CCR section 2620.5 to OAL; 2) have staff analyze the proposed modifications to CCR section 2620.5 and attempt to provide sufficient justification for each proposed change that would meet OAL standards; and 3) submit a new rulemaking file to OAL once sufficient justification for the proposed changes have been developed.

Subsequent to the August 2013 LATC meeting, staff consulted with Department of Consumer Affairs (DCA) legal counsel and Christine Anderson, Chair of the Task Force, to identify the best approach to resubmit the rulemaking file. Legal counsel advised that LATC would need to

develop sufficient justification for the proposed amendments to CCR section 2620.5 as well as the addition of new regulations that address: 1) the application process for extension certificate programs; 2) annual reporting requirements; 3) denial, suspension, and withdrawal of approval; and 4) appealing denial, suspension and withdrawal of approval actions. Based on recommendations provided by legal counsel, staff developed additional proposed language to address the application and approval processes listed above, CCR sections 2620.2, 2620.3 and 2620.4. In addition, new, proposed amendments were made to CCR section 2620.5. Attachment H.3 is staff and legal counsel's draft proposed regulatory language that was presented for discussion to the LATC at its February 2015 meeting. Portions highlighted in yellow in CCR section 2620.5 identify new edits made after LATC's original approval of the proposed language for that section. Resultant of this discussion, 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 Ms. Anderson, former LATC members and University of California Extension Program site review team, were appointed to the working group.

In March 2016, LAAB released updated Accreditation Standards and Procedures, making significant changes to curriculum requirements (see Attachment H.4, pages 10-11). Specifically, prior curriculum standards encompassed 8 broad subject matter areas of study. The new standards require coursework in 9 subject matter areas with 41 subcategories of study.

LATC staff began incorporating the proposed changes and drafting proposed language that included many of LATC's previously submitted modifications to CCR section 2620.5. Attachment H.5 is staff's draft of proposed language to amend CCR section 2620.5 only to include LAAB's 2016 curriculum requirements. This draft was provided to the LATC at their January 17, 2017 meeting. However, prior to the meeting, Stephanie Landregan, Director of the UCLA Extension Certificate Program, requested that discussion be postponed until the next LATC meeting. Her request was granted, and the regulatory proposals were tabled for discussion at the January 17, 2017 LATC meeting. Thereafter, on March 15, 2017, the LATC received a letter from Stephanie Landregan and Eddie Chau, Directors of the Extension Programs, requesting the opportunity to speak to the LATC on the importance of continuing the current approval process (Attachment H.6). The letter also asked that any changes to this process be addressed by a reconvened or new subcommittee.

At their April 18, 2017 meeting, staff recommended that LATC review the LAAB Accreditation Standards and Procedures and determine how to proceed. Staff also suggested the Committee consider receiving input from the Extension Programs and public on the impact of LATC not reviewing/approving the programs. The LATC discussed the proposed language presented in Attachments H.3 and H.5 and 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. However, due to competing priorities at that time, staff focus was redirected to other Strategic Plan priorities and a subcommittee was not formed in 2017.

In early 2018, staff began consultation with DCA legal counsel regarding the OAL-denied amendments to CCR section 2620.5 as this language is the most recent proposal approved by the LATC and the Board. Resultant of these meetings, staff reassessed the proposed amendments to

CCR section 2620.5 to ascertain whether sufficient justification could be garnered internally. Unfortunately, this data was not available to the extent needed for OAL. In addition, staff identified that changes to the language, inspired by LAAB, only encompassed the program curriculum categories and specific requirements of the annual report submitted by the program. It was determined that the other changes made to the language appear to come from the working group's assessment of regulatory amendments, and did not consistently parlay from the LAAB requirements.

Accordingly, at today's meeting, the LATC is asked to consider the: 1) edits to CCR section 2620.5 that were denied by OAL in 2013 (Attachment 1), 2) 2016 LAAB Accreditation Standards (Attachment 4) and resultant proposed amendments to CCR section 2620.5 (Attachment 5), 3) previously proposed additions of regulatory language (proposed CCR sections 2620.2, 2620.3, and 2620.4) (Attachment 3), and 4) possible action needed to determine how to proceed. Possible actions include authorizing staff to proceed with the previously approved language in Attachment 2 or reissuance of a subcommittee with clear designation of its charge. It should be noted that determined changes to the language must be supported by sufficient justification for submittal to OAL. In addition, to inform the Committee's discussion, LATC was advised in July 2017 that the CAL Extension Program will close in Fall 2019 and is no longer accepting new students.

Attachments:

1. Proposed Language to Amend CCR Section 2620.5 Disapproved by OAL in July 2013
2. OAL Decision of Disapproval of Regulatory Action, July 17, 2013
3. Proposed Language to Add CCR Sections 2620.2, 2620.3, and 2620.4 Provided to LATC on February 10, 2015
4. LAAB Accreditation Standards - March 2016
5. Amendments to CCR Section 2620.5 that Incorporate the 2016 LAAB Standards Provided to LATC on January 17, 2017 and April 18, 2017
6. UCLA Extension Program Directors' March 15, 2017 Letter

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

**(NOTE: THE RULEMAKING FILE THAT PROPOSED THESE AMENDMENTS WAS
DISAPPROVED BY THE OFFICE OF ADMINISTRATIVE LAW IN JULY 2013)**

California Code of Regulations, Title 16, Division 26

Amend Section 2620.5 to read as follows:

§ 2620.5 Requirements for an Approved Extension Certificate Program

An extension certificate program shall meet the following requirements:

- (a) The educational program shall be established in an educational institution which has a four-year educational curriculum and either is approved by the Western Association of Schools and Colleges ~~under Section 94900 of the Education Code~~ or is an institution of public higher education as defined by Section 66010 of the Education Code.
- (b) There shall be a written statement of the program's philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall be reinforced by course inclusion, emphasis and sequence in a manner which promotes achievement of program objectives. The program's literature shall fully and accurately describe the program's philosophy and objectives.
- (c) The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.
- (d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.
- (e) There shall be an organizational chart which identifies the relationships, lines of authority and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.
- (f) The program shall have sufficient authority and resources to achieve its educational objectives.
- (g) The program's ~~administrator~~ ~~director~~ shall be a California licensed landscape architect.
- (h) The program administrator ~~faculty~~ shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program. The faculty shall be adequate in type and number to develop and implement the program approved by the Board.

(i) The program curriculum shall provide instruction in the following areas related to landscape architecture including public health, safety, and welfare:

- (1) History, theory ~~art~~ and criticism ~~communication~~
- (2) Natural and ~~;~~ cultural, ~~and social~~ systems including principles of sustainability
- (3) Public Policy and regulation
- (4) ~~3~~ Design, planning and management at various scales and applications including but not limited to pedestrian and vehicular circulation, grading drainage and storm water management as a process in shaping the environment
- (5) Site design and Implementation: ~~Plant~~ materials, methods, technologies, ~~and their~~ application
- (6) ~~5~~ Construction documentation ~~materials and techniques~~ and administration
- (7) Written, verbal and visual communication
- (8) ~~6~~ Professional practice ~~methods~~
- (9) ~~7~~ Professional ~~ethics and~~ values and ethics
- (10) Plants and ecosystems
- (11) ~~8~~ Computer applications ~~systems~~ and other advanced technology

~~The program's curriculum shall not be revised until it has been approved by the Board.~~

(j) The program shall consist of at least 90 quarter units or 60 semester units.

(k) The program shall maintain a current syllabus for each required course which includes the course objectives, learning outcomes, content, and the methods of evaluating student performance.

(l) The program clearly identifies where the public health, safety, and welfare issues are addressed.

(m) The curriculum shall be offered in a timeframe which reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe those requirements.

(n) A program shall meet the following requirements for its instructional personnel:

- (1) At least one half of the program's instructional personnel shall hold a professional degree or certificate from an approved extension certificate program in landscape architecture.
- (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.
- (3) The program administrator shall be at least .5 time-base.
- (4) The program administrative support shall be 1.0 full-time equivalence.

(o) The program shall submit an annual report in writing based on the date of the most recent Board approval. The report shall include:

- (1) Verification of continued compliance with minimum requirements;
- (2) Any significant changes such as curriculum, personnel, administration, fiscal support, and physical facilities that have occurred since the last report;
- (3) Current enrollment and demographics; and
- (4) Progress toward complying with the recommendations, if any, from the last approval.

(p) The program title and degree description shall incorporate the term “Landscape Architecture.”

The Board may choose to further evaluate changes to any of the reported items or to a program.

The Board will either grant or deny an application. When specific minor deficiencies are identified during evaluation of an application, but the institution is substantially in compliance with the requirements of the Code and this Division, a provisional approval to operate may be granted for a period not to exceed 24 months, to permit the institution time to correct those deficiencies identified. A provisional approval to operate shall expire at the end of its stated period and the application shall be deemed denied, unless the deficiencies are corrected prior to its expiration and an approval to operate has been granted before that date or the provisional approval to operate has been extended for a period not to exceed 24 months if the Board is satisfied that the program has made a good faith effort and has the ability to correct the deficiencies.

The Board shall review the program at least every six years for approval.

The Board may rescind an approval during the six-year approval period based on the information received in the program’s annual report after providing the school with a written statement of the deficiencies and providing the school with an opportunity to respond to the charges. If an approval is rescinded, the Board may subsequently grant provisional approval in accordance with the guidelines of this section to allow the program to correct deficiencies.

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

**State of California
Office of Administrative Law**

JUL 19 2013

CALIFORNIA ARCHITECTS BOARD

In re:
California Architects Board

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

**Regulatory Action: Title 16
California Code of Regulations**

Government Code Section 11349.3

Adopt sections:
Amend sections: 2620.5
Repeal sections:

OAL File No. 2013-0531-01S

SUMMARY OF REGULATORY ACTION

The California Architects Board (Board) proposed this regulatory action to amend title 16, California Code of Regulations, section 2620.5, which is the sole regulation that governs extension certificate programs for landscape architects. One way that an applicant for licensure as a landscape architect can fulfill educational requirements is by successful completion of an extension certificate program that is recognized and approved by the Board pursuant to the provisions of Section 2620.5. The provisions of Section 2620.5 were initially established by the Landscape Architects Technical Committee (LATC), a statutory committee under the purview of the Board, and adopted by the Board to mirror standards established by an organization called the Landscape Architectural Accreditation Board in a publication titled *Accreditation Standards and Procedures* (LAAB Standards). The LAAB Standards are used nationally for accrediting college and university degree programs in landscape architecture. The proposed amendments are intended to update Section 2620.5 to conform to updates made to the LAAB Standards published by the Landscape Architectural Accreditation Board on February 6, 2010 (2010 LAAB Standards).

DECISION

On May 31, 2013, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On July 15, 2013, the OAL notified the Board of the disapproval of this regulatory action for failure to comply with the necessity standard of Government Code section 11349.1.

DISCUSSION

The adoption of regulations by the Board must satisfy requirements established by the part of the APA that governs rulemaking by a state agency. Any regulation adopted by a state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its

procedure, is subject to the APA unless a statute expressly exempts the regulation from APA coverage. (Gov. Code, sec. 11346.)

Before any regulation subject to the APA may become effective, the regulation is reviewed by OAL for compliance with the procedural requirements of the APA and for compliance with the standards for administrative regulations in Government Code section 11349.1. Generally, to satisfy APA standards, a regulation must be legally valid, supported by an adequate record, and easy to understand. In this review, OAL is limited to the rulemaking record and may not substitute its judgment for that of the rulemaking agency with regard to the substantive content of the regulation. This review is an independent check on the exercise of rulemaking powers by executive branch agencies intended to improve the quality of regulations that implement, interpret, and make specific statutory law, and to ensure that the public is provided with a meaningful opportunity to comment on regulations before they become effective.

NECESSITY

OAL must review regulations for compliance with the necessity standard of Government Code section 11349.1, subdivision (a)(1). Government Code section 11349, subdivision (a), defines necessity as follows:

(a) "Necessity" means the record of the rulemaking proceeding demonstrates by substantial evidence the need for a regulation to effectuate the purpose of the statute, court decision, or other provision of law that the regulation implements, interprets, or makes specific, taking into account the totality of the record. For purposes of this standard, evidence includes, but is not limited to, facts, studies, and expert opinion.

To further explain the meaning of substantial evidence in the context of the necessity standard, subdivision (b) of section 10 of title 1 of the California Code of Regulations provides:

(b) In order to meet the "necessity" standard of Government Code section 11349.1, the record of the rulemaking proceeding shall include:

- (1) a statement of the specific purpose of each adoption, amendment, or repeal; and
- (2) information explaining why each provision of the adopted regulation is required to carry out the described purpose of the provision. Such information shall include, but is not limited to, facts, studies, or expert opinion. When the explanation is based upon policies, conclusions, speculation, or conjecture, the rulemaking record must include, in addition, supporting facts, studies, expert opinion, or other information. An "expert" within the meaning of this section is a person who possesses special skill or knowledge by reason of study or experience which is relevant to the regulation in question.

In order to provide the public with an opportunity to review and comment upon an agency's perceived need for a regulation, the APA requires that the agency describe the need for the regulation in the initial statement of reasons. (Gov. Code, sec. 11346.2, subd. (b).) The initial

statement of reasons must include a statement of the specific purpose for each adoption, amendment, or repeal, and the rationale for the determination by the agency that each regulation is reasonably necessary to carry out the purpose for which it is proposed or, simply restated, “why” a regulation is needed and “how” this regulation fills that need. (Gov. Code, sec. 11346.2, subd. (b)(1).) The initial statement of reasons must be submitted to OAL with the initial notice of the proposed action and made available to the public during the public comment period, along with all the information upon which the proposal is based. (Gov. Code, sec. 11346.2, subd. (b) and sec. 11346.5, subds. (a)(16) and (b).) In this way the public is informed of the basis of the regulatory action and may comment knowledgeably.

The initial statement of reasons in this regulatory action did not describe the need for each amended regulatory provision that deviated from the updated 2010 LAAB Standards of which this regulatory action was based. (Any such deviations from the 2010 LAAB Standards will be referred to as amended regulatory provisions for purposes of this discussion.) The initial statement of reasons states that the provisions of section 2620.5 need to be updated to conform to the 2010 LAAB Standards; however, it needs to provide more than this. The problem, administrative requirement, or other condition or circumstance that each amended regulatory provision is intended to address must be identified. In addition, information must be included that explains why each amended regulatory provision is needed to carry out the described purpose of the regulatory provision.

The initial statement of reasons only provides background information on the development and administration of section 2620.5, including the genesis of section 2620.5 from earlier LAAB standards, followed by a brief statement that the earlier LAAB Standards had been updated and a list of the proposed amendments to section 2620.5 that contain only brief, conclusory statements describing what the proposed amendments are, not why they are needed. Additionally, the Board modified the proposed regulatory text in a 15-day notice of availability that took place from November 30, 2012 to January 9, 2013. But there is no necessity provided for these additional modifications anywhere in the rulemaking record. Furthermore, before this regulatory action is resubmitted to OAL, the Board must draft a statement of reasons to add to the rulemaking record to correct the lack of necessity in the initial statement of reasons. The Board may make additional modifications to the proposed regulatory text in another 15-day notice of availability, which the Board must approve, to clarify issues that become apparent while drafting this statement of reasons. The Board must provide necessity for all of the regulatory amendments to section 2620.5 upon resubmittal of this regulatory action to OAL.

Government Code section 11347.1 requires this statement of reasons, which will provide the necessity missing from the initial statement of reasons and from the rulemaking record, to be made available to the public for at least 15 days prior to the Board’s adoption, amendment or repeal of the regulations. Moreover, any comments made in relation to the supplemental statement of reasons or modifications to the text must be summarized and responded to in the final statement of reasons. (Gov. Code, secs. 11346.8, subd. (c) and 11347.1, subd. (d).)

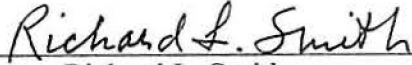
The Board’s demonstration of the need for the amended regulatory provisions is basic to a complete understanding of the proposed regulations. Without an adequate showing of necessity for each amended regulatory provision, OAL cannot be certain of what effect the Board intended

regarding the amended regulatory provisions. OAL must therefore reserve the right upon resubmittal of this regulatory action to conduct a review of these regulations for compliance with all of the substantive standards of Government Code section 11349.1 until such time as an adequate statement of reasons is submitted with the rulemaking record.

CONCLUSION

For the reason set forth above, OAL has disapproved this regulatory action. If you have any questions, please contact me at (916) 323-6809.

Date: July 17, 2013


Richard L. Smith
Senior Counsel

FOR: DEBRA M. CORNEZ
Director

Original: Douglas McCauley
Copy: John Keidel

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

California Code of Regulations, Title 16, Division 26

Add Sections 2620.2, 2620.3 and 2620.4 as follows:

§ 2620.2 Extension Certificate Programs – Application for Approval

- (a) An extension certificate program may apply to the Board for approval when it meets the requirements of Section 2620.5. The program shall document how it meets the requirements of Section 2620.5 by submitting a written self-evaluation report to the Board.
- (b) The Board's designee, or designees, shall review the self-evaluation report, conduct a site visit, submit a written report to the Board that contains findings as to whether the program complies with Section 2620.5, and make a recommendation regarding approval.
- (c) The Board shall consider the application, written self-evaluation report, and recommendation regarding approval, and either grant or deny approval. When specific minor deficiencies are identified during evaluation of a program, but the program is in substantial compliance with the requirements of Section 2620.5, a provisional approval to operate may be granted for a period not to exceed 24 months, to permit the program time to correct the deficiencies identified.
- (d) A provisional approval to operate shall expire at the end of its stated period and the application shall be deemed denied, unless the deficiencies are corrected prior to its expiration and an approval to operate has been granted before that date or the provisional approval to operate has been extended for a period not to exceed 24 months if the Board is satisfied that the program has made a good faith effort and has the ability to correct the deficiencies.
- (e) The Board shall review each extension certificate program at least every six years for continuing approval.
- (f) The Board may withdraw approval during the six-year approval period based on the information received in the program's annual report after providing the program with a written statement of the deficiencies noted and giving the program an opportunity to respond to the deficiencies. If approval is withdrawn by the Board in accordance with section 2620.3(b), the Board may subsequently grant provisional approval in accordance with the guidelines of this section to allow the program to correct deficiencies.
- (g) The Board shall have discretion to defer action on an application for approval. The program shall be notified by the Board, in writing, of actions taken regarding an application for

Commented [D1]: References to the Board's authority is being researched whether it should say Board or LATC throughout these sections.

Commented [D2]: Depending on research conducted on (a), may need to clarify source of recommendation.

Commented [D3]: Need to clarify if program is required to submit documents/report to trigger each 6-year review after initial approval.

May need to clarify difference between 6-year review and annual report.

Commented [D4]: Consider moving this subsection to 2620.4 as it relates to withdrawal of approval based on annual report.

Commented [D5]: How long should the action be deferred? Should be applied consistently for all program reviews.

approval.

§ 2620.3 Suspension or Withdrawal of Approval

- (a) When an approved program fails to maintain the requirements for approval for administrative reasons, including but not limited to failure to submit required reports, approval may be suspended. Before this action is taken, the Board shall send a letter to the program requesting an explanation as to why approval should not be suspended. Suspension of approval for administrative reasons is not subject to appeal.

Students attending a program with suspended approval are considered to be attending an approved program. A program may be suspended for a maximum of 12 months. The Board will begin procedures to withdraw approval to take effect immediately when the maximum period of suspension is reached. If evidence of remedial action is submitted and judged adequate within the 12-month period of suspension, reinstatement of approval shall be granted.

- (b) When an approved program fails to comply with approval standards for other than administrative reasons, approval may be withdrawn. Before withdrawing approval, the program will be given the opportunity to explain why approval should not be withdrawn, after which the Board may conduct a site visit and make a final decision.

If the program's parent institution or other programs within the institution are placed on probationary status or have approval withdrawn by their accrediting agencies, the program must notify the Board of the landscape architecture degree program's status.

- (c) Extension certificate programs may appeal denial or withdrawal of approval decisions to the Board. An appeal shall be based on one or more of the following issues:

- (1) Whether the Board and/or the site visit team conformed to the procedures described in regulation; or
- (2) Whether the Board and/or the site visit team conformed to the approval requirements specified in Section 2620.5.

- (d) A written notice of appeal shall be signed by the chief administrator of the college or university in which the extension certificate program is located. The appeal must be submitted within 30 days of the Board's notice of decision. Within 60 days of the Board's decision letter, the program administrator must submit a comprehensive written statement of all reasons for appeal. Failure to submit this statement within 60 days will be deemed equivalent to withdrawing the appeal. During the appeal period, the approved status of the program will not change.

§ 2620.4 Annual Reports

- (a) Approved extension certificate programs shall submit to the Board a written report, each year

Commented [D6]: Consider restructuring section, i.e.,

- (a) Board may suspend approval for these reasons.....
- (b) Board may withdraw approval for these reasons...
- (c) Suspension terms and affects on students
- (d) Program may appeal withdrawal of approval for these reasons...

Commented [D7]: May have to specify for what purpose Board is requiring to be notified.

from the date of the most recent Board approval. The report shall include:

- (1) Verification of continued compliance with the requirements of Section 2620.5;
- (2) Any significant changes in areas such as curriculum, personnel, administration, fiscal support, and physical facilities that have occurred since the last report;
- (3) Current enrollment and demographics;
- (4) Progress toward complying with the recommendations, if any, from the last approval, and
- (5) Any substantive change. "Substantive change" is any change that compromises an extension certificate program's ability to meet one or more of the Board's program requirements or that makes the program unable to meet any of the following requirements:
 - (A) The program title and certificate description incorporate the term "Landscape Architecture."
 - (B) The parent institution is accredited by the institutional accrediting body of its region.
 - (C) There is a not a designated program administrator for the program under review.

Commented [D8]: May need to clarify what is considered significant.

- (b) The program administrator shall notify the Board if, at any time, the program fails to meet the requirements of Section 2620.4 (a)(1)-(5).

Commented [D9]: Does wording limit taking action only based on annual report?

- (c) The Board may further evaluate changes to any of the reported items in the annual report.

Commented [D10]: May need to clarify.

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

Amend Section 2620.5 to read as follows:

§ 2620.5 Requirements for an Approved Extension Certificate Program

An extension certificate program shall meet the following requirements:

- (a) The ~~educational~~ program shall be established in an educational institution which has a four-year educational curriculum and either is ~~approved~~ accredited by the Western Association of Schools and Colleges under Section 94900 of the Education Code or is an institution of public higher education as defined by Section 66010 of the Education Code.
- (b) ~~There. The program shall be have~~ a written statement of the program's which fully and accurately describes its philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall clearly identify where public health, safety, and welfare issues are addressed. The program objectives shall be reinforced by course inclusion, emphasis, and sequence in a manner which promotes achievement of program objectives. The program's literature shall fully and accurately describe the program's philosophy and objectives.

Commented [D11]: Duplicative language above, added "which fully and accurately describes" to first sentence of (b).

- (c) The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.
- (d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated.
- (e) ~~There~~ The program shall ~~be have~~ an organizational chart which identifies the relationships, lines of authority, and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.
- (f) The program shall have sufficient authority and resources to achieve its educational objectives.
- (g) The program's ~~administrator~~ ~~director~~ shall be a California licensed landscape architect.
- (h) The program administrator ~~faculty~~ shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program. The faculty shall be adequate in type and number to develop and implement the program approved by the Board.
- (i) The program title and certificate description shall incorporate the term "Landscape Architecture."
- (j) The program curriculum shall provide instruction that includes public health, safety, and welfare in the following areas related to landscape architecture:
 - (1) History, ~~theory art~~ and ~~criticism~~ communication
 - (2) Natural ~~and~~ cultural, ~~and social~~ systems including principles of sustainability
 - (3) Public policy and regulation
 - (4) ~~Design, planning, and management at various scales and applications, including but not limited to, pedestrian and vehicular circulation, grading, drainage, and storm water management as a process in shaping the environment~~
 - (5) Site design and implementation: Plant materials, methods, technologies, and their application
 - (6) ~~Construction documentation materials and techniques and administration~~
 - (7) Written, verbal, and visual communication
 - (8) ~~Professional practice, values, and ethics methods~~
 - (9) ~~Professional ethics and values~~
 - (10) Plants and ecosystems
 - (11) Computer applications ~~systems~~ and other advanced technology

~~The program's curriculum shall not be revised until it has been approved by the Board.~~
- (k) The program shall consist of at least 90 quarter units or 60 semester units.

(~~k~~l) The program shall maintain a current syllabus for each required course which includes the course objectives, learning outcomes, content, ~~and~~ the methods of evaluating student performance, and how public health, safety, and welfare issues are addressed.

~~(l) The program clearly identifies where the public health, safety, and welfare issues are addressed.~~

(~~m~~) The program curriculum shall be offered in a timeframe which reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe those requirements.

(~~n~~~~m~~) ~~A~~The program shall meet the following requirements for its instructional personnel:

- (1) At least one half of the program's instructional personnel shall hold a professional degree or certificate from an approved extension certificate program in landscape architecture.
- (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

(3) The program administrator shall be at least half-time.

(4) The program administrative support shall be full-time.

Commented [D12]: Need to specify employment in program and define amount of time.

Commented [D13]: Need to specify employment in program and define amount of time.

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

ACCREDITATION STANDARDS
For First-Professional Programs In
Landscape Architecture



Landscape Architectural Accreditation Board

American Society of Landscape Architects
636 Eye Street, N.W.
Washington, D.C. 20001-3736

March 2016

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Introduction

The mission of the Landscape Architecture Accreditation Board (LAAB) is to evaluate, advocate for, and advance the quality of education in landscape architectural degree programs. To do that, the Board creates and applies *Standards* and *Procedures*. The Standards are basis for decision-making and action for the Board. The Standards are reviewed and updated every five years through a process articulated in Board Procedures. The previous version of the Standards and Procedures (2010) were both a part of a single document. For this version, the Board has decided to create separate documents of Standards and of Procedures.

This document contains the Accreditation Standards.

Definitions, Interpretation, and Application

Accreditation: Accreditation is a voluntary process of peer review designed to evaluate programs on the basis of their own stated objectives and the accreditation standards that follow.

Administrative Probation Status: Administrative Probationary Accreditation status is assigned when an institution or program does not meet its administrative obligations. LAAB assigns this status if the institution or program fails to comply with one or more of the following requirements:

- paying annual fees within 90 days of the invoice date,
- paying a late fee by the due date,
- submitting reports or other required information within 45 days of the due date, or
- agreeing to a reasonable on-site evaluation visit date at or near the time established by LAAB staff.

Administrative Probationary Accreditation is an accreditation category not subject to appeal. The program is recognized and listed as accredited with this designation until the requirement(s) that was not met has been fully satisfied. Failure to completely remedy the situation by the date specified in the probationary letter may result in revocation of accreditation.

Assessment: Assessment is the process by which a program or institution's level of compliance with or achievement of the criteria relevant to its accreditation is evaluated.

Candidacy Status: Candidacy is an accreditation classification granted to a program that is in the planning or early stages of development or an intermediate stage of program implementation.

Compliance: Compliance with a standard is achieved when LAAB concludes, after review of relevant indicators or other evidence, that the standard is met or met with recommendation, as defined below. To achieve LAAB accreditation, a program must demonstrate to LAAB, through the self-evaluation report, site visit, and technical accuracy review of the visiting team's report, that it complies with all standards.

Considerations for Improvement: Considerations for Improvement are informal counsel offered to a program as a part of the Visiting Team's Report but not included in the final action letter from LAAB to the program. These may areas where the program can build on a strength or address an area of concern that does not directly affect accreditation at the time of the LAAB review.

Criteria: Each LAAB standard has one or more criteria statements that define the components needed to satisfy the standard. Not satisfying a criterion does not automatically lead to the assessment of a standard as not met. To be accredited, a program must demonstrate progress toward meeting the criteria. In this document, criteria are identified by letters (for example: **A. Program Mission**).

Faculty Full-Time Equivalence (FTE): The FTE is a figure representing the aggregated time committed by full- and part-time faculty members to teaching in a department or program, including faculty who have their duties or teaching assignments split between an undergraduate and a graduate program and faculty who have their assignments split between disciplines. For purposes of calculation, a faculty member with a part-time appointment of 50 percent (and, presumably, a teaching/scholarship/service assignment roughly equivalent to half that of a full-time faculty member) would be assigned a 0.5 FTE. A full-time faculty member with duties in only one department would be assigned an FTE of 1.0 for that department.

Final Action Letter: A final action letter is an official communication from LAAB to a program reporting its accreditation status and any recommendations affecting accreditation.

First-Professional Program: A first-professional program in landscape architecture encompasses the body of knowledge common to the profession and promotes acquisition of the knowledge and skills necessary to enter its professional practice. At the bachelor's level, such a program is typically conducted in a context enriched by the liberal arts and natural and social sciences. At the master's level, such a program also provides instruction in and application of research and scholarly methods.

Initial Accreditation: The first period of accreditation for a program leading to a degree in landscape architecture is its initial accreditation; LAAB initial accreditation applies to degrees awarded within two years prior to initial accreditation by LAAB.

Intent: A statement of intent explains the purpose of a standard.

Program: A program comprises the coursework and other learning experiences leading to a degree as well as the supporting administration, faculty, staff, facilities, and services that sponsor and provide those experiences.

Recommendations Affecting Accreditation: Recommendations Affecting Accreditation are issues of serious concern, directly affecting the quality of a program. Recommendations Affecting Accreditation are issued when a visiting team assesses a standard as met with recommendation or not met. Recommendations are derived from the identified areas of weakness in meeting a standard as described in the rationale sections of a visiting team's report. The program is required to report progress regularly on these issues. Recommendations Affecting Accreditation identify issues; they do not prescribe solutions.

Self-Evaluation Report (SER): An SER is a document prepared by a program that describes its expectations, operations, and resources; assesses its progress toward meeting its mission, goals, and objectives; and measures its performance against the criteria for accreditation.

Shall: In official LAAB standards and criteria, "shall" indicates mandatory actions for a program or institution.

Should: In official LAAB standards and criteria, "should" indicates prescriptive recommendations for a program or institution.

Standards: Standards are qualitative statements of the essential conditions an accredited program must meet to achieve accreditation.

Standard Met: A "Standard Met" designation indicates that overall program performance in the relevant area meets LAAB minimum standards. LAAB may judge a standard as met even though one or more indicators within the standard are not minimally met.

Standard Met with Recommendation: A “Standard Met with Recommendation” designation indicates that deficiencies exist in an area directly bearing on accreditation. The problem or problems have observable effects on the overall quality of the program.

Standard Not Met: A “Standard Not Met” designation means that a cited deficiency is so severe that the overall quality of a program is compromised and the program’s ability to deliver adequate landscape architecture education is impaired.

Minimum Requirements for Achieving and Maintaining Accredited Status

1. The program title and degree description must incorporate the term "landscape architecture."
2. An undergraduate first-professional program must be a baccalaureate program of at least four academic years' duration.
3. A graduate first-professional program must be a master's program equivalent to at least three academic years' duration.
4. Faculty instruction full-time equivalence (FTE) requirements are as follows:
 - a. An academic unit that offers a single first-professional degree program at the emerging or Initial Accreditation status has at least three FTE instructional faculty who hold professional degrees in landscape architecture, at least one of whom is full-time.
 - b. An academic unit that offers a first-professional degree program at both the bachelor’s and master’s levels at the emerging or Initial Accreditation status has at least six FTE instructional faculty, at least five of whom hold professional degrees in landscape architecture, at least two of whom are full-time in the department.
 - c. An academic unit that offers a single first-professional degree program at the continuing full accreditation status has an FTE of at least five instructional faculty, at least four of these faculty members hold a professional degree in landscape architecture, at least three of whom are full-time in the department.
 - d. An academic unit that offers first-professional degree programs at both the bachelor’s and master’s levels with continuing full accreditation status has an FTE of at least seven instructional faculty, at least five of whom hold professional degrees in landscape architecture and are full-time in the department.

Program Status	Number of Full-time Equivalent Instructional Faculty*	Number of Faculty with a Professional Degree in Landscape Architecture (could be part-time or adjunct)	Number of Full-time Faculty with a Professional Degree in Landscape Architecture
Programs seeking Initial Accreditation			
Single Program	3	3	1
Bachelor’s & Master’s Program	6	5	2
Programs seeking re-accreditation			
Single Program	5	4	3
Bachelor’s & Master’s Program	7		5

5. The parent institution must be accredited by a recognized institutional accrediting agency (such as the U.S. Department of Education or CHEA).

6. There must be a designated program administrator responsible for the leadership and management functions for the program under review.
7. The program must provide a comprehensive public information disclosure about the program's status and performance within a single-click link from the program's website.
8. The program must:
 - continuously comply with accreditation standards,
 - pay the annual sustaining and other fees as required, and
 - regularly file complete annual and other requested reports.

The program administrator shall inform LAAB if any of these factors fail to apply during an accreditation period. The program administrator is responsible for reporting any substantive changes to the program when they occur. (Substantive changes are those that may affect the accreditation status of the program, addressed on page 16 of the LAAB Accreditation Procedures.)

STANDARDS

Standard 1: Program Mission and Objectives

The program shall have a clearly defined mission supported by goals and objectives appropriate to the profession of landscape architecture and shall demonstrate progress toward their attainment.

INTENT: Using a clear, concise mission statement, each landscape architecture program shall define its core values and fundamental purpose for faculty, students, prospective students, and the institution. The mission statement shall summarize why the program exists and the needs that it seeks to fulfill. It shall also provide a benchmark for assessing how well the program is meeting the stated objectives.

A. Program Mission. The mission statement expresses the underlying purposes and values of the program.

Assessment: The program has a clearly stated mission reflecting its purpose and values, which relate to the institution's mission.

B. Educational Goals. The program shall have clearly defined and formally stated academic goals that reflect the mission and demonstrate that attainment of the goals will fulfill the program mission.

Assessment: The program has an effective procedure to determine progress in meeting its goals and is it used regularly.

C. Educational Objectives. The program shall have educational objectives that specifically describe how each of the academic goals will be achieved.

Assessment: The program has clearly defined, achievable educational objectives and an effective, regularly used procedure to determine progress in meeting them.

D. Long-Range Planning Process. The program shall engage in an effective long-range planning process.

Assessment 1: The long-range plan describes how the program mission, goals, and objectives will be met, and the program documents the review and evaluation process.

Assessment 2: The long-range plan (along with the mission, goals and objectives) is reviewed and revised periodically, and it presents realistic and attainable methods for advancing the program's academic mission.

Assessment 3: The program's SER responds to recommendations and considerations for improvement from the previous accreditation review (if applicable), and it reports on efforts to rectify identified weaknesses.

E. Program Disclosure. Program literature and promotional media shall accurately describe the program's mission, objectives, educational experiences, accreditation status, goals, student achievement, costs for a full-time student per academic year, estimated housing costs per year, average costs of books and materials per year, student retention and graduation rates, number of degrees granted per year, and

percentage of students with timely graduation (master's students graduating within four years, bachelor's students graduating within six years).

Assessment 1: The program information is accurate, understandable, and accessible to the public.

Assessment 2: The public disclosure information can be found with a single-click link from the program's website.

Standard 2: Program Autonomy, Governance, and Administration

The program shall have the authority and resources to achieve its mission, goals and objectives.

INTENT: Each landscape architecture program shall be recognized as a discrete professional program with the resources, institutional support, and authority to enable achievement of the stated program mission, goals and objectives.

A. Program Administration. The landscape architecture program shall be administered as an identifiable, discrete program within its institution.

Assessment 1: The program is seen as a discrete and identifiable program within the institution.

Assessment 2: The program administrator holds a faculty appointment in landscape architecture.

Assessment 3: The program administrator exercises effective leadership of and management functions for the program. (Where the program administrator is not the primary administrator for the academic unit, as in a landscape architecture program within a multidisciplinary department or school, the landscape architecture leader has the authority to significantly influence the management of resources, including budget, faculty review, tenure and promotion outcomes, and the direction of the program.)

B. Institutional Support. The institution shall provide sufficient resources to enable the program to achieve its mission and goals, and it supports individual faculty members' development and advancement.

Assessment 1: Funding is available to assist faculty and other instructional personnel with continued professional development, including support in developing funded grants and attendance at conferences. Funding is sufficient to maintain computers and appropriate software, other types of equipment, and technical support.

Assessment 2: Funding is adequate for student support, such as scholarships and work-study jobs.

Assessment 3: Adequate support personnel are available to accomplish the program's mission and goals.

C. Commitment to Diversity. The program shall demonstrate a commitment to diversity through its recruitment and retention of faculty, staff, and students.

Assessment: The program demonstrates its commitment to diversity in the recruitment and retention of students, faculty, and staff.

D. Faculty Participation. The faculty shall participate in program governance and administration.

Assessment 1: The faculty makes recommendations on the allocation of resources and has the responsibility to develop, implement, evaluate, and modify the program's curriculum, and to contribute to operating practices.

Assessment 2: The faculty participates, in accordance with institutional guidelines, in developing criteria and procedures for annual evaluation, promotion, and tenure of faculty members.

Assessment 3: The faculty participates, in accordance with institutional guidelines, in developing and applying criteria and procedures for the appointment and assessment of program and academic unit leadership.

Assessment 4: The program or institution adequately communicates and mentors faculty regarding policies, expectations, and procedures for annual evaluations, tenure, and promotion to all ranks.

E. Faculty Number. The faculty shall be of a sufficient size to accomplish the program's goals and objectives; to teach the curriculum; to support students through advising and other functions; to engage in research, creative activity, and scholarship; and to be actively involved in professional endeavors such as presenting at conferences. The faculty FTE shall be assessed by the institutional culture for faculty development across the closely related academic units (such as other departments and programs within a college). The workload (number, type, and sizes of courses assigned) and responsibilities (such as a split of time for teaching, research, and service activities) for a typical tenured or long-term faculty member within the college shall be considered the template for assessing the FTE resources assigned to the landscape architecture program. Where landscape architecture faculty members have their responsibilities split between programs (such as bachelor's and master's or between landscape architecture and another discipline), the FTE assessment must be prorated.

Faculty instruction full-time equivalence (FTE) shall be as follows:

- a. An academic unit that offers a single first-professional degree program at the emerging or Initial Accreditation status has at least three FTE instructional faculty who hold professional degrees in landscape architecture, at least one of whom is full-time.
- b. An academic unit that offers a first-professional degree program at both the bachelor's and master's levels at the emerging or Initial Accreditation status has at least six FTE instructional faculty, five of whom hold professional degrees in landscape architecture, at least two of whom are full-time.
- c. An academic unit that offers a single first-professional degree program at the continuing full Accreditation status has an FTE of at least five instructional faculty. At least four of these faculty members hold a professional degree in landscape architecture and at least three of them are full-time.
- d. An academic unit that offers first-professional degree programs at both the bachelor's and master's levels with continuing full Accreditation status has an FTE of at least seven instructional faculty, at least five of whom hold professional degrees in landscape architecture and are full-time

Program Status	Number of Full-time Equivalent Instructional Faculty*	Number of Faculty with a Professional Degree in Landscape Architecture (could be part-time or adjunct)	Number of Full-time Faculty with a Professional Degree in Landscape Architecture
Programs seeking Initial Accreditation			
Single Program	3	3	1
Bachelors & Masters Program	6	5	2
Programs seeking re-accreditation			
Single Program	5	4	3
Bachelors & Masters Program	7		5

* In determining FTEs and the pro-rata contribution some faculty may make to teaching in a program, we acknowledge that variations do exist among institutions regarding how standard teaching loads are determined. Please provide in the SER any commentary that you believe appropriate to demonstrate how your program achieves the required faculty numbers within your institution's particular administrative and staffing model.

Assessment 1: Student/faculty ratios in studios are typically not greater than 15:1.

Assessment 2: There are sufficient faculty FTE to carry out the mission of the program (such as duties in teaching, research, service, program administration, academic advising, and creative professional development).

Standard 3: Professional Curriculum

The first-professional degree curriculum shall include the core knowledge, skills, and applications of landscape architecture.

- a. In addition to the professional curriculum, a first-professional degree program at the bachelor's level shall provide an educational context enriched by other disciplines, including but not limited to liberal and fine arts, natural sciences, and social sciences, as well as opportunities for students to develop other areas of interest.*
- b. In addition to the professional curriculum, a first-professional degree at the master's level shall provide instruction in and application of research and scholarly methods.*
- c. A first-professional degree at the master's level that does not require all students to have an undergraduate degree before receiving the MLA shall meet the requirements for both a and b, above.*

INTENT: Each landscape architecture curriculum shall be designed to achieve the learning goals stated in the mission and specific educational objectives of the program. The curriculum shall encompass both coursework and other co-curricular opportunities intended to develop students' knowledge and skills in landscape architecture.

A. Curricular Expression of the Mission and Objectives. The program's curriculum shall address and express its mission, goals, and objectives. (This criterion is directed not toward the evaluation of the mission and objectives, but rather toward the way the curriculum is developed and delivered in carrying out the expectations of the mission and objectives.)

Assessment: The program identifies the knowledge, skills, abilities, and values it expects students to possess at graduation.

B. Professional Curriculum. The program curriculum shall be guided by, but not limited to, coverage of:

History, theory, philosophy, principles, and values

design history

design theory

criticism

sustainability, resiliency, stewardship

health, safety, welfare

Design processes and methodology

critical thinking

analysis

ideation

synthesis

site program

iterative design development

design communication

Systems and processes—natural and cultural (related to design, planning, and management)

- plants and ecosystems sciences
- built environment and infrastructure
- human factors and social and community systems
- human health and well-being

Communication and documentation

- written communication
- oral communication
- visual and graphic communication
- design and construction documents
- numeracy, quantitative problem-solving, and communication
- community and client engagement

Implementation

- construction technology and site engineering
- site materials
- use and management of plants and vegetation
- policies and regulation

Computer applications and advanced technologies

- visualization and modeling
- communication (conceptual and construction drawings)
- geospatial analysis

Assessment and evaluation

- site assessment
- pre-design analysis
- landscape performance
- post-occupancy evaluation
- visual and scenic assessment

Professional practice

- values
- ethics
- practice
- construction administration

Research and scholarly methods (for master's-level degree programs)

- quantitative and qualitative methods
- establishing a research hypothesis
- framing research questions
- literature/case study review/precedent review
- research integrity and protection of human subjects
- communication of research

Assessment 1: The curriculum addresses the designated subject matter in a sequence that supports the degree program's goals and objectives.

Assessment 2: Student work and other accomplishments demonstrate that the curriculum is providing students with the appropriate content to enter the profession.

Assessment 3: Curriculum and program opportunities enable students to pursue academic interests consistent with institutional requirements and entry into the profession.

C. Syllabi. Appropriate syllabi shall be maintained for courses.

Assessment 1: Syllabi include educational objectives, course content, and the criteria and methods that will be used to evaluate student performance.

Assessment 2: Syllabi identify the various levels of accomplishment students need to achieve to successfully complete the course and advance in the curriculum.

D. Curriculum Evaluation. At both the course and curriculum levels, the program shall evaluate how effectively the curriculum is helping students achieve the program's learning objectives in a timely way.

Assessment 1: The program demonstrates and documents ways of:

- a. assessing students' achievement of course and program objectives within the length of time to graduation stated by the program;*
- b. reviewing and improving the effectiveness of instructional methods in curriculum delivery; and*
- c. maintaining currency with the evolving technologies, methodologies, theories, and values of the profession.*

Assessment 2: Students participate in evaluation of the program, courses, and curriculum.

E. Augmentation of Formal Educational Experience. The program shall provide opportunities for students to participate in co-curricular activities, internships, off-campus studies, research assistantships, or practicum experiences.

Assessment 1: The program provides opportunities for students to augment the formal educational experience and documents students' use of these opportunities.

Assessment 2: The program identifies the objectives of co-curricular activities and evaluates the effectiveness of these opportunities.

Assessment 3: Student participants are given the opportunity to report on their cocurricular experiences to their fellow students.

F. Coursework (Bachelor's Level). In addition to the professional curriculum, students shall also pursue coursework in other disciplines in accordance with institutional and program requirements.

Assessment: Students take courses in the humanities, arts, technologies, mathematics, natural sciences, social sciences, and/or other disciplines.

G. Areas of Interest (Bachelor's Level). The program shall provide opportunities for students to pursue special interests.

Assessment 1: The program provides opportunities for students to pursue independent projects, focused electives, optional studios, certificates, minors, and the like.

Assessment 2: Student work incorporates academic experiences reflecting a variety of pursuits beyond the basic curriculum.

H. Research/Scholarly Methods (Master's Level). The program shall provide an introduction to research and scholarly methods.

Assessment 1: The curriculum provides instruction in research and scholarly methods and their relation to the profession of landscape architecture.

Assessment 2: The program requires that theses or terminal projects exhibit creative and independent thinking and contain a significant research/scholarly component.

Standard 4: Student and Program Outcomes

The program shall prepare students to pursue careers in landscape architecture.

INTENT: Each landscape architecture program shall prepare students—through educational programs, advising, and other academic and professional opportunities—to pursue careers in landscape architecture upon graduation. The program shall foster knowledge and skills in creative problem solving, critical thinking, communications, design, and organization.

A. Student Learning Outcomes. The program shall qualify students to pursue careers in landscape architecture.

Assessment 1: Student work demonstrates the competencies required for entry-level positions in the profession of landscape architecture.

Assessment 2: Students demonstrate their achievement of the program's learning objectives, including critical and creative thinking, and their ability to understand, apply, and communicate the subject matter of the professional curriculum as evidenced through project definition, problem identification, information collection, analysis, synthesis, conceptualization, and implementation.

B. Student Advising. The program shall provide students with effective advising and mentoring throughout their educational careers.

Assessment 1: Students receive effective advising regarding academic development.

Assessment 2: Students receive effective advising regarding career development.

Assessment 3: Students are made aware of professional opportunities, advanced educational opportunities, licensure requirements, and continuing education requirements associated with professional practice.

Assessment 4: Students are satisfied with academic experiences and their preparation for the landscape architecture profession.

C. Participation in Extracurricular Activities. The program shall encourage students to participate in professional activities and institutional and community service.

Assessment 1: Students participate in institutional/college organizations, community initiatives, or other activities.

Assessment 2: Students participate in events such as LABash, ASLA Annual Meeting, local ASLA chapter events, and the activities of other professional societies or special-interest groups.

Standard 5: Faculty

The program shall advance its academic mission and objectives by means of promoting the qualifications, academic position, professional activities, and individual professional development of its faculty and instructional personnel.

INTENT: Each landscape architecture program shall have qualified, experienced faculty and other instructional personnel to instill the knowledge and skills that students will need to pursue a career in landscape architecture. Equitable faculty workloads and compensation, and overall support for career development contribute to the success of the program.

A. Credentials. The qualifications of the faculty, instructional personnel, and teaching assistants shall be appropriate to their roles.

Assessment 1: The faculty has a balance of professional practice and academic experience appropriate to the program mission.

Assessment 2: Faculty assignments are appropriate to the course content and program mission.

Assessment 3: Adjunct and/or part-time faculty (if present) are integrated into the program's administration and curriculum evaluation/development in a coordinated and organized manner.

Assessment 4: Faculty qualifications are appropriate to responsibilities of the program as defined by the institution.

B. Faculty Development. The faculty members shall be continuously engaged in activities leading to their professional growth and advancement, the advancement of the profession, and the effectiveness of the program.

Assessment 1: Faculty activities such as scholarly inquiry, research, professional practice, and service to the profession, university, and community are documented, peer-reviewed, and disseminated through appropriate media such as journals, professional magazines, community, and university publications.

Assessment 2: Teaching and administrative assignments allow sufficient opportunity for faculty to pursue advancement and professional development. Expectations for faculty workload and distribution of responsibilities (of teaching, research, service, and professional engagement) are similar to expectations in related academic units.

Assessment 3: The development and teaching effectiveness of faculty and instructional personnel are systematically evaluated, and the results are used for individual and program improvement.

Assessment 4: Faculty seek and make effective use of available funding for conference attendance, equipment, technical support, and other professional needs.

Assessment 5: The activities of faculty are reviewed and recognized by faculty peers.

Assessment 6: Faculty participate in university and professional service, student advising, and other activities that enhance the effectiveness of the program.

C. Faculty Retention. The faculty shall hold academic status, have workloads, and receive compensation, mentoring, and support that promote productivity and retention.

Assessment 1: Faculty salaries and support are evaluated and are appropriate to promote faculty retention and productivity.

Assessment 2: The rate of faculty turnover does not undermine the mission and goals of the program.

Standard 6: Outreach to the Institution, Communities, Alumni, and Practitioners

The program shall have a plan for and a record of interaction with its alumni, the larger institution, the professional community, the local community, and the public at large.

INTENT: Each landscape architecture program shall establish an effective relationship with the larger institution, its alumni, practitioners, the local community, and the public at large in order to provide a source of service learning opportunities for students, scholarly development for faculty, and professional guidance and financial support. Documentation and dissemination of successful outreach efforts shall enhance the image of the program and educate its constituencies regarding the program and the profession of landscape architecture.

A. Interaction with the Profession, Institution, and Public. The program shall represent and advocate for the profession by interacting with the larger institution, the local community, practitioners, and the public at large.

Assessment 1: Service-learning activities are incorporated into the curriculum.

Assessment 2: Service activities are documented on a regular basis.

Assessment 3: The program community interacts with the institution, practitioners, the local community, and the public at large.

B. Alumni and Practitioners. The program shall recognize alumni and practitioners as a resource.

Assessment 1: The program maintains or has access to a current registry of alumni that includes information pertaining to current employment, professional activity, post graduate study, and significant professional accomplishments.

Assessment 2: The program engages its alumni and other practitioners in activities such as service on a formal advisory board, student career advising, potential employment, curriculum review and development, fundraising, and continuing education.

Assessment 3: The program acknowledges and celebrates the significant professional accomplishments of its alumni and benefactors.

Standard 7: Facilities, Equipment, and Technology

The program shall provide faculty, students, and staff access to facilities, equipment, libraries, and other resources necessary for achieving the program's mission and objectives.

INTENT: Each landscape architecture program shall occupy space in designated, code-compliant facilities that support the achievement of the program's mission and objectives. Students, faculty, and staff shall have the required tools and facilities to enable achievement of the program's mission and objectives.

A. Facilities. The program shall provide designated, code-compliant, adequately maintained spaces to serve the professional requirements of the faculty, students, and staff.

Assessment 1: Faculty, staff, and administration are provided with appropriate office space.

Assessment 2: Students are assigned permanent studio workstations adequate to meet the program's needs.

Assessment 3: Facilities are adequately maintained and in compliance with the Americans with Disabilities Act (ADA), the Life Safety Code, and applicable building codes. (Acceptable documentation includes reasonable-accommodation reports from the university ADA-compliance office and/or facilities or risk-management office.)

B. Information Systems and Technical Equipment. The program shall provide information systems and technical equipment needed to achieve its mission and objectives to students, faculty, and other instructional and administrative personnel.

Assessment 1: The program's participants have sufficient access to computer equipment and software.

Assessment 2: The frequency of hardware and software maintenance, updating, and replacement is sufficient.

Assessment 3: The hours of use of information systems and equipment are sufficient to serve faculty and students.

C. Library Resources. The program shall provide library collections and other resources sufficient to support its mission and educational objectives.

Assessment 1: Collections are adequate to support the program.

Assessment 2: Courses integrate library and other resources.

Assessment 3: Library hours of operation are convenient and adequate to serve the needs of faculty and students.

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

California Code of Regulations, Title 16, Division 26

Amend Section 2620.5 to read as follows:

§ 2620.5 Requirements for an Approved Extension Certificate Program

An extension certificate program shall meet the following requirements:

- (a) The educational program shall be established in an educational institution which has a four-year educational curriculum and either is approved by the Western Association of Schools and Colleges ~~under Section 94900 of the Education Code~~ or is an institution of public higher education as defined by Section 66010 of the Education Code.
- (b) There shall be a written statement of the program's philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall be reinforced by course inclusion, emphasis and sequence in a manner which promotes achievement of program objectives. The program's literature shall fully and accurately describe the program's philosophy and objectives. The program shall provide comprehensive public information disclosure about the program's status and performance within a single click link from the program's internet website homepage.
- (c) The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.
- (d) The program shall be administered as a discrete program in landscape architecture within the institution with which it is affiliated. The program title and certificate description shall incorporate the term "Landscape Architecture".
- (e) There shall be an organizational chart which identifies the relationships, lines of authority and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.
- (f) The program shall have sufficient authority and resources to achieve its educational objectives.
- (g) The program ~~administrator's-director~~ shall be a California licensed landscape architect and position shall be at least .5 time-based.
- (h) The ~~program administrator~~ ~~faculty~~ shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program. The faculty shall be adequate in type and number to participate in program governance and develop and implement the program approved by the Board.
- (i) The program curriculum shall include the core knowledge, skills and applications of

landscape architecture and shall provide instruction in the following areas related to landscape architecture:

(1) History, theory, philosophy, principles and values:

- (A) design history and theory;
- (B) criticism;
- (C) sustainability, resiliency, stewardship;
- (D) health, safety, welfare.

(2) Design processes and methodology:

- (A) critical thinking;
- (B) analysis;
- (C) ideation;
- (D) synthesis;
- (E) site program;
- (F) iterative design development;
- (G) design communication.

(3) Systems and Processes, natural and cultural, (related to design, planning and

management):

- (A) plants and ecosystems sciences;
- (B) built environment and infrastructure;
- (C) human factors, social and community systems;
- (D) human health and well-being.
- (4) Communication and documentation:
 - (A) written and oral communication;
 - (B) visual and graphic communication;
 - (C) design and construction documents;
 - (D) numeracy, quantitative problem-solving and communication;
 - (E) community and client engagement.
- (5) Implementation:
 - (A) construction technology and site engineering;
 - (B) site materials;
 - (C) use and management of plants and vegetation;
 - (D) policies and regulation.
- (6) Computer applications and advanced technologies:
 - (A) visualization and modeling;
 - (B) communication (conceptual and construction drawings);
 - (C) geospatial analysis.
- (7) Assessment and evaluation:
 - (A) site assessment;
 - (B) pre-design analysis;
 - (C) landscape performance;
 - (D) post-occupancy evaluation;
 - (E) visual and scenic assessment.
- (8) Professional Practice:
 - (A) values and ethics;
 - (B) practice;
 - (C) construction administration.
- (9) Research and scholarly methods (for master's level degree programs):
 - (A) quantitative and qualitative methods;
 - (B) establishing a research hypothesis;
 - (C) framing research questions;
 - (D) literature/case study review/precedent review
 - (E) research integrity and protection of human subjects
 - (F) communication of research.

~~(A) History, art, and communication~~

~~(B) Natural, cultural, and social systems~~

~~(C) Design as a process in shaping the environment~~

- ~~(D) Plant material and their application~~
- ~~(E) Construction materials and techniques~~
- ~~(F) Professional practice methods~~
- ~~(G) Professional ethics and values~~
- ~~(H) Computer systems and advanced technology~~

~~The program's curriculum shall not be revised until it has been approved by the Board.~~

- (j) The program shall consist of at least 90 quarter units or 60 semester units.
- (k) The program shall maintain a current syllabus for each required course which includes the course objectives, content, identifies where public health, safety and welfare issues are addressed, and the methods of evaluating student performance.
- (l) The curriculum shall be offered in a timeframe which reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe these requirements.
- (m) A program shall meet the following requirements for its instructional personnel:
 - (1) There shall be sufficient number of faculty to carry out the mission of the program (such as teaching, research, service, program administration, academic advising, and/or creative professional development. At least one half of the program's instructional personnel shall hold a professional degree or certificate from an approved extension certificate program in landscape architecture.
 - (2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects. –
 - (3) A program shall have at least one full time administrative support staff position.

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

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

Agenda Item I

COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS (CLARB)

1. Review CLARB September 27-29, 2018 Annual Meeting Agenda
2. Review and Possible Action on 2018 CLARB Board of Directors and Committee on Nominations Elections Ballot
3. Review and Possible Action on Resolution to Approve Proposed Amendments to CLARB Bylaws

Agenda Item I.1

REVIEW CLARB SEPTEMBER 27-29, 2018 ANNUAL MEETING AGENDA

The CLARB Annual Meeting will be held September 27-29, 2018 in Toronto, Canada. The meeting will include a vote on the resolution to update CLARB's bylaws and governance structure. In addition, there will be updates on LARE performance, results of CLARB's Friction Analysis, the current legislative and regulatory environment, and a discussion on technology's impact to the profession.

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

Attachment:

2018 CLARB Annual Meeting Agenda



Meeting Agenda (all times listed are ET)

All sessions will be located on the Mezzanine level.

Wednesday, September 26

*Everyone is welcome to attend.

1:00 p.m. – 6:30 p.m.

Colonnade

Registration*

5:30 p.m. – 6:30 p.m.

Regency D and E

What to Expect*

Is this your first Annual Meeting? Are you an Annual Meeting veteran? Either way, this interactive session was made with you in mind. We'll start off with some brief introductions and end up in a round of speed-networking so you can get to know your peers better. As we follow that with a review of this year's mobile app, you can't say technology hasn't caused a disruption - remember when meeting schedules used to be on paper?

6:30 p.m. – 8:30 p.m.

King 2

Welcome Reception*

President Christine Anderson will officially welcome everyone to this year's Annual Meeting. This reception provides an opportunity for you to network, mingle and relax a little before we kick off our three-day meeting discussing the types of disruption we have and expect to face. Come experience a few future-focused games.

Thursday, September 27

*Everyone is welcome to attend.

8:00 a.m. – 5:00 p.m.

Colonnade

Hospitality Area Open*

8:00 a.m. – 9:00 a.m.

King 2

Breakfast*

9:00 a.m. – 9:15 a.m.

King 1

Opening Remarks

Disruption comes in many forms, and always brings change or a new awareness. As we open this year's Annual Meeting, you'll learn what this means for you, CLARB, and the regulation of the practice of landscape architecture.

9:15 a.m. – 12:00 p.m.

King 1

Legislative and Regulatory Environment Updates

Now more than ever, our regulatory community is being disrupted by legislative attacks and threats to licensure. During this session, you'll hear what is currently happening, how the landscape architecture regulatory community is responding to this disruption as well as responses from the broader regulatory (state and federal) and design profession community. Speakers will include representatives from the local, national and federal regulation realms.

12:00 to 1:30 p.m.

MBE: Regency E

MBM: King 2

MBE Lunch

MBM Lunch

Take advantage of this opportunity to meet and network with your respective counterparts in other jurisdictions. What are the hot topics on their mind? What might you want an opinion on?

1:30 p.m. – 2:30 p.m.

2:45 p.m. – 3:45 p.m.

4:00 p.m. – 5:00 p.m.

Regency A, B and C

Rotating Empower Sessions

Empowering members to be ready to prepare for and defend against attacks to the regulatory systems in your jurisdictions as you know it as been a major focus over the past year. These sessions will provide some background information and allow for you to have an opportunity to apply your expertise to your jurisdiction's situations.

- **Building Relationships**

A panel discussion will talk through case studies and best practices for board and chapter relationships which is a transferable skill your board will be able to use when speaking with legislators, peers and other industry-related organizations.

- **Exercising Your Voice**

You, as a CLARB member, represent the voice in support of regulation of landscape architecture to continue protecting the health, safety and welfare of the public. One voice can go a long way in making an impact and through this workshop you will have the opportunity to develop (or fine-tune!) your elevator speech in support of what we do.

- **Planning for 2019**

CLARB and ASLA came together three times over the past year, twice via webcast and finally at an in-person Licensure Summit in June. We'll discuss the benefits of this partnership, the outcomes of these Summits and work to plan ahead while looking at our existing licensure support tools to think of ideas for new ones.

Check the app or ask a CLARB staff member to help you identify the order in which you'll rotate through these sessions.

Friday, September 28

*Everyone is welcome to attend.

8:00 a.m. – 4:15 p.m.

Colonnade

Hospitality Area Open*

8:00 a.m. – 9:00 a.m.

King 2

Breakfast*

9:00 a.m. – 10:45 a.m.

King 1

Friction Analysis Results

The year-long research plan to identify and assess points of friction in the licensure process has now come to a close. Results of this research will be presented in large-group format followed by small group discussions to explore options to reduce friction and what steps your board can specifically take to reduce friction in your own jurisdiction.

10:45 a.m. – 11:00 a.m.

Break

11:00 a.m. – 12:00 p.m.

King 1

Student Research Update

Katie Brown, CLARB's Student Outreach Consultant, will present findings from the student research pilot program which hypothesized student preparedness to take the L.A.R.E. prior to graduation. Disturbing the licensure process as it currently exists, and removing friction for candidates in this process, will be explored along with next steps for this opportunity. An example from Indiana as well as what the Ontario Association of Landscape Architects (OALA) has already implemented will be shared and discussed.

12:00 p.m. – 1:30 p.m.

Regency A, B and C

Lunch (By board type)

Today's lunch will offer you another opportunity to network and have open discussions with your peers from boards structured similarly to yours not only about common issues you are facing but follow-up conversations from our sessions so far. Re-fuel and get ready, we're at the halfway point.

Check the app or ask a CLARB staff member to help you identify your board type's lunch location.

1:30 p.m. – 4:00 p.m.

King 1

Technology as a Disruptor

You've heard the words and acronyms: "blockchain;" "AI;" "AR;" "VR;" and "Alexa, Google Home and Siri;" but what are they? This deep dive into new technology and how it impacts both regulation and the practice of landscape architecture will certainly explain CLARB's focus on utilizing its foresight of this knowledge to need to change. Our community needs to be aware of this impact so we are not blindsided when inevitable changes occur. It is already happening in the regulation world; the Federation of State Medical Boards (FSMB) is working to implement credentials verification via blockchain technology.

4:00 p.m. – 5:00 p.m.

King 1

L.A.R.E. Update

Prepared with the knowledge of how technology can impact how and what we need to regulate the practice of landscape architecture, come listen to CLARB's psychometrician, Adrienne Cadle, discuss how technology has impacted the history and evolution of the L.A.R.E. Learn the process of editing exam questions from start to finish and try your hand at working through question updates.

6:30 p.m. – 9:00 p.m.
To Be Announced

President's Dinner*

Christine Anderson welcomes everyone to this evening's dinner event at one of Toronto's must-see locations where you will have time to relax and reflect on session content before our final day together.

Saturday, September 29

*Everyone is welcome to attend.

8:00 a.m. – 4:30 p.m.
Colonnade

Hospitality Area Open*

8:00 a.m. – 9:00 a.m.
King 2

Breakfast*

9:00 a.m. – 10:30 a.m.
King 1

Membership in the Face of Disruption

In this new interactive open-forum style session, your peers will be your panelists. With prepared topics to use as a guide (practice overlap, LA minority voices on multi-disciplinary boards, enforcement disconnect, and more) your panelists will open the floor to discuss real-time challenges boards are facing, swap ideas, and help create solutions through shared experiences.

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 12:00 p.m.
King 1

General Business Session

As a member, you have a responsibility to the current and future efforts to sustain landscape architecture regulation. Our world is already being disrupted and we anticipate new threat arrivals becoming the norm rather than an outlier. The Governance Enhancement work group, appointed by the Board of Directors, understands this effect and the requirements needed to allow the organization to remain agile and flexible. During this session, member boards represented will cast their vote on the [resolution](#) to update CLARB's bylaws and governance structure and hear the results of this year's leadership elections.

12:00 p.m. – 1:30 p.m.
King 2

Awards Luncheon

Join us for one last meal together as we celebrate the presentation of the Presidential Recognition Award to a member of our CLARB community. As we thank our outgoing volunteers for their service, you might just find out your participation over the last three days earned you a special nod as well.

1:30 p.m. – 2:30 p.m.
King 1

CLARB Leadership Academy

Just how much opportunity do you, as a member (either yourself or representing your board) have to provide input in the leadership elections process? The answer is quite a bit and specifically twice per year. Join us to learn what that means and what specifically CLARB's leadership needs are now and moving forward. During this session you can also explore potential leadership opportunities for yourself and learn how to get involved.

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 3:30 p.m.
King 1

Town Hall

Ask me (us!) anything! CLARB's President Christine Anderson, President-Elect Phil Meyer and CEO Joel Albizo will answer any and all questions you've always wondered about the organization, leadership, membership, etc. Come ready to go or feel free to feed off of requests your peers have made and dig deeper.

3:30 p.m. – 4:00 p.m.
King 1

What's Next

As this year's Annual Meeting concludes, witness the hand-off of leadership from one Board to the next with the traditional presidential pinning ceremony. Meet your newly elected leaders, hear outcomes from the work you accomplished this weekend, and learn what's next to come.

4:00 p.m.

Meeting Adjourns

Agenda Item I.2

REVIEW AND POSSIBLE ACTION ON 2018 CLARB BOARD OF DIRECTORS AND COMMITTEE ON NOMINATIONS ELECTIONS BALLOT

On June 11, 2018, CLARB released the final slate of candidates for the 2018 Board of Directors, Committee on Nominations elections. Attached for the Committee's reference are the final slate of candidates (and each candidate's respective biography) (Attachment I.2.1). Also attached are the template credentials letter, which provides voting instructions (Attachment I.2.2), and the 2018 Election ballot (Attachment I.2.3) which staff will complete and submit to CLARB.

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 21, 2018 or brought to the Annual Meeting, which takes place September 27-29, 2018.

At today's meeting, the Committee is asked to review the final slate of candidates for the 2018 Board of Directors, Committee on Nominations and take possible action in determining how the LATC will vote in the elections.

Attachments:

1. CLARB 2018 Board of Directors and Committee on Nominations Final Slate Candidate Biographies
2. CLARB 2018 Credentials Letter
3. CLARB 2018 Election Ballot

2018 Candidate Interest Form

President-Elect

General Information

Jurisdiction: Wyoming

Firm Name: Inside Out Landscape Architecture LLC

Position in Firm: Principal

Education: MLA, University of Guelph

Licenses: ID, WY

CLARB Certified? Yes Council Record Holder? Yes

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** *[Response should be no more than 500 characters]*

The leadership competencies I will bring to the role of President-Elect include many strategic and empathetic skills. I feel that my best leadership competencies lie in the realm of soft skills. I am very resilient, and relate to people well. My ability to make people feel comfortable results in great working relationships, both in my professional life and on my boards. I have an open mind when it comes to dealing with difficult issues. Being on the CLARB board has taught me how to think strategically and with foresight and to work with others collaboratively. I love people, hearing their stories, their ideas and what they are passionate about.

What Unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?*[Response should be no more than 500 characters]*

Having leukemia taught me what is important in life. I strive to bring meaning into every day of my life. I encourage people to explore their lives and issues they are passionate about. I work to let go of minor irritants and focus on the larger picture. I have owned and run my successful business for 10 years which has taught me how to work with people from many walks of life.

When thinking about your role in CLARB leadership, what would success look like to you?*[Response should be no more than 500 characters]*

Success in the role of President-Elect would include the on-going movement of the board towards strategic planning and foresight thinking. Success would include board members who are engaged and passionate about the CLARB direction. Success would include the continued pursuit of global standards.

*Please provide relevant experience, service and awards in the space provided***State/Provincial Board Service**

- Wyoming Board of Architects and Landscape Architects: 2009-present

CLARB Service

- Secretary: 2016-present
- Regional Director Region 4: 2015
- Alternate Regional Director (Region 4)

Other Service

- Grading Committee
- Redline Committee
- Jackson Hole Conservation Alliance
- Womentum, Jackson WY

2018 Candidate Interest Form

President-Elect

General Information

Jurisdiction: North Carolina

Firm Name: Formerly with CBRE, Inc. (Retired December 15, 2017)

Position in Firm: Senior Project Manager, Landscape Architect

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?

I adhere to the highest professional values and ethical standards honed through military service and work on state and local public boards, as a private practice owner/principal, and senior level management in large multi-disciplinary firms. I bring strategic thinking to solving current issues and foresight to planning for future eventualities. I am experienced in successfully working with broad stakeholder concerns while holding to required client or organization policies, and I enjoy working with allied professional organizations toward mutual goals.

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

As a Vietnam veteran, I was honored to help design, site, and install the Vietnam Veterans Memorial on Union Square, or the State Capitol Grounds, in Raleigh, N.C. The Square is a National Historic Site, laid out by the Olmsted Brothers, and this was the first memorial to be installed there since 1948. I worked with political, historic, and government management committees, and my own very personal feelings, learning a great deal of how to listen and work with different opinions, emotional reactions, and competing regulations to accomplish a common goal through that unique experience.

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

Future CLARB success would be built on sound governance, purposeful foresight activities, and strengthened alliances with our professional sister organizations, leading to further widening of the understanding of the CLARB role and reputation in the professions. Lines of communication would be expanded with our member boards, Council Record holders, and CLARB support groups such as the Exam Writing Committee. Continued improvements would be made to the sound CLARB financial position by additional investments in reserves and staff training, boosting CLARB health and stature.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

- N.C. Board of Landscape Architects: 2005-2016
- Chairman: 2009-2011
- Vice Chairman and Chairman, Disciplinary Review Committee: 2007-2013
- Co-author, NCBLA Bylaws: 2010
- Co-author, NCBLA Code of Professional Conduct: 2011
- Co-author, Revisions to NC Administrative Code re: Landscape Architects: 2015

CLARB Service

- NCBLA CLARB representative: 2005-2011
- Region III Alternate Director: 2011-2013
- Region III Director: 2013-2015
- Member, Governance Enhancements Implementation Task Force: 2014-2015
- Treasurer: 2015-2017
- Vice President: 2017-2018

Other Service

- ASLA/NCASLA Member: 1984-2017
- NCSU LA Alumni Advisor: 2009-2015
- NCSU Student Mentor: 2009-2017
- NCAIA/NCASLA CAT Teams Chair
- NCASLA Updates on NC LA Board
- NCASLA Licensure Roundtables
- NCARB Panel: Intern Development
- LA LAAB Interview Teams Support
- NCASLA NC Gen Assembly Mtgs
- NCSU LAAB Team Interviews

2018 Candidate Interest Form

Vice President

General Information

Jurisdiction: Washington

Firm Name: Karen Kiest Landscape Architects

Position in Firm: Owner

Education: M.L.A., Harvard GSD; B.A., Harvard College; UW Business Certificate
OR, BC, AK, WA, CA; LEED Accredited Professional

Licenses:

CLARB Certified? Yes

Council Record Holder? Yes

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** [Response should be no more than 500 characters]

Leadership is a daily responsibility for us all, whether at home, work, or in the community. With my own firm for the last 15 years, all seems to have been wrapped into one. In Seattle, my community skills led me to series of public involvements (Seattle Landmarks Board and Seattle Design Commission) with review of all public work. This role, often referred to as "herding cats," is the best training for a collaborative leadership role when the collaborators are all as well-informed and as involved as you are. This growing realization that I don't know it all had led me to embrace new and different opportunities.

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

[Response should be no more than 500 characters]

Because of geography and projects, I have worked on both US coasts, Canada, and Asia, and see the Pacific Rim as a vital constituency. I think I can leverage my experience into supporting candidacy and membership from a diverse talent base. As a firm principal or owner for 20+ years, I have been responsible for overseeing all aspects of business development and management, and know these skills, combined with my understanding of CLARB operations, will ensure I can immediately support management decisions for the organization.

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

[Response should be no more than 500 characters]

The position of VP provides an opportunity to support leadership in the current challenges and anticipated opportunities for the organization. The immediate challenge is to strengthen our advocacy positions to clearly define, demonstrate and defend the necessary tenets of landscape architecture in the face of challenges to licensure. Long term, the need is nurture the growth of the profession, strategically supporting an increasingly diverse pool of applicants finding their way through the process to licensure.

*Please provide relevant experience, service and awards in the space provided***State/Provincial Board Service**

- Chair, Member, Washington State Board of Registration for Landscape Architects: 2009-present

CLARB Service

- ASLA - CLARB Licensure Summit: 2018
- Region 5 Director: 2013-2015

Other Service

- Seattle AIA Strategic Advisory Board: 2016-present
- Seattle Mayor's Design Review Board Advisory Board: 2015
- Seattle Uptown Queen Anne Urban Design Framework Committee: 2013-present
- Editorial Board, Seattle AIA: 2009-2011
- Chair, Member, Seattle Design Commission: 2004-2008
- Member, Seattle Public Art Advisory Committee, Office of Arts and Culture: 2004-2006
- Vice-Chair, Member, Seattle Landmarks Preservation Board: 1999-2004
- Sustainable Building Prof. Certificate Instructor, Seattle Central Community College: 1998-2009

2018 Candidate Interest Form

Vice President

General Information

Jurisdiction: Mississippi / Region III

Firm Name: Mercier Landscape Architect, Inc.

Position in Firm: Principal/Owner

Education: Bachelor of Landscape Architecture

Licenses: MS, AL, TN

CLARB Certified? Yes Council Record Holder? Yes

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?**

I am the owner, or partial owner, of multiple companies. Each of the companies require a different type of leadership. These various roles of leadership have taught me that there are times when I am required to be the leader, share the leadership, be a supervisor, and be a follower - whatever is required to reach a goal, or complete a task. In addition, I will continue to support the strategic thinking and foresight practices CLARB has employed to become a better prepared organization.

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

While serving as the president of the Mississippi ASLA Chapter in 2007, I initiated the Alabama – Mississippi Twin States Conference with Sharon Nelson (then president of the Alabama ASLA Chapter). The conference mission is to promote landscape architecture; provide networking among peers and landscape architecture students; and provide an opportunity for continuing education – focused on health, safety, and welfare.

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

My vision of success would be continuing the (already) successful mission of CLARB by:

- Furthering the development of a diverse board - in both age and culture
- Promoting the leadership role among the design profession
- Utilizing strategic thinking and foresight to keep the board prepared for the future
- Meeting the challenges of the current regulatory environment

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service**CLARB Service****Other Service**

2018 Candidate Interest Form

Secretary

General Information

Jurisdiction: AALA

Firm Name: Michael Beresnak Consulting

Position in Firm: Sole proprietor

Education: MLA, University of Manitoba
BES, University of Manitoba

Licenses: AALA

CLARB Certified? No Council Record Holder? No

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** *[Response should be no more than 500 characters]*

I have extensive experience on leadership boards within the profession of landscape architecture. This includes seven years on the board of the Saskatchewan Association of Landscape Architects (SALA); five years on the board of the Alberta Association of Landscape Architects (AALA); and I am now entering my third year as Region 4 Director for CLARB.

What Unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?*[Response should be no more than 500 characters]*

My time on the board of the AALA has provided me with invaluable experience in effective board leadership. During my tenure, we responded to a rapidly changing professional environment and established strategic objects to move our association forward (rewriting our bylaws following Provincial approval of the Landscape Architects Regulation; and joining CLARB). This was accomplished by working together as a team and preparing persuasive and effective communications to our membership.

When thinking about your role in CLARB leadership, what would success look like to you?*[Response should be no more than 500 characters]*

Success, in my role in CLARB leadership, would be defined as being "an active contributor to the successful functioning of the board." The board must work as a team in order to provide direction for the organization. Each member, myself included, must contribute to the conversation; listen to and respect the opinions of others; ensure that all voices are heard; collaborate with the team; support the decision of the team; and act as an ambassador to the members and public alike.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service

2018 Candidate Interest Form

Secretary

General Information

Jurisdiction: Minnesota

Firm Name: SGA Group, Inc.

Position in Firm: President

Education: MLA - Univ. of Pennsylvania, BSLA - Iowa State University,
Warrant Officer Staff Course (Strategic-level Studies) - U.S. Army

Licenses: MN, SD

CLARB Certified? Yes Council Record Holder? Yes

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** *[Response should be no more than 500 characters]*

I know the difference between thinking & acting at the strategic, operational, and tactical levels. I enjoy interacting with people, am confident in my abilities, and know when to ask for help.

What Unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?*[Response should be no more than 500 characters]*

I have had several decades worth of leading from the front, leading from the rear, and, for what it matters-leading from the side. My experience working in very large & small private practices (Partner/President), academia (Professor) and the military (Commander) has made me comfortable balancing multiple tasks at a time, flexible to other's ideas, and given me the ability to make informed, life-changing decisions.

When thinking about your role in CLARB leadership, what would success look like to you?*[Response should be no more than 500 characters]*

For my two-year term as Secretary: 1.) Carrying out expected duties in an effective manner. 2.) Being able to critically think and shepherd the evolution of the CLARB Secretary position, and its relationship with the CLARB Board of Directors. 3.) Maintaining an optimistic and interesting presence at national meetings and public presentations. 4.) That I contributed something to the "mix" that has made CLARB more resilient and appealing.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service

2018 Candidate Interest Form

Region 2 Director

General Information

Jurisdiction: Ohio

Firm Name: Beam Designs LLC

Position in Firm: Owner

Education: B.S. Landscape Architecture,
Ohio State University

Licenses: OH

CLARB Certified? Yes Council Record Holder? Yes

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** *[Response should be no more than 500 characters]*

In my 41 years as a landscape architect in private practice, 26 years as a principal and project leader, I have had the opportunity to collaborate with other professionals, public leaders and community groups in a multitude of settings. My roll has often been the lead design professional, presenter and primary advocate of an idea. My roll is listener as well as speaker and molder of a process to achieve a common goal.

What Unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?*[Response should be no more than 500 characters]*

My 10 years of involvement with the CLARB community have given me the opportunity to experience and be a part of the magic that can happen when a dedicated, open minded and thoughtful group of professionals come together with the common goal of protecting the public through ensuring the relevancy of the profession of landscape architecture. The learning and growth that I have experienced as a CLARB Regional Director has propelled me to a new level of engagement in critical conversations.

When thinking about your role in CLARB leadership, what would success look like to you?*[Response should be no more than 500 characters]*

CLARB leadership has been in many ways, the most serious and elevating commitment I have made outside of my family and my professional practice. In private practice you impact the everyday users of the environments you create. CLARB leadership is a vehicle by which you can impact the health, safety and welfare of the public on a global scale. Success is being a meaningful, informed contributor to the conversation.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service

2018 Candidate Interest Form

Region 2 Director

General Information

Jurisdiction: Minnesota

Firm Name: Martin & Pitz Associates, Inc.

Position in Firm: Principal

Education: University of Minnesota, B.L.A.

Licenses: MN

CLARB Certified? No Council Record Holder? No

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** *[Response should be no more than 500 characters]*

Marjorie has earned respect by actively participating in strategic thinking and board policies, challenging us to consider all options, and working for the betterment of the organization.

Marjorie demonstrated strategic thinking and leadership skills when she understood the significance of CLARB's 2011 Welfare research, adapted it to Minnesota's wellbeing, and demonstrated how other states could apply welfare research to their state.

What Unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?*[Response should be no more than 500 characters]*

Marjorie is able to hear an idea, analyze its relevance and potential impact, and apply it to broad circumstances.

Marjorie is a public artist who listens to community stories and transforms them into meaningful sculptures. She distills the essence of an idea into a strong and simple statement. Marjorie integrates art and landscape to create vital public places, and improves cultural understanding.

When thinking about your role in CLARB leadership, what would success look like to you?*[Response should be no more than 500 characters]*

Success means protecting the public, serving our membership, and preparing for the future. CLARB leadership must consider unheard voices from future landscape architects and practitioners around the world. Marjorie carefully questions policies and practices to understand consequences and to improve methodologies. She is an advocate and steward for those who are not at the table making decisions. Success means learning from all sources, and making decisions that serve existing and future needs.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service

2018 Candidate Interest Form

Region 4 Director

General Information

Jurisdiction: Colorado

Firm Name: The Architerra Group, Inc.

Position in Firm: Principal

Education: BS, Landscape Architecture
Cornell University, 1986

Licenses: CO, GA, MA

CLARB Certified? Yes Council Record Holder? Yes

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** *[Response should be no more than 500 characters]*

In my 32 years of practice as a landscape architect I have been on numerous project teams, committees, task forces, professional and non-profit boards. I have utilized this experience in addition to my inherent personality traits to develop the following leadership competencies: honesty; integrity; strategic and analytical thinking; listening; effectively communicating; collaborating as a team player; and utilizing interpersonal skills (and a sense of humor).

What Unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?*[Response should be no more than 500 characters]*

As Chair of the Columbine Memorial Design Committee, I had the honor and privilege of working with the victim's families, the injured, students and faculty to create an appropriate memorial to remember those lost, injured and affected by the high school shooting tragedy. I learned to really listen, keep an open mind, maintain a transparent process, be patient, minimize distractions and always keep the mission in the forefront. This experience helped shape my leadership abilities.

When thinking about your role in CLARB leadership, what would success look like to you?*[Response should be no more than 500 characters]*

I believe success would be evident through a clearly articulated vision and direction for the Board. Progress would be easily measured by achieving specific goals and objectives. Communication would occur seamlessly between the Board and our regional members and vice versa.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service

2018 Candidate Interest Form

MBE Committee

General Information

Jurisdiction: Texas

Firm Name: Texas Board of Architectural Examiners

Position in Firm: Executive Director

Education: Law Degree

Licenses: Law License, (MBE)

CLARB Certified? No Council Record Holder? No

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** *[Response should be no more than 500 characters]*

Through my training and experience, my most valued leadership competencies are understanding and navigating the agency and professions, setting vision and strategy, solving problems and making decisions. For me personally, as a leader I strive to demonstrate ethics and integrity, drive and purpose, adaptability and optimism. In my professional relationships with others, I value diversity and difference, and work to build and maintain meaningful relationships.

What Unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?*[Response should be no more than 500 characters]*

I have over 19 years of experience in professional licensing and regulation as both an attorney and in executive management. While I am not a landscape architect, I have found that my analytical skills and ability to see a problem from a different perspective have benefited both my board and the national committees that I have served on.

When thinking about your role in CLARB leadership, what would success look like to you?*[Response should be no more than 500 characters]*

My main goal is to serve both my board and CLARB in a way that enhances not only the ability of Texas, but also CLARB and other jurisdictions, to protect the public by providing uniform standards of competency to practice landscape architecture. If I can provide input and support to CLARB and its member jurisdictions as the MBE Director, I would consider my time spent successful.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service

2018 Candidate Interest Form

Committee on Nominations Member

General Information

Jurisdiction: South Carolina

Firm Name: City of Greenville

Position in Firm: Sr. Landscape Architect

Education: MLA, University of Colorado

Licenses: PLA, SC

CLARB Certified? No

Council Record Holder? No

**Questions From the Committee on Nominations**

What leadership competencies will you bring to your role? *[Response should be no more than 500 characters]*

I currently serve a leadership role in our city's parks department. My position requires me to foster dialogue and discussion between multiple parties (often with competing agendas, needs, or desires), elicit and display honesty and integrity, synthesize ideas, and make informed and considered decisions. I listen, understand, weigh complexities, pursue possibilities, and make firm decisions. I articulate positions clearly and logically, and present rationale for department decisions.

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

[Response should be no more than 500 characters]

My leadership style is one lifted from a variety of experiences. I used to work as a News Director for NBC and learned a lot about crafting information, honing ideas, and the importance of timing and staging. I used to work in a university, and learned a lot about listening, critiquing, and guiding students. I used to work in an orchard, and learned a lot about the value of sweat equity. And I used to work at a fast food joint, and learned the value of an education I didn't yet possess.

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

[Response should be no more than 500 characters]

It is imperative that our profession stays recognized and relevant at state and national levels. The value that we provide as landscape architects must not be undermined through misrepresentation or ignorance. Ensuring and canonizing our value to the health, safety, and welfare of the public is a hallmark of success. It is the duty of leadership to set forth strategies for guiding our organization beyond the terms that individuals themselves may serve.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service

2018 Candidate Interest Form

Committee on Nominations Member

General Information

Jurisdiction: Alberta

Firm Name: Alberta Association of Landscape Architects

Position in Firm: Executive Director

Education: B. Recreation & Leisure Studies (2003)
MBA (2018)

Licenses: N/A (MBE)

CLARB Certified? No Council Record Holder? No

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?**

I have a long history of strategic thinking, planning and leadership and have led multiple strategic planning initiatives in many agencies (both voluntary and professionally). I have a strong understanding of governance and its implementation as both staff and volunteer leader. I am a strong believer in collaborative work environments and can lead and follow as needed with maturity and integrity. I am honest and forthright, sometime too much so.

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

My area of research is governance in charitable agencies so I bring a strong understanding of governance systems and their implementation and management, including board and committee roles and structures. As Executive Director for AALA, I bring both the regulatory and advocacy viewpoints to this committee as we fulfill both functions in Canadian Associations. I have been involved in competency-based program development have a strong understanding of how it is applied to governance.

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

Success would be ensuring that the new leadership model, once approved, be successfully implemented, with strong gap analysis and candidate applicability alignment in place to ensure that CLARB leadership continues to be successful in moving the agency forward.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service

2018 Candidate Interest Form

Committee on Nominations Member

General Information

Jurisdiction: Oklahoma

Firm Name: Oklahoma Board of Architects, Landscape Architects and Registered Interior Designers

Position in Firm: Director of Licensing

Education: High School Diploma

Licenses: N/A (MBE)

CLARB Certified? No Council Record Holder? No

**Questions From the Committee on Nominations****What leadership competencies will you bring to your role?** *[Response should be no more than 500 characters]*

1. Oral Communication-Myself and one Board member make presentations promoting the importance of licensure at our universities and encourage college students to apply for our Path to Licensure Scholarship.
2. Integrity/Honesty-Over the course of the past 15 years with the State of OK, I have evaluated highly confidential material regarding license applications and investigations.
3. Problem Solving-My experience has taught me how to provide suggestions for individuals to meet our requirements.

What Unique qualifications or experiences will you bring to CLARB leadership that we might not otherwise know about?*[Response should be no more than 500 characters]*

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."

When thinking about your role in CLARB leadership, what would success look like to you?*[Response should be no more than 500 characters]*

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's & MBE's.

Please provide relevant experience, service and awards in the space provided

State/Provincial Board Service

CLARB Service

Other Service



1840 Michael Faraday Drive
Suite 200
Reston, Virginia USA 20190
571-432-0332
www.clarb.org

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.

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 21.**
- * *Email* – As an attachment (Word or PDF) to [Andrea Elkin](#) by **Friday, September 21.**
- * *In-person* – At CLARB's Annual Meeting registration table by **noon, Friday, September 28.**

If you have any questions about any of these procedures, please let me know.

ACE/Attachment: Sample credentials letter for reproduction on Board letterhead

DATE: _____

TO: CLARB Board of Directors

FROM: _____

(Member Board)

RE: Letter of Delegate Credentials for 2018 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 Toronto, ON, Canada September 27-29, 2018.

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



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Reston, Virginia USA 20190
571-432-0332
www.clarb.org

2018 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

☐

Allison Fleury

☐

Stan Williams

Vice President

☐

Karen Kiest

☐

Bob Mercier

Secretary

☐

Michael Beresnak

☐

Bob Gunderson

Committee on Nominations (select 2)

☐

Edward Kinney

☐

Todd Reade (MBE*)

☐

Ellen White (MBE*)

**Only one MBE can be elected to the Committee on Nominations based on the current bylaws; the candidate receiving the most votes will be elected.*

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 21.**
- * *Email* – As an attachment (Word or PDF) to [Andrea Elkin](#) by **Friday, September 21.**
- * *In-person* – At CLARB's Annual Meeting registration table by **noon, Friday, September 28.**

Agenda Item I.3

REVIEW AND POSSIBLE ACTION ON RESOLUTION TO APPROVE PROPOSED AMENDMENTS TO CLARB BYLAWS

In 2018, CLARB released proposed amendments to its Bylaws. These amendments will be voted upon during the CLARB Annual Meeting September 27-29, 2018. Attachment I.3.1 summarizes the proposed changes to the CLARB Bylaws. Substantial revisions to the Bylaws include proposed changes to CLARB governance. CLARB expresses that the benefits of adopting these governance changes would be to:

- Ensure continued relevancy of landscape architectural regulation.
- Provide equal access to all board members.
- Create new opportunities for leadership.
- Provide wider variety of ideas, talents and insights.
- Offer the ability to nominate for all positions.
- Allow continuation of member services and opportunities.

Attachment I.3.2 shows the totality of all recommended changes to the Bylaws as well as comments that provide explanation for the changes.

Lastly, Attachment I.3.3 is the Resolution and Board of Directors' Statement of Support to approve the proposed revisions to the Bylaws. Included for the Committee's reference is a resource document (Attachment I.3.4) and Frequently Asked Questions (I.3.5).

At today's meeting, the Committee is asked to review the proposed edits to CLARB's Bylaws and take possible action.

Attachments:

1. Summary of Changes by Article to CLARB Bylaws (March 2018)
2. Proposed Changes to Bylaws with Explanatory Comments
3. Resolution and Board of Directors' Statement of Support
4. Evolving CLARB Leadership Resource Document for Members
5. Evolving CLARB Leadership FAQs for Members



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Summary of Changes to CLARB Bylaws March 2018

As a result of the Board of Directors' assessment of CLARB's governance structure and processes, a work group was charged with developing a set of recommendations to provide greater flexibility in structure and to widen the leadership pipeline to ensure the organization has access to the talents, competencies and perspectives needed to lead CLARB now and into an uncertain future. The proposed recommendations will require changes to the bylaws that are listed below summarized by article.

The Board is proposing the following changes:

1. Implementation of the recommended enhancements to CLARB's governance structure and processes:
 - Creation of a "hybrid" or "balanced" board of elected and appointed members to enable greater focus on competencies and diversity while maintaining member engagement in the process
 - Reduction of the number of officers by two, allowing for flexibility without changing the size of the board, as well as providing greater clarity for officer roles
 - Increase of the number of directors by up to two, enabling more opportunity to focus on competencies and diversity, while providing flexibility in size
 - Board appointments that emphasize a balanced board with desired competencies, talents, skills and perspectives
 - Changes to eligibility requirements to widen the pipeline and recognize the value of non-landscape architect (LA) perspectives while still maintaining the importance of licensed professionals
 - Changes to the name and structure of the Committee on Nominations to better reflect the work it does
2. Modest clean-up for clear, consistent and concise language throughout bylaws and to reflect current practice:
 - Standard capitalization of titles throughout
 - Consistent use of terms throughout
 - Removal of redundant words
 - Editing for clear, concise language
 - Update to chief executive references to reflect current title
3. Addition of the ability to hold special meetings to conduct CLARB business between annual meetings — creating flexibility and more opportunity for jurisdictions that are unable to travel to participate in critical conversations and decision making
4. Enabling the flexibility for the member board to identify any credentialed voting delegate from the jurisdiction on behalf of the member board

CLARB

Below is a summary of the substantive changes to the bylaws that support the Board of Directors' recommendations for enhancing CLARB's governance structure and process (as outlined in #1 above).

Article VI — Meetings

- Changed Committee on Nominations' name to Leadership Advisory Council
- Updated language to support recommendation to change name to directors-at-large

Article VII — Board of Directors

- Changed title to Board of Directors
- Section 2. Members
 - Identified all members of the Board of Directors including proposed positions of directors-at-large
 - Moved eligibility requirements for the Board of Directors from Section 4 and updated to support recommended requirements
 - Moved compensation from Section 4, which was removed
- Section 3. Officers
 - Updated officer positions to support recommendation to eliminate vice president and secretary positions
 - Added president to exception of election to provide clarity to process as outlined in Article VII, Section 6
- Section 4. Qualifications
 - Removed section and moved eligibility requirements to Section 2. Members
- Section 5. Nominations for Leadership
 - Changed Committee on Nominations' name to Leadership Advisory Council
 - Extended time for members to review recommendations for appointment/election, to ensure adequate transparency and checks of the process
- Section 6. Election and Appointments
 - Subsection A. Appointment of Directors-at-Large — Added language to support the recommendation to appoint directors-at-large
 - Subsection B. Election at the Annual Meeting —
 - Paragraph 1 — Updated language to support current practice of Board of Directors and Leadership Advisory Council elections concluding at the annual meeting
 - Paragraph 4 — Updated language for clarity and flexibility in receiving written ballots
 - Subsection C. Election of Officers in the Absence of an Annual Meeting, and Subsection D. Election of Officers in the Event of Catastrophe — Changed Committee on Nominations' name to Leadership Advisory Council
 - Subsection E. Election of Regional Directors — Removed to support the recommendation that regional directors transition to directors-at-large

CLARB

- Section 7. Terms of Office
 - Reordered subsections and added sub-headings for clarity
 - Subsections C. Vice President, and Subsection D. Secretary – Removed to support recommendation to eliminate vice president and secretary positions
 - Subsection E. Treasurer – Added term limit for treasurer position for consistency with other Board of Directors positions
 - Subsection G. Regional Directors – Updated language to support change to directors-at-large
 - Subsection H. MBE Director – Removed to support change to directors-at-large (Subsection G)
 - Paragraph 1 – Updated language to support elimination of vice president position
- Section 8. Vacancies and Removal from Office
 - Updated language to support transition to directors-at-large
 - Updated language for clarity and to align with best practice standards
- Section 9. The President
 - Added language to clarify the practice of election of the Leadership Advisory Council, as already outlined in Article VII, Section 5
- Section 10. President-Elect
 - Updated language to support recommendation to eliminate vice president position
- Section 11. Secretary
 - Removed to support recommendation to eliminate secretary position
- Section 12. Treasurer
 - Updated language to support treasurer assuming secretary's duties
 - Updated language to provide clarity
- Section 13. Directors-at-Large
 - Updated language to support recommendation to change name to directors-at-large

Article IX — Committees

- Section 5. Standing Committees
 - Reordered subsections based on new alphabetical order because of modernization of Committee names
 - Subsection A. Executive Committee — Edited to support new Board of Directors structure
 - Subsection D. Leadership Advisory Council
 - Changed name to Leadership Advisory Council
 - Increased members from four to six
 - Extended term from two to three years
 - Updated eligibility requirements
 - Added term limit

Article XII — Indemnification

- Updated language to support recommendation to change name to directors-at-large

CLARB BYLAWS ~~2015~~2018**COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATION BOARDS, INC.
BYLAWS**(As ~~Amended September 2015~~Proposed March 2018)**ARTICLE I — NAME**

The name of this organization shall be the Council of Landscape Architectural Registration Boards, Inc.
~~(CLARB).~~

Commented [AE1]: Consistent use of terms

ARTICLE II — DEFINITIONS

The following terms shall have the following meanings when used in these bylaws:

- A. "CLARB" shall mean the Council of Landscape Architectural Registration Boards, Inc.;
- B. "Member ~~Board~~board" shall mean the body that is ~~a~~ legally authorized to examine, register or discipline landscape architects in a political jurisdiction and ~~is~~ a member of CLARB;
- C. "MBE" shall mean Member Board Executive, defined as a staff member who is broadly responsible for the management and administration of the member board; ~~and~~
- D. "Examination(s)" shall mean any examination(s) prepared by CLARB.

ARTICLE III — RULES OF ORDER

CLARB shall be governed by Robert's Rules of Order Newly Revised when not in conflict with these bylaws.

ARTICLE IV — MISSION

The mission of ~~the Council of Landscape Architectural Registration Boards as an organization of member boards~~CLARB is to foster the public health, safety and welfare related to the use and protection of the natural and built environment affected by the practice of landscape architecture.

Commented [AE2]: Consistent use of terms

To accomplish this mission, CLARB:

- A. Provides programs and services that ensure the competency of landscape architects and others involved in making decisions affecting the development and conservation of land by:
 - 1. Establishing and promoting consistent standards for their professional competency and conduct, and
 - 2. Examining and certifying their competency.
- B. Provides information and resources to those affected by the practice and regulation of landscape architecture, thereby ~~as~~ensuring that they are well-informed, educated and empowered regarding the value and benefits of the licensed practice of landscape architecture.

ARTICLE V — MEMBERSHIP

The membership of CLARB shall be the legally constituted member boards in good standing. Membership ~~in the Council~~ may be attained through approval by the ~~CLARB~~ Board of Directors.

Commented [AE3]: Removes redundancy

Section 1. Qualifications and Eligibility

Commented [AE4]: Removes redundancy

Member boards maintain good standing by abiding by ~~these CLARB B~~ylaws and paying all dues or other financial obligations to CLARB in a timely manner.

Commented [AE5]: Consistency use of term

CLARB BYLAWS 20152018

Every member board shall be required to accept the actions and decisions of CLARB and the ~~CLARB~~ Board of Directors. This acceptance shall extend to all CLARB services provided to member boards to the greatest extent permitted within the context of the laws of their jurisdiction.

Commented [AE6]: Removes redundancy

Section 2. Removal

If, after written notification from the ~~CLARB~~ Board of Directors, a member board fails to pay its dues or other financial obligations to CLARB or shall persistently refuse to abide by these bylaws or the policies enacted by CLARB, the ~~CLARB~~ Board of Directors may recommend that such member board be removed from ~~CLARB~~ membership. Upon such recommendation, the member board may be removed from membership in CLARB by an affirmative vote of not less than two-thirds (2/3) of all member boards voting at an annual ~~or special~~ meeting where a quorum is present.

Commented [AE7]: Removes redundancy

Commented [AE8]: Removes redundancy

Commented [AE9]: Removes redundancy

Commented [AE10]: Adds flexibility to be more responsive to organizational needs.

Section 3. Organizational Structure

In order to establish closer communications between member boards and the Board of Directors, and ~~further~~ to further assist CLARB in achieving its stated objectives, five (5) regions of CLARB are hereby established.

REGION I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ontario, Pennsylvania, Rhode Island, Vermont, ~~and~~ Virginia.

REGION II: ~~Illinois,~~ Indiana, ~~Illinois,~~ Iowa, Kentucky, Ohio, Michigan, Minnesota, Missouri, West Virginia, and Wisconsin.

REGION III: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas ~~and,~~ Puerto Rico.

REGION IV: Alberta, Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, ~~and~~ Wyoming.

REGION V: Alaska, Arizona, British Columbia, California, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon, Utah, ~~and~~ Washington.

There shall be an annual meeting of the member boards of each region. Each member board shall be required to be a member of its region. Regional membership shall be composed of member boards as defined in Article V, Section 1 of these bylaws. New members may be added to the regions by the Board of Directors as required. The Board of Directors may also adjust regional boundaries as needed.

Section 4. Member Services

Services provided to members of CLARB shall include, but not be limited to, the following:

A. Examination

CLARB shall produce examinations designed to test the knowledge, skills and abilities required for the practice of landscape architecture and shall issue appropriate descriptive material on the examination for use by the member boards and candidates. The procedures and charges shall be established by the ~~CLARB~~ Board of Directors.

Commented [AE11]: Removes redundancy

B. Council Record and CLARB Certification

A Council Record is provided as a detailed, authenticated personal record of the activities and accomplishments in the landscape architectural profession and, by means of this record, to facilitate the process of reciprocal recognition of registration between jurisdictions.

CLARB shall, upon request of individual members of the landscape architectural profession, secure, authenticate and record factual data of the applicant's education, training, practice and character and compile the results. This record shall be forwarded to any jurisdiction upon the request of the applicant and payment of the fees stipulated therein.

The Council Record is to be distinguished from CLARB Certification in that ~~the Record~~ makes no statements regarding the extent, character or quality of any examination taken by the applicant, nor of the grades that person received thereon.

Commented [AE12]: Provides clarity

CLARB Certification carries the recommendation that an applicant, because of having demonstrated competency, be accorded favorable consideration by any jurisdiction to which that person may apply for licensure/registration.

C. International Relations

CLARB may engage in the exploration and formulation of agreements with foreign countries to allow landscape architects to practice in countries other than their own.

ARTICLE VI — MEETINGS

Section 1. Annual Meeting

CLARB's annual meeting shall be held at a time and place determined by the ~~CLARB~~ Board of Directors. Notice of meetings shall be made to the ~~board administrator~~ ~~Member Board Executive (MBE)~~ of each member board ~~at least~~ ninety (90) days prior to such meeting.

Commented [AE13]: Removes redundancy

Commented [AE14]: Consistent use of terms provided in definitions.

Commented [AE15]: Consistent use of terms

Section 2. Special Meetings

Special meetings may be called by the president, with the approval of the ~~CLARB~~ Board of Directors, or by a majority of the member boards. Notice of the meetings shall be made to the ~~board administrator~~ ~~MBE~~ of each member board ~~at least~~ sixty (60) days prior to such meeting. The bylaws pertaining to procedures and conduct of business of the annual meeting shall apply to ~~Special Meetings~~ ~~special meetings~~.

Commented [AE16]: Removes redundancy

Commented [AE17]: Consistent use of terms provided in definitions.

Commented [AE18]: Consistent use of terms

Commented [AE19]: Consistent use of terms

Section 3. Delegates and Credentials

~~Each member board is entitled to be represented at CLARB meetings. As many delegates as are able to attend may represent a member board, but only one (1) vote may be cast on each motion for each member board by its its credentialed delegate.s 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 the voting delegate attending the annual meeting or any Special Meetings 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 credentialed delegate must be a member or staff of the member board.~~

Commented [AE20]: Consistent use of terms

Commented [AE21]: Provides greater flexibility and clarity to the process

Section 4. Quorum

A quorum for the transaction of business at ~~the any~~ ~~CLARB~~ annual or special meeting shall be the majority of the member boards represented by one ~~(1)~~ or more delegates present.

Commented [AE22]: Removes redundancy

Commented [AE23]: Adds flexibility to be more responsive to organizational needs.

CLARB BYLAWS 20152018

Section 5. Resolutions and Other Motions

Resolutions are the substantive matters placed on the agenda for a CLARB meeting in accordance with this section. All resolutions to be considered at the ~~CLARB annual meeting or any special meeting except~~ those submitted by special committees and laudatory resolutions shall be submitted to the ~~CLARB~~ Board of Directors at a time determined by the ~~CLARB~~ Board of Directors.

Commented [AE24]: Removes redundancy

The ~~CLARB~~ Board of Directors shall review each resolution for conformity with these ~~CLARB~~ bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of consistency ~~and~~ clarity and to avoid duplication. The ~~CLARB~~ Board of Directors shall publish and distribute all resolutions, except laudatory resolutions, to the member boards, not less than sixty (60) days prior to the annual ~~or special~~ meeting. If the ~~CLARB~~ Board of Directors takes a position on any resolution, ~~they it~~ shall provide a position statement to be published with the resolution.

Commented [AE25]: Adds flexibility to be more responsive to organizational needs.

Commented [AE26]: Removes redundancy

Commented [AE27]: Removes redundancy

Commented [AE28]: Removes redundancy

Only member boards or regions and the ~~CLARB~~ Board of Directors may offer resolutions to be presented at a CLARB meeting, amendments to resolutions to be presented at a CLARB meeting or amendments to resolutions. All other motions permitted under Robert's Rules of Order Newly Revised may be made by any delegate or CLARB officer or director ~~at-large~~.

Commented [AE29]: Removes redundancy

Commented [AE30]: Removes redundancy

Commented [AE31]: Removes redundancy

Section 6. Order of Business

An agenda outlining the order of business shall be prepared for all CLARB meetings. The agenda shall be prepared under the direction of the ~~CLARB~~ Board of Directors and provided to all member boards at least thirty (30) days before the date set for the particular meeting.

Commented [AE32]: Removes redundancy

Section 7. Voting

The affirmative vote of the majority of the member boards represented at any CLARB meeting is required to pass any resolution except to amend the bylaws. Resolutions to amend the bylaws are governed by Article XII—~~Amendments~~. There shall be no voting by proxy. Voting by ~~letterwritten~~ ballot is permitted only for the election of officers ~~of the Board of Directors~~ and for members of the ~~Committee on Nominations, Leadership Advisory Council~~. See Article VII—~~Board of Directors and Officers, Section 6: Election of Officers and Regional Directors-5~~.

Commented [AE33]: Consistent use throughout Bylaws

Commented [AE34]: Update for clarity

Commented [AE35]: Consistent use throughout the Bylaws

Commented [AE36]: Name change provides better clarity on the Committee's role.

Section 8. Other Participants

~~CLARB officers~~~~Officers~~ and directors ~~at-large~~, member ~~board staffs~~~~boards~~, persons designated by the Board of Directors, and persons designated by the presiding officer shall have the privilege of the floor at CLARB meetings and may take part in the discussion and perform all functions of the delegates except to vote; or, except as provided in Article VI, Section 5 with respect to officers and directors, to initiate action.

Commented [AE37]: Renumbering due to proposed changes.

Commented [AE38]: Removes redundancy

Commented [AE39]: Provides better clarity

ARTICLE VII — BOARD OF DIRECTORS ~~AND OFFICERS~~

Commented [AE40]: Removes redundancy

Section 1. Duties

The ~~CLARB~~ Board of Directors shall have ~~the~~ full control of the property, affairs, and business of CLARB. It shall carry the responsibility for all activities of CLARB. It shall exercise all authority, rights, and power granted to it by the laws of the District of Columbia and shall perform all duties required by said laws and these bylaws, in accordance therewith. It shall not delegate any of the authority, rights, or power or any other duties imposed upon it by these bylaws or otherwise, unless said delegation is specifically provided for in these bylaws.

Commented [AE41]: Removes redundancy

CLARB BYLAWS 20185

Section 2. Members

The ~~CLARB~~ Board of Directors shall consist of the officers as set forth in ~~Article VII, Section 3, one regional director from each region and a MBE director. at least six (6) and not more than eight (8) directors-at-large.~~

~~The majority of the members of the Board of Directors must be licensed landscape architects from a member board jurisdiction. The president, president-elect and immediate past president must be licensed landscape architects.~~

~~Members of the Board of Directors shall serve without compensation.~~

Section 3. Officers

The officers of ~~CLARB~~the Board of Directors shall be a president, a president-elect, a ~~vice president, a secretary, a treasurer and the immediate past president.~~ All officers, except for the president and immediate past president, shall be elected by CLARB as specified in Article VII, Section 6.

Section 4. Qualifications

- A. ~~Officers and regional directors. To be eligible for elective office in CLARB, the candidate shall:~~
- ~~Be a licensed landscape architect; and~~
 - ~~Have current or past service on a licensure/regulatory board; and~~
 - ~~Have actively participated in CLARB in the last eighteen (18) months at the time of nomination.~~

~~MBE director. One (1) year of service on the member board executives committee within the past eighteen (18) months at the time of nomination.~~

Section 4. Members of the CLARB Board of Directors shall serve without compensation Nominations for Leadership

~~The Leadership Advisory Council shall be charged with identifying and vetting nominees and recommending candidates for service on the Board of Directors and the Leadership Advisory Council.~~

Section 5. Nomination of Officers and Regional Directors

~~The committee on nominations shall be charged with creating and maintaining a complete list of all eligible candidates and with identifying qualified nominees for service on the CLARB Board of Directors and on the committee on nominations. The committee on nominations shall publish an updated list of candidates eligible to serve on the Board of Directors and on the committee on nominations within thirty (30) days of the close of the annual meeting.~~

The chair of the ~~committee on nominations~~Leadership Advisory Council shall collect the names of potential candidates for all positions on the ~~board~~Board of directorsDirectors and on the ~~committee on nominations~~Leadership Advisory Council. In the event that there are not a sufficient number of nominations made by the membership, the ~~committee on nominations~~Leadership Advisory Council may identify one (1) or more additional nominees for each position and shall distribute the final list of ~~nominations~~candidates to all member boards ~~no later than~~at least thirty ~~thirty~~ ninety (390) days prior to the annual meeting.

Section 5. Election of Officers Elections and Regional Appointments

Commented [AE42]: Removes redundancy

Commented [AE43]: Consistent use throughout Bylaws

Commented [AE44]: Eliminates the regional director position to allow for directors-at-large to provide flexibility in Board structure, and enables competency based vs. representative based selection.

Commented [AE45]: Allows for a wider leadership pipeline and ensures the office of President, President-Elect and Past President are held by licensees.

Commented [AE46]: Moved up from Section 4, which was removed.

Commented [AE47]: Consistent use throughout Bylaws

Commented [AE48]: Reduces the number of officers to provide for more director-at-large positions.

Commented [AE49]: Provides clarity in this section based on "Terms of Office" language as "The president-elect shall automatically assume the office of president"

Commented [AE50]: Reorganization due to changes.

Commented [AE51]: Section removed as the eligibility requirements are listed in Section 2 above.

Commented [AE52]: Section removed as the proposed eligibility requirements would eliminate the need to maintain an "eligibility list. Members may nominate any individual they believe to be qualified to serve; the Leadership Advisory Council will determine qualification of all nominees based on organizational needs.

Commented [AE53]: Name change provides better clarity on the Committee's role.

Commented [AE54]: Consistent use of terms

Commented [AE55]: Name change provides better clarity on the Committee's role.

Commented [AE56]: Clarity on terms used

Commented [AE57]: Consistent use of terms

Commented [AE58]: Reflects current practice which provides checks to the process.

Commented [AE59]: Inclusion of both processes to be used.

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A. ~~Appointment of~~ Directors-at-Large

~~Election~~ Directors-at-large shall be recommended by the Leadership Advisory Council and approved by the Board of ~~Officers~~ Directors.

Commented [AE60]: Proposed appointment process will enable competency-based selection based on organizational needs.

B. Election at the Annual Meeting.

~~All elections of officers~~ Elections shall be by written ballot at the annual meeting unless by a majority vote CLARB shall agree to waive the provision. A majority vote of the member boards represented and voting shall elect ~~an officer~~ officers of the Board of Directors and members of the Leadership Advisory Council.

Commented [AE61]: Removes redundancy

Commented [AE62]: Clarity of current process.

Where a majority vote has not been obtained on a ballot, the candidate receiving the least number of votes shall be eliminated prior to the next ballot.

If there is a single nominee for each open office, the slate of nominees may be elected by acclamation of the membership without a formal vote.

Member boards that are not represented at the annual meeting by a delegate may submit their votes for officers by letter ballot. ~~All letter ballots must be sent in a sealed envelope, signed by an officer of the Board and received at the CLARB office at least five days before the start of the annual meeting.~~ Letter elections by written ballot. Such written ballots shall be counted on the first ballot only in the event of non-majority vote.

Commented [AE63]: Provides additional flexibility for the process to allow for written ballots.

C. Election of Officers in the Absence of an Annual Meeting.

In the event that CLARB is unable to conduct an annual meeting before the end of a fiscal year, the following procedures shall apply:

- 1) Where there is a single nominee for an office whose election is uncontested by the membership, that person shall assume the office on the first day of the first month of the next fiscal year.
- 2) If there is more than one (1) nominee for an office, the chair of the ~~committee on nominations~~ Leadership Advisory Council shall conduct the election for that office by ~~letter~~ written ballot no later than the last day of the first month of the fiscal year as set forth in Section 65, Item AB, above, or as soon thereafter as practicable, time being of the essence.

Commented [AE64]: Name change provides better clarity on the Committee's role.

Commented [AE65]: Modernization of terms.

Commented [AE66]: Reorganization due to changes.

D. Election of Officers in the Event of Catastrophe.

In the event of a catastrophe where there are no officers able to conduct an election, the ~~CLARB's chief executive director/officer~~ (CEO) shall convene a meeting of the ~~committee on nominations~~ Leadership Advisory Council as set forth in Article VII, Section 54, above as soon as practicable and conduct an election by written ballot as set forth in Article VII, Section 65, Item A above. time being of the essence. If the ~~CEO~~ executive director is unable to conduct such election, the statutory agent for CLARB shall conduct nominations and ~~election~~ elections as set forth herein.

Commented [AE68]: Name change provides better clarity on the Committee's role.

Commented [AE69]: Reorganization due to change.

Commented [AE70]: Reflects current title, which was changed in recent years.

E. ~~Section~~ Election of Regional Directors

~~Regional directors must meet the eligibility requirements set forth in Section 4 of this article and are nominated following the processes established in Section 5 of this article. Each region shall~~

~~elect its director at the region's meeting. A majority vote of the member boards represented and voting shall elect a director.~~

Commented [AE71]: Section removed as the proposed recommendations would eliminate the regional director position and appointments of directors-at-large are now addressed in Section A above.

Section 7.6 Terms of Office

A. President

~~The president-elect shall automatically assume the office of The president and shall serve as such~~ from the adjournment of the annual meeting or from the beginning of the fiscal year, whichever shall first occur, until the adjournment of the following annual meeting, or the end of the fiscal year, whichever shall first occur. ~~The president-elect shall automatically assume the office of president.~~

B. President-Elect

The president-elect shall serve as such from the adjournment of the annual meeting at which such person is so elected or from the beginning of the fiscal year, whichever shall first occur, until the adjournment of the following annual meeting, the end of the fiscal year, or when a successor is duly elected, whichever shall first occur.

C. Past President

~~The immediate past president shall serve as such from the adjournment of the annual meeting at which such person assumes the office or from the beginning of the fiscal year, whichever shall first occur, until the adjournment of the following annual meeting, or the end of the fiscal year, whichever shall first occur.~~

Commented [AE72]: Reordering of positions.

C. The vice president shall serve from the adjournment of the annual meeting at which such person is so elected or from the beginning of the fiscal year, whichever shall first occur, until a successor is duly elected.

D. The secretary shall serve for two (2) years from the adjournment of the annual meeting at which such person is so elected or from the beginning of the fiscal year, whichever shall first occur, until a successor is duly elected. Elections for the office of secretary shall be held in even-numbered years.

Commented [AE73]: Section removed to allow for proposed reduction in the number of officers.

E.D. Treasurer

The treasurer shall serve for two (2) years from the adjournment of the annual meeting at which such person is so elected or from the beginning of the fiscal year, whichever shall first occur, until a successor is duly elected. Elections for the office of treasurer shall be held in odd-numbered years. No person shall serve more than two (2) successive terms as treasurer unless he/she was appointed to the office to fill a vacancy during the previous period.

Commented [AE74]: Provides term limits for the office of Treasurer. Proposed term limits are consistent with term limits established for director positions.

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~~F.A. The immediate past president shall serve as such from the adjournment of the annual meeting at which such person assumes the office or from the beginning of the fiscal year, whichever shall first occur, until the adjournment of the following annual meeting, or the end of the fiscal year, whichever shall first occur.~~

G.E. Directors-at-Large

~~The regional directors~~ Directors-at-large shall serve for two (2) years from adjournment of the annual meeting or from the beginning of the fiscal year, whichever shall first occur, until their successors are duly ~~elected~~ appointed. No person shall serve more than two (2) successive terms as director-at-large unless he/she was appointed to the office to fill a vacancy during the previous period. As is possible, the terms may be staggered so that one half of the directors-at-large will be appointed each year. - provided, however, that a person shall be eligible for re-election for a full term of office if, during the period immediately prior thereto, that person has succeeded to, or been elected to the office to fill a vacancy. Regions I, III, and V shall elect a director for election in the odd-numbered years and Regions II and IV shall elect a director for election in the even-numbered years.

~~H. The MBE director is appointed by the president in even years and shall serve for two (2) years from adjournment of the annual meeting or from the beginning of the fiscal year, whichever shall first occur, until their successors are duly appointed.~~

No incumbent shall serve for more than one (1) year in succession as ~~president, or president-elect, or vice president~~ provided, however, that an officer shall be eligible for re-election for the full term of office if during the period immediately prior thereto such officer had succeeded to or been elected to fill a vacancy.

Commented [AE75]: Eliminates the Regional Director positions to provide greater flexibility and allows for competency based vs. representative based selection.

Commented [AE76]: Reflects BOD structure recommendation to reduce the number of officers.

Section 87. Vacancies and Removal from Office

A vacancy in the office of president shall be filled by the president-elect assuming the office. A vacancy in the office of president-elect ~~shall be filled by the vice president assuming the office.~~ A vacancy in the office of ~~vice president, secretary, treasurer or MBE director-at-large~~ shall be filled by an appointee designated by the ~~CLARB~~ Board of Directors to complete the unexpired term.

~~In the event of a vacancy in the office of regional director, the chair of the committee on nominations shall conduct an election in that region as soon as practicable, time being of the essence.~~

Commented [AE77]: Reflects BOD structure recommendation to reduce the number of officers.

~~An officer or -director who is found guilty of malfeasance, misfeasance or nonfeasance in the exercise of the duties and responsibilities as an officer or director, found guilty of sexual harassment or of conduct deemed to be detrimental or unbecoming to the Council~~ director-at-large may be removed from office by a two-thirds (2/3) majority of the ~~CLARB~~ Board of Directors. ~~for conduct deemed detrimental or unbecoming to CLARB.~~

Commented [AE78]: Modernization of language provide clarity and aligns with best practice standards.

Section 98. The President

The president shall:

- A. Preside at all meetings;
- B. Appoint all standing committees subject to the approval of the ~~CLARB Board of Directors; Board of Directors with the exception of the Leadership Advisory Council, which shall be elected by the membership in accordance with Article VII, Section 5;~~

Commented [AE79]: Clarifies that the Leadership Advisory Council is elected by the membership as outlined in "Elections and Appointments"

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- C. Present to CLARB at the annual meeting a report of activities during the term of office as president;
- D. Appoint all members of special committees subject to the approval of the ~~CLARB Board of Directors, unless a specific action of the Council~~CLARB names the personnel of the committees;
- E. Be an ex officio member of all committees;
- F. Interpret these bylaws and the rules of order in the conduct of meetings; ~~and~~
- G. Perform all duties pertaining to the office of president.

Commented [AE80]: Removes redundancy

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Section 910. President-Elect and Vice President

The president-elect and vice president, in order shall, in the absence or incapacity of the president, exercise the duties of and possess all the powers of the president.

Commented [AE81]: Reflects BOD structure recommendation to reduce the number of officers.

Section 101. Secretary

- A. General Duties.** The secretary shall perform the duties usual and incidental to the office and the duties that are required to be performed by law and by these bylaws; and the duties that are properly assigned by the CLARB Board of Directors.
- B. Reports.** The secretary shall ensure that a progress report is presented to the membership in conjunction with its annual meeting and, if required, special reports at other CLARB meetings or to the CLARB Board of Directors.
- C. Delegation of Duties of the Secretary.** The secretary may, with the approval of the CLARB Board of Directors, delegate to the executive director and other assistants the actual performance of any or all of the appropriate duties and authorize such executive director and other assistants to sign under their respective titles the correspondence conducted by them; provided, however, that the secretary shall not delegate the signing of any minutes or official reports which are assigned to the secretary by the CLARB Board of Directors.

Commented [AE82]: Reflects BOD structure recommendation to reduce the number of officers. The Secretary's responsibilities will become the responsibility of the Treasurer.

Section 12. Treasurer

- A. General Duties.** The treasurer shall exercise general supervision of CLARB's financial affairs, and shall have the custody of its monies and securities except as otherwise provided in these bylaws. The treasurer shall oversee the collection of all monies due to CLARB and all disbursements of money of CLARB and may purchase, sell, assign, and transfer such of its securities as are placed in the treasurer's charge. The treasurer shall supervise the keeping of the records and books of accounts of financial transactions of CLARB, and shall sign all instruments of CLARB whereon the signature of the office is required, and perform all duties required to be performed by law and these bylaws, and the duties that are properly assigned by the CLARB Board of Directors.

Commented [AE83]: Modernization of language.

The treasurer shall ensure the performance of an annual financial audit or review by a certified public accountant. The treasurer shall also perform the duties of secretary as provided by law or as delegated by the Board of Directors. With the approval of the Board of Directors, the treasurer may delegate some of the duties of secretary to the CEO but may not delegate the signing of minutes or other official documents.

Commented [AE84]: Reflects BOD structure recommendation to reduce the number of officers. The Secretary's responsibilities will become the responsibility of the Treasurer

- B. Reports.** The treasurer shall make a written report to CLARB at its annual meeting and at other CLARB meetings as required by the Board of Directors or CLARB Board of Directors, as required.

Commented [AE85]: Removes redundancy

- C. Delegation of Duties of the Treasurer.** The treasurer shall not authorize any person to sign any financial instrument, minutes, notice or agreement of CLARB that requires the signature of the treasurer, unless such delegation or authorization is expressly permitted by action of the CLARB Board of Directors. The treasurer may delegate to the CEO executive director and other assistants the actual performance of the clerical, bookkeeping, statistical, collecting and recording work of the office and may authorize the CEO executive director or any other officer to sign checks of CLARB within the practices and policies prescribed by the CLARB Board of Directors.

Commented [AE86]: Reflects BOD structure recommendation to reduce the number of officers. The Secretary's responsibilities will become the responsibility of the Treasurer.

Commented [AE87]: Removes redundancy

Commented [AE88]: Reflects current title, which was changed in recent years.

Commented [AE89]: Removes redundancy

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- D. Liability of the Treasurer.** -The treasurer shall not be personally liable for any decrease in the capital, surplus, income balance, or reserve of any funds or account resulting from any actions performed in good faith in conducting the usual business of the office.

Section 131. Directors-at-Large

Directors-at-large shall actively participate in the governance of CLARB, including assimilating information, attending meetings of the ~~board~~Board of directorsDirectors and participating in the decision-making process of the ~~board~~Board of Directors.

Commented [AE90]: Duties updated to reflect proposed change to directors-at-large.

Commented [AE91]: Consistent use throughout Bylaws

Directors-at-large are also responsible for bringing issues from the membership to the Board of Directors and for communicating the ~~Boards~~Board of Directors' decisions to the membership. Directors-at-large shall discharge their duties in good faith and in a manner that is in the best interests of the organization.

Commented [AE92]: Updated to reflect proposed change to directors-at-large.

Commented [AE93]: Consistent use throughout Bylaws

Commented [AE94]: Updated to reflect proposed change to directors-at-large.

Section 142. Bonding

The ~~CLARB~~ Board of Directors shall determine who shall be bonded, and the cost of such bond shall be paid from the funds of ~~the Council~~CLARB.

Section 153. Meetings of the CLARB Board of Directors

The ~~CLARB~~ Board of Directors shall meet in order to transact business, and shall hold at least two (2) meetings each year. One (1) meeting shall be held in conjunction with the annual meeting.

A special meeting or meetings may be held upon the call of the president, or upon written request of the majority of the ~~CLARB~~ Board of Directors. All members shall be given due notice in writing of the time and place of the meeting, although notice in writing may be waived by any member. A majority of the membership of the ~~CLARB~~ Board of Directors shall constitute a quorum for the transaction of business.

Commented [AE95]: Removes redundancy

ARTICLE VIII — CHIEF EXECUTIVE DIRECTOROFFICER

Section 1. Appointment

The ~~Council~~ Board of Directors may employ a person to be known and designated as ~~executive director~~ who shall be the chief ~~chief~~ executive officer (CEO) ~~of CLARB~~. The salary and term of office shall be established by the ~~CLARB~~ Board of Directors.

Commented [AE96]: Removes redundancy

Commented [AE97R96]:

Commented [AE98]: Reflects current title, which was changed in recent years.

Commented [AE99]: Removes redundancy

Commented [AE100]: Removes redundancy

Commented [AE101]: Reflects current title, which was changed in recent years.

Commented [AE102]: Removes redundancy

Commented [AE103]: Removes redundancy

Section 2. Duties

The ~~executive director shall be and act as the~~CEO ~~executive officer of CLARB and as such~~ shall have management and administrative responsibility for the CLARB office and staff, and other CLARB affairs, subject to general direction and control of the ~~CLARB~~ Board of Directors.

The ~~CEO~~executive director shall be responsible for the hiring, supervision, compensation, promotion, demotion, termination, and management of all other employees of CLARB, as well as all vendors, consultants, and contractors of CLARB, within general budgetary guidelines determined by the Board of Directors. The ~~CEO~~executive director shall serve as spokesperson on established policy and positions. The ~~CEO~~executive director shall be supervised by the president and shall serve at the pleasure of the Board of Directors. The ~~CEO~~executive director shall serve on the ~~CLARB~~ Board of Directors as an ex officio director, without vote.

Commented [AE104]: Reflects current title, which was changed in recent years.

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Section 3. Review

The ~~executive committee~~ Executive Committee shall conduct a performance review of the ~~CEO~~ executive director annually with input from the Board of Directors.

Commented [AE105]: Consistent use throughout Bylaws

ARTICLE IX — COMMITTEES

Section 1. Authorization and Appointment of Committees

Committees may be established to perform services for CLARB. Except as may be herein specifically provided, all committees shall be appointed as provided by ~~Article IX, Section 5 of Article IX of these~~ bylaws and shall be under the jurisdiction of the ~~CLARB~~ Board of Directors, reporting to it when directed.

Commented [AE106]: Consistent use throughout Bylaws

Commented [AE107]: Removes redundancy

The ~~CLARB~~ Board of Directors may delegate to any of its officers the authority to supervise the work of any of the committees. The president shall have the power to make appointments of any unfulfilled or vacant committee membership ~~subject to the approval of the Board of Directors~~.

Commented [AE108]: Removes redundancy

The ~~CLARB~~ Board of Directors may at any time discontinue a committee, other than a standing committee established in the bylaws, or make any changes in a committee's personnel ~~for conduct deemed detrimental or unbecoming of CLARB~~ without regard to the terms of appointment ~~or election~~ of the committee members.

Commented [AE109]: Reflects current practice which provides checks to the process.

Section 2. Reports of Committees

Each committee shall report in writing annually to the ~~CLARB~~ Board of Directors at least sixty (60) days prior to the annual meeting and shall make interim reports to the ~~CLARB~~ Board of Directors as directed.

Section 3. General Procedure of Committees

Every committee shall perform in accordance with these bylaws and with the directions of the ~~Council~~ Board of Directors. No committee, or any member or chairperson thereof, shall incur financial obligations ~~on behalf of CLARB~~ unless funds have been properly appropriated therefore as provided elsewhere herein and specific authorization has been given by the ~~Council~~ Board of Directors. No member or chairperson, or any committee, shall commit CLARB orally or otherwise to any matter unless specifically authorized to do so.

Section 4. Terms of Committee Appointments

The term of committee appointments shall expire at the adjournment of the annual meeting; ~~or at the end of the fiscal year, whichever shall first occur, except as otherwise provided by these bylaws.~~

Section 5. Standing Committees

The following committees are hereby authorized as basic to proper functioning of ~~the Council~~ CLARB:

Commented [AE110]: Removes redundancy

A. ~~Audit and Finance Committee~~

Commented [AE111]: Modernization of Committee name; moved for alphabetical order of Committees

~~The Audit and Finance Committee shall be chaired by the treasurer and prepare budgets, maintain financial policies and procedures, arrange for financial audits and perform other duties as determined by the Board of Directors.~~

Commented [AE112]: Provides consistency throughout Committees

B. Executive Committee

~~A.~~

The ~~executive committee~~Executive Committee shall be chaired by the president and composed of the president-elect, immediate past-president, ~~vice-president, and treasurer, and secretary.~~
The ~~CEO~~executive director shall serve on the ~~executive committee~~Executive Committee as an ex officio member without vote. ~~Four (4)~~Three (3) voting members of the ~~executive committee~~Executive Committee shall constitute a quorum.

The ~~executive committee~~Executive Committee shall act on behalf of the Board of Directors to govern the affairs of CLARB between meetings of the Board of Directors, subject to general policies established by the Board of Directors. All actions of the ~~executive committee~~Executive Committee must be ratified at the next meeting of the Board of Directors. The ~~executive committee~~Executive Committee shall be responsible for providing a written review of the ~~CEO~~executive director's performance in accordance with Article VIII, Section 3.

B.C. Exam Committee on Examinations

The ~~committee~~Exam Committee shall be responsible for the development of the examination and other duties as determined by the Board of Directors. The chair(s) of this committee shall be a ~~licensed, registered or certified~~ landscape architect.

C. Committee on Audit and Finance

The committee shall prepare budgets; maintain financial policies and procedures; arrange for financial audits; and perform other duties as determined by the Board of Directors.

D. Committee on Nominations

D. Leadership Advisory Council

The immediate past president of CLARB will chair the ~~committee on nominations~~Leadership Advisory Council, and ~~four (4)~~six(6) members, ~~one of which can be a MBE,~~ will be elected at large, each serving a ~~two~~term of three- years (3) term. ~~Committee on nominations~~Leadership Advisory Council members shall be ineligible for nomination to serve on the CLARB ~~board~~Board of directors for the full term, regardless of whether they serve the full term. ~~The majority of the members of the Leadership Advisory Council must be licensed landscape architects or MBEs.~~

To be eligible for election to the ~~committee on nominations~~Leadership Advisory Council, the candidate shall:

- I. ~~Be a licensed landscape architect or MBE; and~~
- I. Have current or past service on a ~~licensure/regulatory~~ board; and
- II. Have actively participated in CLARB.

~~in the last eighteen (18) months at the time of nomination~~

The ~~committee~~Leadership Advisory Council shall perform the duties as described in Article VII, Section 5 herein. No person shall serve more than two (2) successive terms as a Leadership Advisory Council member unless he/she was appointed to the office to fill a vacancy during the previous period.

Commented [AE113]: Consistent use throughout Bylaws

Commented [AE114]: Reflects BOD structure recommendation to reduce the number of officers.

Commented [AE115]: Consistent use throughout Bylaws

Commented [AE116]: Reflects BOD structure recommendation to reduce the number of officers.

Commented [AE117]: Consistent use throughout Bylaws

Commented [AE118]: Consistent use throughout Bylaws

Commented [AE119]: Provides consistency of terms

Commented [AE120]: Modernization of Committee name

Commented [AE121]: Modernization of Committee name

Commented [AE122]: Name change provides better clarity on the Committee's role.

Commented [AE123]: Name change provides better clarity on the Committee's role.

Commented [AE124]: Changes reflect the increased workload of the Committee.

Commented [AE125]: Name change provides better clarity on the Committee's role.

Commented [AE126]: Provides clarity

Commented [AE127]: Eligibility requirements widen the pipeline and align with BOD requirements as well.

Commented [AE128]: Name change provides better clarity on the Committee's role.

Commented [AE129]: Eligibility requirements widen the pipeline

Commented [AE130]: Name change provides better clarity on the Committee's role.

Commented [AE131]: Committee responsibilities outlined in multiple sections of article VII.

Commented [AE132]: Provides term limits for Committee members. Proposed term limits are consistent with term limits established for board positions.

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Section 6. Committees of Special and Limited Function

Such committees may be appointed from time to time to perform special and limited functions as assigned. The president shall appoint these committees subject to the approval of the CLARB Board of Directors.

ARTICLE X — FINANCES, FUNDS, ACCOUNTING AND INVESTMENTS

Section 1. Dues and Fees

A. Membership Dues. The annual membership dues for each member board shall be established by the ~~CLARB~~ Board of Directors.

Commented [AE133]: Removes redundancy

B. Fees. The fees for the examination shall be established by the Board of Directors.

Section 2. Fiscal Year

CLARB's fiscal year shall begin October 1 and end September 30, ~~beginning October 1, 1993~~.

Commented [AE134]: Removed, unnecessary to be articulated in the bylaws.

Section 3. Operating and Reserve Funds

The ~~CLARB~~ Board of Directors shall have charge of the investment of all funds of CLARB. It shall sell, purchase, transfer, and convey securities and exercise all rights of proxy, or participation in reorganizations, of depositing securities and similar rights of CLARB with respect to its securities, or it may authorize such purchases, sales, transfers, conveyances and the exercise of any or all of said right.

Commented [AE135]: Removes redundancy

The members of the ~~CLARB~~ Board of Directors shall not be personally liable for any decrease of the capital, surplus, income, balance, or reserve of any fund or account resulting from any of their acts performed in good faith. The accounts of such investments shall be incorporated into the annual report to CLARB.

Commented [AE136]: Removes redundancy

ARTICLE XI — AMENDMENTS

These bylaws may be amended by an affirmative vote of three-fourths (3/4) of member boards voting at an annual or special meeting where a quorum is present. ~~Notice of the text or substance of any amendment shall be provided with the notice of the meeting. All amendments so adopted shall become effective immediately unless otherwise provided.~~ There shall be no voting by proxy.

Commented [AE137]: Adds flexibility to be more responsive of organizational needs.

ARTICLE XII — INDEMNIFICATION

Except as provided below, ~~the Council~~CLARB shall indemnify in full:

Commented [AE138]: Removes redundancy

A. Any director ~~-at-large~~, officer, ~~CEO~~executive director, consultant, or former director ~~-at-large~~, officer, consultant, or employee of CLARB or any subsidiary of CLARB.;

B. Any member or former member of any CLARB committee against expenses, including attorney's fees, and against the amount of any judgment, money decree, fine, or penalty, or against the amount of any settlement deemed reasonable by the ~~CLARB~~ Board of Directors, necessarily paid or incurred by such person in connection with or arising out of any claim made, or any civil or criminal action, suit, or proceeding of whatever nature brought against such person, or in which such person is made a party, or having been such director ~~-at-large~~, officer, executive employee, or committee member of or for CLARB. Such indemnification shall apply to any such person even

Commented [AE139]: Removes redundancy

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though at the time of such claim, action, suit, or proceeding, such person is no longer a director-
~~at-large~~, officer, executive secretary, ~~director~~CEO, consultant, or committee member of or for
CLARB.

No indemnification shall be provided for any person with respect to any matter as to which such person shall have been grossly negligent or ~~to~~ have engaged in intentional misconduct. If such person has not been so adjudicated, such person shall be entitled to indemnification unless the ~~CLARB~~ Board of Directors decides that such person did not act in good faith in reasonable belief that his/~~or~~ her action was in the best interests of CLARB. Expenses incurred ~~of by the character~~ person(s) described in the preceding paragraph may, with the approval of the ~~CLARB~~ Board of Directors, be advanced by CLARB in advance of the final disposition of the action or proceeding involved, whether civil or criminal, upon receipt of any undertaking by the recipient to repay all such advances in the event such person is adjudged to have engaged in intentional misconduct, or in the event the ~~CLARB~~ Board of Directors decides that such person is not entitled to indemnification.

CLARB shall have the power to purchase and maintain insurance on behalf of any person who is or was a director-~~at-large~~, officer, ~~CEO~~executive director, consultant, or ~~a~~ committee member of CLARB, or is or was serving at the request of CLARB or of the ~~CLARB~~ Board of Directors as a director-~~at-large~~ or officer of another corporation, whether nonprofit or for profit, against any liability incurred by such person in any such person's status as such, whether or not CLARB would have the power to indemnify that person against such liability under this article or otherwise.

Any rights of indemnification hereunder shall not be exclusive, and shall accrue to the estate of the person indemnified.

Any other present or former employee or agent of or for CLARB may be indemnified in like manner by vote of the ~~CLARB~~ Board of Directors.

#

Commented [AE140]: Removes redundancy

Commented [AE141]: Provides clarity

Commented [AE142]: Removes redundancy

Commented [AE143]: Removes redundancy

Commented [AE144]: Removes redundancy

Commented [AE145]: Removes redundancy



Resolution

WHEREAS, the Board of Directors has concluded that the organization's current governance structure and processes need additional flexibility to ensure effective leadership for the future;

WHEREAS, the Board of Directors assigned a work group to develop a set of recommendations to widen the leadership pipeline and to create a new hybrid structure to include appointed and elected members;

WHEREAS, the Board of Directors directed the task force to consider best practices in nonprofit governance for competency-based leadership identification and selection;

WHEREAS, the recommendations have been shared with the membership and opportunities for input have been provided;

WHEREAS the Board of Directors has considered the task force's report and agrees with its recommendations and the additional changes suggested by the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the amendment of Articles I, II, IV, V, VI, VII, VIII, IX, X, XI and XII of the bylaws as shown on the attached red-lined versions of those articles, and approves the submission of those amendments to the members, in accordance with Article XII of the bylaws;

AND BE IT FURTHER RESOLVED that the amendments be published and submitted to the members for their approval, in accordance with Article VI, Section 5 of the bylaws.

Approved by the CLARB Board of Directors, March 2018



Supporting Statement

The proposed changes to the bylaws represent the culmination of nearly five years of discussion, research, analysis and feedback to ensure that CLARB's governance structure and processes are aligned to best support our organization, our members and our stakeholders, and to ensure effective leadership for the future of the organization.

In accordance with our legal duty of care as Board members, our desire to be good and faithful stewards for the organization and our commitment to foresight, we reviewed best practices for organizations of our kind and reflected on our unique and valued culture.

We also considered the evolving legal, social, political, technological and economic environment. At the end of this lengthy, thorough process, we concluded that our governance structure must evolve in order to ensure effective future leadership — and these changes represent a reasoned, practical and sound approach.

While all of the changes are designed to promote flexibility, provide for a wider leadership pipeline and align with our strategic direction, perhaps the most critical concepts embodied in the new language are:

- Expansion of leadership identification goals to emphasize diversity of talents, competencies, perspectives, thinking styles and demographics; and
- Appointment of directors-at-large by the "Leadership Advisory Council" as a means for achieving the above goal.

We strongly believe these changes will help to ensure that, going forward, the organization has the talents, skills and perspectives necessary to ensure continued relevance in an environment where the pace of change is accelerating and where the pressures on occupational licensing are increasing.

Supporting Materials

- Summary of the changes by article
- Bylaws with proposed changes — color-coded by source/type of change
- Redlined bylaws



Evolving CLARB Leadership Resource Document for Members

2018 In the Know Web Series: Evolving CLARB's Leadership

January 2018 - CLARB's Leadership Evolves

The Board of Directors is exercising foresight to ensure the organization has the flexibility it needs to find and retain leaders based on competencies and perspectives needed to guide the organization in a future-focused way while still being responsive to member needs. This session will walk you through the story of how we got here as well as explore the [final recommendations](#) for evolving the governance structure. [View the recorded webcast.](#)

February 2018 - The Pipeline Widens: Board Structure and Qualifications

Now that you are caught up on the background and evolution of CLARB's leadership, join us as we discuss the qualifications required of leadership, how your board will make its voice heard in electing leadership, and what the structural changes will look like if the resolution for evolving the governance structure is approved. [View the recorded webcast.](#)

March 2018 – All About the Balanced Board Model

Over the years, CLARB's leadership has evolved naturally as members have worked more closely with CLARB staff. Under the proposed structure, regional representation will transition to Directors-at-Large, who will have a responsibility to all members equally and represent the knowledge and skills the organization needs given the current demands in the regulatory environment. Join us as we bust some myths about who represents you as a member and what access to CLARB staff and leadership you have. [View the recorded webcast.](#)

April 2018 - Getting to Know the Leadership Advisory Council

Join us as we take a deep dive into the new Leadership Advisory Council, formerly the Committee on Nominations. Members of the Leadership Advisory Council will be elected by CLARB members and use guidance from the Board of Directors to identify, evaluate, and recommend for appointment or election all Board of Directors members. This process will ensure the leadership has the knowledge and skills the organization needs to remain relevant while responding to member needs. [View the recorded webcast.](#)

May 2018 - Leadership Implementation and Next Steps

During the final webcast of this series, you'll hear the plan for implementing the leadership changes. You'll also receive the resolution member boards will vote on at the Annual Meeting and learn what you can do to have a positive impact on the outcome of this vote. [View the recorded webcast.](#)

CLARB

Background

Over the past six years, the CLARB Board of Directors has been on a “good to great” journey to ensure that the organization has the most effective leadership possible in a changing and uncertain future.

The Board has evaluated big shifts in association governance, evolving preferences of volunteers and constraints in our processes, as well as incorporated member feedback to arrive at the recommendations for evolving our leadership.

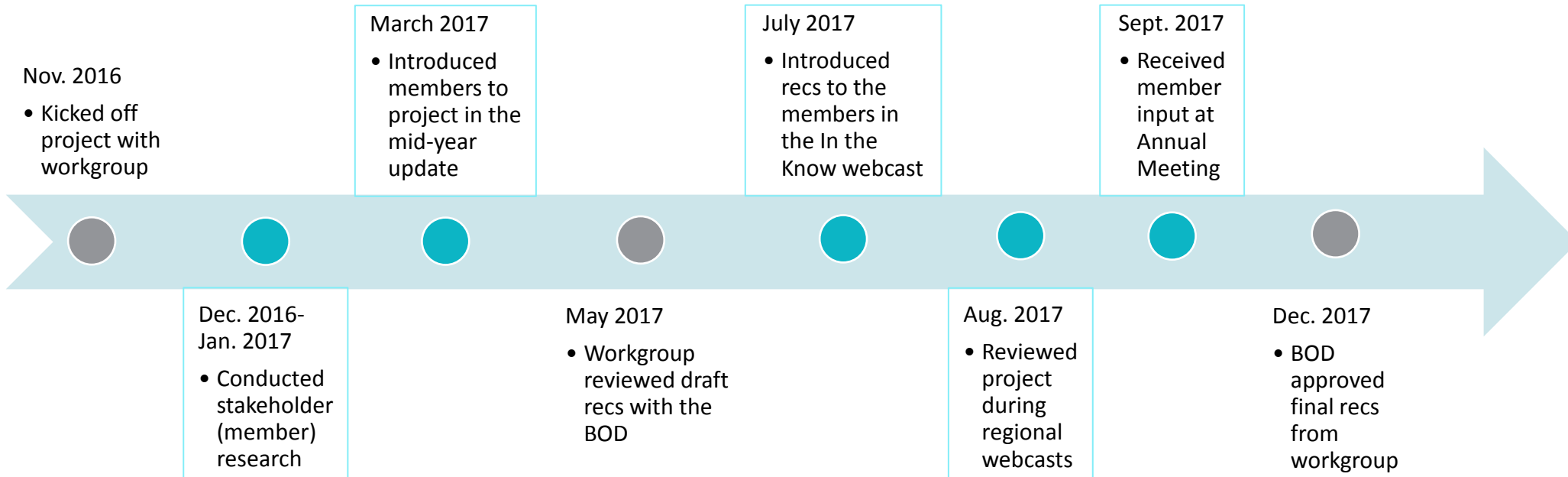
Current and evolving realities – *what’s driving change*

Pain	There are new, more complex and evolving pressures on regulation. We do not believe this will change in the next 5–10 years. With this new pressure, what is needed on the Board to ensure our members and CLARB thrive into the future?
Big Shifts	The Board has identified, through its foresight work, that accelerating change in technology and the continued demographic changes will impact regulation, the profession and the organization. The Board must be equipped to understand and adapt to these shifts and their impacts on CLARB and the regulatory community.
Evolving Preferences	New and emerging leaders have differing preferences for how they contribute. There is a shifting preference for shorter but more impactful contributions. There is also a shift toward greater interest breadth of perspectives (vs. regional perspectives) on relevant issues.
Constraints	Our current structure and processes are restrictive and do not enable us to secure the talents, competencies and perspectives needed in the future.

The problem - *Current leadership structure does not provide the flexibility needed to address the challenges of the future*

CLARB

How Did We Get Here? – Process



CLARB

Next Steps



CLARB

Final Recommendations: Board of Directors

- Must be licensed
- One-year terms with automatic succession to President, then Past President
- Past President chairs the Committee on Nominations
- Member of the Board of Directors, Executive Committee and Audit and Finance Committee

**President-Elect,
President,
Past President**



- Two-year term
- Chair of the Audit and Finance Committee
- Member of the Board of Directors

Treasurer



- One-year term for FY 2019
- Transition to Director-at-Large (two-year term) in FY 2020
- Member of the Board of Directors

Vice President



- Two-year terms
- Transition to Director-at-Large
- Members of the Board of Directors

**Secretary,
Regional Directors,
MBE Director**



- **Majority of the Board must be licensed (required for President-Elect)**
- **Officers make up the Executive and Audit and Finance Committees**
- **Directors-at-Large can make up six (6) to eight (8) members of the Board**
- **Appointments will be made based on desired knowledgebase, not by region**

CLARB

Final Recommendations: Committee on Nominations

Bylaws Recommendations:

- Change name of Committee to “Leadership Advisory Council, ” to reflect the work the Committee is doing.
- Increase Committee size from four to six members, with three-year (3) terms instead of two (2).
- Eligibility requirements:
 - Majority must be licensed OR Member Board staff
 - Service on any type of board
 - Engagement with CLARB

Supporting Process Recommendations:

Regular, direct guidance from Board on leadership needs

Leadership needs identifications and gap analysis conducted at the December Board meeting
Leadership needs identification conducted at every Board meeting following strategic conversations

Develop “feeder system” to identify, prepare leaders

Improvement inputs to identifying qualified leadership candidates by creating a "leadership academy," utilizing "talent scouts" and widening the pipeline

Empower Committee members to be ambassadors

Increased exposure to the Board and its work
Increased process transparency
Elevation of Committee’s work and importance

CLARB

BOARD OF DIRECTORS

PAST PRESIDENT	• Automatic succession from President
PRESIDENT	• Automatic succession from President Elect
PRESIDENT-ELECT	• Elected by the membership
TREASURER	• Elected by the membership
DIRECTOR-AT-LARGE 1	• Appointed by the Leadership Advisory Committee
DIRECTOR-AT-LARGE 2	• Appointed by the Leadership Advisory Committee
DIRECTOR-AT-LARGE 3	• Appointed by the Leadership Advisory Committee
DIRECTOR-AT-LARGE 4	• Appointed by the Leadership Advisory Committee
DIRECTOR-AT-LARGE 5	• Appointed by the Leadership Advisory Committee
DIRECTOR-AT-LARGE 6	• Appointed by the Leadership Advisory Committee
<i>DIRECTOR-AT-LARGE 7 (optional)</i>	• Appointed by the Leadership Advisory Committee
<i>DIRECTOR-AT-LARGE 8 (optional)</i>	• Appointed by the Leadership Advisory Committee

ELIGIBILITY FOR SERVICE

- Majority must be licensed, required for President Elect

LEADERSHIP ADVISORY COUNCIL

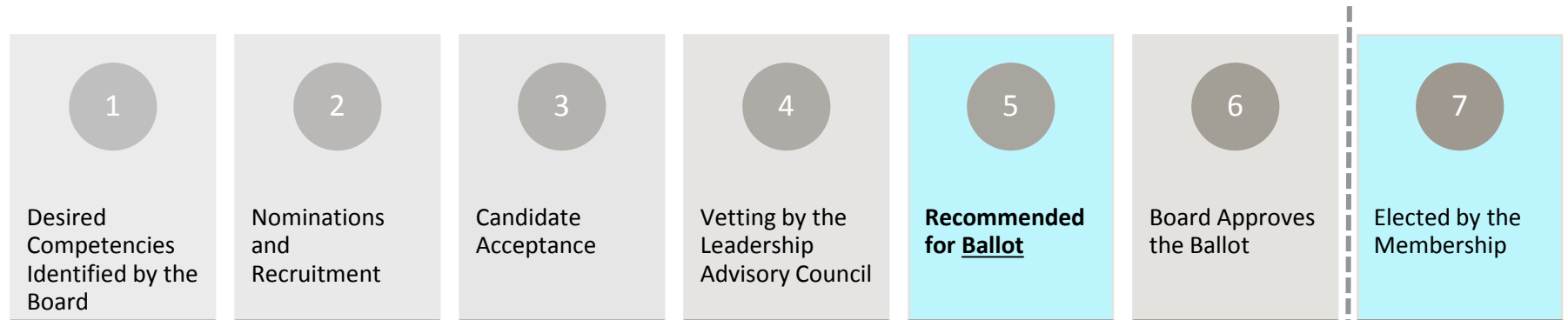
CHAIR	Immediate Past President
MEMBER 1	Elected by the membership
MEMBER 2	Elected by the membership
MEMBER 3	Elected by the membership
MEMBER 4	Elected by the membership
MEMBER 5	Elected by the membership
MEMBER 6	Elected by the membership

ELIGIBILITY FOR SERVICE

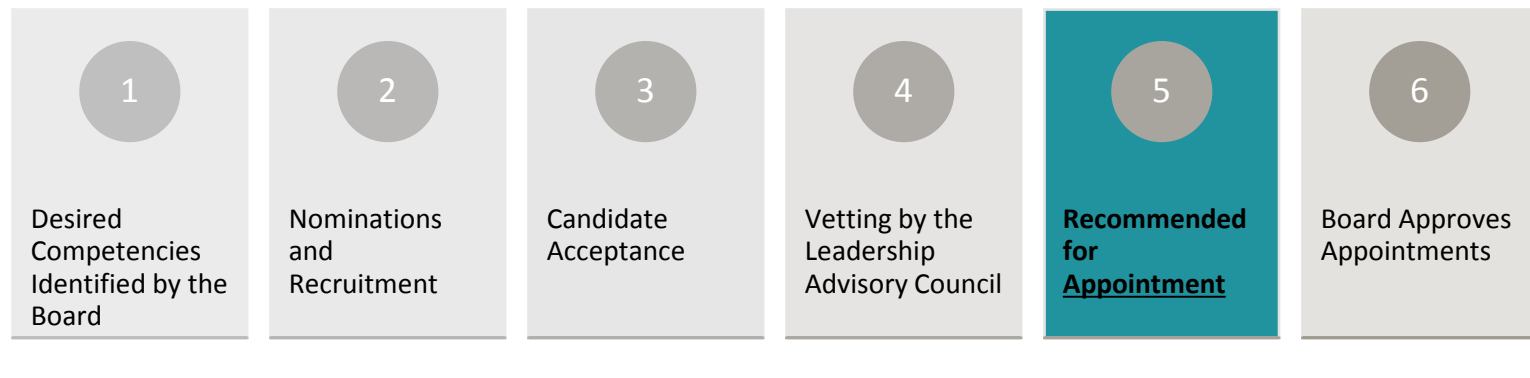
- Majority must be licensed or Board staff
- Service on a board
- Engagement in CLARB

CLARB

Election Process – President-Elect, Treasurer and Leadership Advisory Council



Appointment Process - Directors





Evolving CLARB Leadership FAQs for Members

Q: What is the Leadership Advisory Council?

A: The Leadership Advisory Council would be the new name for the Committee on Nominations, if the resolution to amend the bylaws is approved by the membership at the 2018 annual meeting. The name change was recommended to accurately reflect the work being done by this group of volunteers, which is elected by the membership. The current name references nominations only, but the work this group does encompasses far more than that. This group not only receives nominations from the membership but also identifies additional nominees as needed, vets all nominees, and recommends to the Board of Directors who is qualified to serve on the Board and who should be on the slate of candidates for the membership to vote upon.

Q. Besides the name change, what else would change regarding the Leadership Advisory Council?

A: The short answer is: not a lot in terms of their role! If the resolution to amend the bylaws is approved by the membership at the 2018 annual meeting, members of the Leadership Advisory Council would continue to be elected by CLARB members. The Leadership Advisory Council would continue to receive nominations from the membership, identify additional nominees as needed, vet all nominees, and recommend to the Board of Directors a slate of candidates who are qualified to serve on the Board and Leadership Advisory Council.

What is changing is the number of members and the length of their term. The recommendation is to increase the size of the Leadership Advisory Council to six members and extend their terms to three years. This will ensure necessary continuity on the Leadership Advisory Council without overburdening our candidate pipeline.

Q: So, the recommendation is to move toward a hybrid Board of Directors? What does this mean?

A: A hybrid board mean that some members of the Board would be elected by the membership, and some members of the Board would be appointed by the Board as recommended by the Leadership Advisory Council.

The President-Elect and Treasurer would be elected by the membership. This means that at all times, there would be a total of four people serving on the Board that had been elected by the membership. (After being elected by the membership and serving one year as President-Elect, the President-Elect moves into the role of President for one year and then into the role of Past President for one year.)

The Director-at-Large positions will be appointed, meaning that the Leadership Advisory Council will recommend candidates to be appointed and the Board will approve the appointments. There will be the flexibility to have six-to-eight Directors-at-Large.

Also, members will still have the opportunity, as they do now, to nominate candidates for every single position on the Board and on the Leadership Advisory Council. This is where the members have the opportunity to exercise their rights and voice to ensure that the candidates being nominated best represent CLARB's interests on the Board and Leadership Advisory Council.



We also believe the hybrid model will provide for a more balanced board in terms of perspectives, attributes, geography and demographics. The member perspective and representation of licensure are essential on the CLARB Board of Directors which is why we want to enable more members to serve including Member Board Executives and Public Board Members. In addition, we will have the flexibility to go outside of the membership to retain perspectives that may not be readily available – legislative, advocacy, technology, as a few examples.

Q: Why is it recommended that we move from electing all members of the Board of Directors to electing some and appointing others?

A: The environment for regulators is rapidly becoming more complex and challenging because of the pace of technological innovation, changing attitudes toward regulation and different expectations from new generations in the workforce. Our Board needs to have the flexibility to identify, attract and develop leaders who can most effectively defend, adapt, and lead the organization into an unpredictable future. We recognize that the regulatory board perspective is essential on the board. We also believe that changing times will require a broader diversity of views and leadership talents than are available within the CLARB membership.

The appointment process will enable the organization to identify and select the best candidates based on CLARB's needs, recognizing that these will change over time.

Appointments will also ensure that the best possible candidates have the opportunity to serve. We have seen qualified candidates lose elections because they are less familiar to the membership. This discourages talented, qualified people from running. This is a consequence of "popular" elections and ultimately, we sometimes/often lose an opportunity to add a great leader to the CLARB Board of Directors team.

The appointment process enables the Leadership Advisory Council to appoint the candidate who will bring the greatest value to CLARB, regardless of how well known they are.

Additional related point: In the current system, members are presented with a single candidate slate for one or more positions in each election. So, this really isn't much different than what happens now.

Q: Why is it recommended that the officers be elected and the directors-at-large be appointed?

A: While members will not be electing all positions on the board, they will continue to elect the officers: President-Elect (who succeeds to President and Past President) and Treasurer. Members told us it's important that they elect the officers and we've retained that practice. In addition, members will continue to have the opportunity to nominate candidates for all positions on the board who best represent CLARB's interests.



Q: What are the recommended requirements for serving on the Board of Directors?

A: The only requirement for the Board of Directors is that the majority of the Board must be licensed landscape architects, with licensure required for the President-Elect (and therefore President and Past President). This recommendation is based on feedback we received from the membership during stakeholder research conducted since December 2016 and member discussions at the 2017 annual meeting.

The requirements to serve on the CLARB Board have been revised to allow for the widest possible pipeline while ensuring that the majority of the Board is made up of licensed landscape architects so that the membership will maintain their voice and representation in CLARB leadership. The Board does, however, recognize that our membership does not always provide all of the necessary perspectives and experience CLARB needs to lead into the future. This way there will be more opportunity for other valuable perspectives or underrepresented perspectives to be at the table. Increased diversity is a key outcome the Board is trying to achieve with these changes.

Q: The proposed changes appear to put too much power into the hands of a very few. What checks and balances are in place?

A: Moving to appointments of previously elected positions is a big change, and we fully recognize that. The Board of Directors believes that this change will result in the identification and selection of a more diverse Board that can better serve CLARB. The proposal provides appropriate constraints on the authority of the Board and Leadership Advisory Council.

Constraints on the Leadership Advisory Council include:

- Members nominate and elect the Council. These are highly consequential elections and members have an opportunity and responsibility to elect those who will serve the best interests of CLARB.
- The Board has the authority to not accept a recommendation made by the Leadership Advisory Council if they believe the recommendation not to be in the best interest of CLARB.

Checks on the Board of Directors:

- Members nominate and elect officers. These are highly consequential elections and members have an opportunity and responsibility to elect those who will serve the best interests of CLARB.
- Members nominate Directors-at-Large. These nominations are made based on who members believe to be best suited to serve the organization.

Q: Why is the MBE Director being eliminated?

A: The CLARB Board greatly values the perspective of the MBE community and intends to always have an MBE on the Board. In the new design, MBEs will have more opportunities to serve in CLARB leadership: as a director-at-large, treasurer or member of the leadership advisory council.

Our MBE pool is small, in-demand by multiple organizations, and those willing and able to serve is an even smaller group. By having a specific position on the Board for any one perspective we are forced to fill the position, regardless of whether that person is the RIGHT person.



Q: Who will the Directors-at-Large represent, if they're not representing regions?

A: Regardless of the governance structure (current and proposed) all board members, no matter what position they hold, have the legal duty to represent the best interests of the organization rather than any one person, entity or interest.

Q: Will regional meetings continue to be held?

A: Yes! Regions will continue to meet virtually in February and August. Meetings will continue to be coordinated by CLARB staff, just as they are now. As needed (based on discussion topics), members of the Board of Directors will participate in the regional meetings to ensure members' concerns are being heard directly by the leadership.

Q: How will equal geographic representation on the Board of Directors and Leadership Advisory Council be handled?

A: When looking at nominees each year, the Leadership Advisory Council is looking for candidates that meet the future needs of the organization based on knowledge, skills and perspectives. Part of those perspectives is looking at the geographical makeup of the Board as a whole. While we will not have specific Regional Directors, diversity continues to be a key outcome the Board is trying to achieve with these changes.

Q: Who should I contact if I have questions?

A: We welcome your questions and comments about the recommendations. President Christine Anderson and Past President Chris Hoffman were part of the work group that developed the recommendations, and CLARB staff are always available to discuss as well.

- President Christine Anderson
canderson@markthomas.com
- Past President/Com on Nom Chair
Chris Hoffman
cbhoffmanla@gmail.com
- CLARB Staff Veronica Meadows
vmeadows@clarb.org

Agenda Item J

DISCUSS AND POSSIBLE ACTION ON 2017-2018 STRATEGIC PLAN OBJECTIVES TO:

1. Revisit Development of the Annual Enforcement Report Using the Board as a Model to Assess the Effectiveness of Consumer Protection Efforts
2. Review Data Respective to Unlicensed Activity and Licensee Violations to Identify if Trends Exist in Order to Shape Consumer Education and Enhance Enforcement Efforts
3. Research the Possibility of Enhancing the Statutory Written Contract Requirement to Include a Consumer Notification to Enhance Consumer Education

Agenda Item J.1

DISCUSS AND POSSIBLE ACTION ON 2017-2018 STRATEGIC PLAN OBJECTIVES TO:

1. REVISIT DEVELOPMENT OF THE ANNUAL ENFORCEMENT REPORT USING THE BOARD AS A MODEL TO ASSESS THE EFFECTIVENESS OF CONSUMER PROTECTION EFFORTS

The Landscape Architects Technical Committee's (LATC) 2017-2018 Strategic Plan contains an objective to "revisit development of the annual enforcement report using the Board as a model to assess the effectiveness of consumer protection efforts."

In past years, staff presented the annual enforcement statistics to the Committee via a table displaying data from the past five fiscal years (FY) as well as graphics that displayed data related to source of complaint, complaint aging comparisons, and comparisons of pending complaints. In order to fulfill the Strategic Plan objective, staff is proposing to transition its statistical reporting of annual enforcement statistics to match the Board's formatting. This new attached format for the Enforcement Program Report includes tables and graphs with the following information: 1) types of complaints received by the LATC during the current FY; 2) comparison of complaints received, closed, and pending by FY; 3) comparison of the age of pending complaints by FY; 4) summary of closed complaints by FY; 5) summary of disciplinary and enforcement actions by FY; and 6) most common violations of the Act and LATC regulations that resulted in enforcement action during the current and previous two FYs.

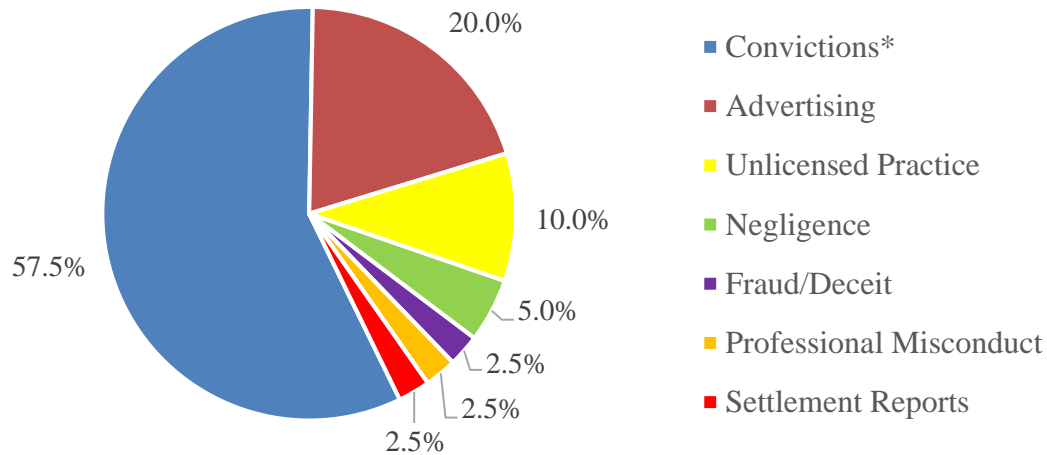
The LATC maintains an ongoing goal of reducing its average enforcement case completion timeline and seeking greater efficiencies in the handling of all enforcement cases. As part of the Department of Consumer Affairs' Consumer Protection Enforcement Initiative, the LATC's enforcement completion goal for cases not referred to the Attorney General's (AG) office is 270 days. At the end of FY 17/18, the LATC had 16 pending enforcement cases. The average time to complete an internal investigation in FY 17/18 was 116 days, an approximate 21% reduction from FY 16/17 (147 days).

At today's meeting, the Committee is asked to review the proposed Enforcement Program Report and take possible action in determining whether the provided data fulfills this Strategic Plan objective.

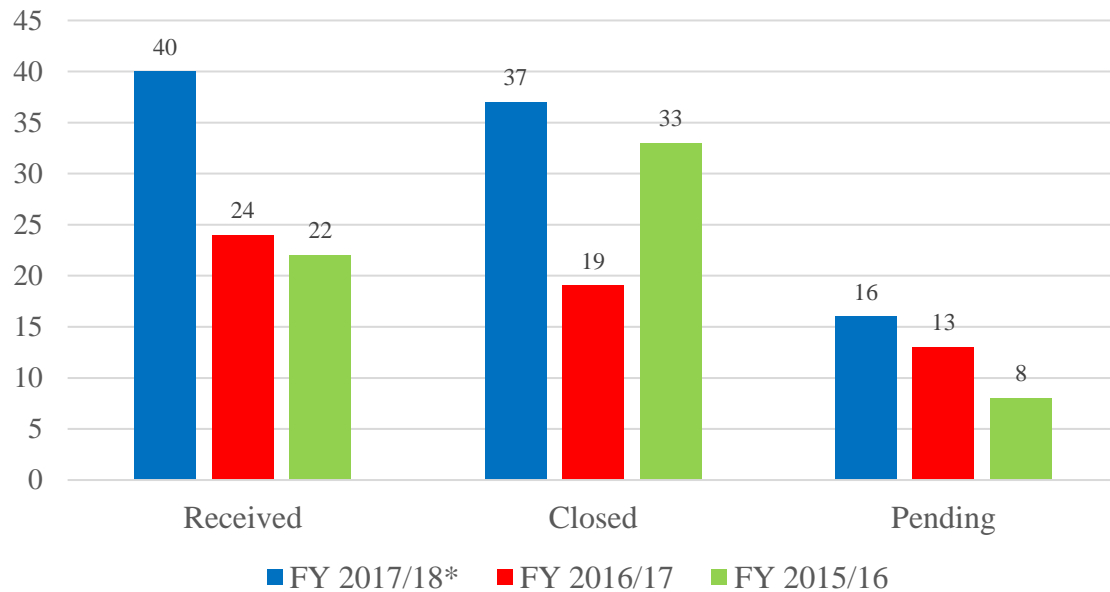
Attachment:
Enforcement Program Report

ENFORCEMENT PROGRAM REPORT

Types of Complaints Received Fiscal Year (FY) 2017/18

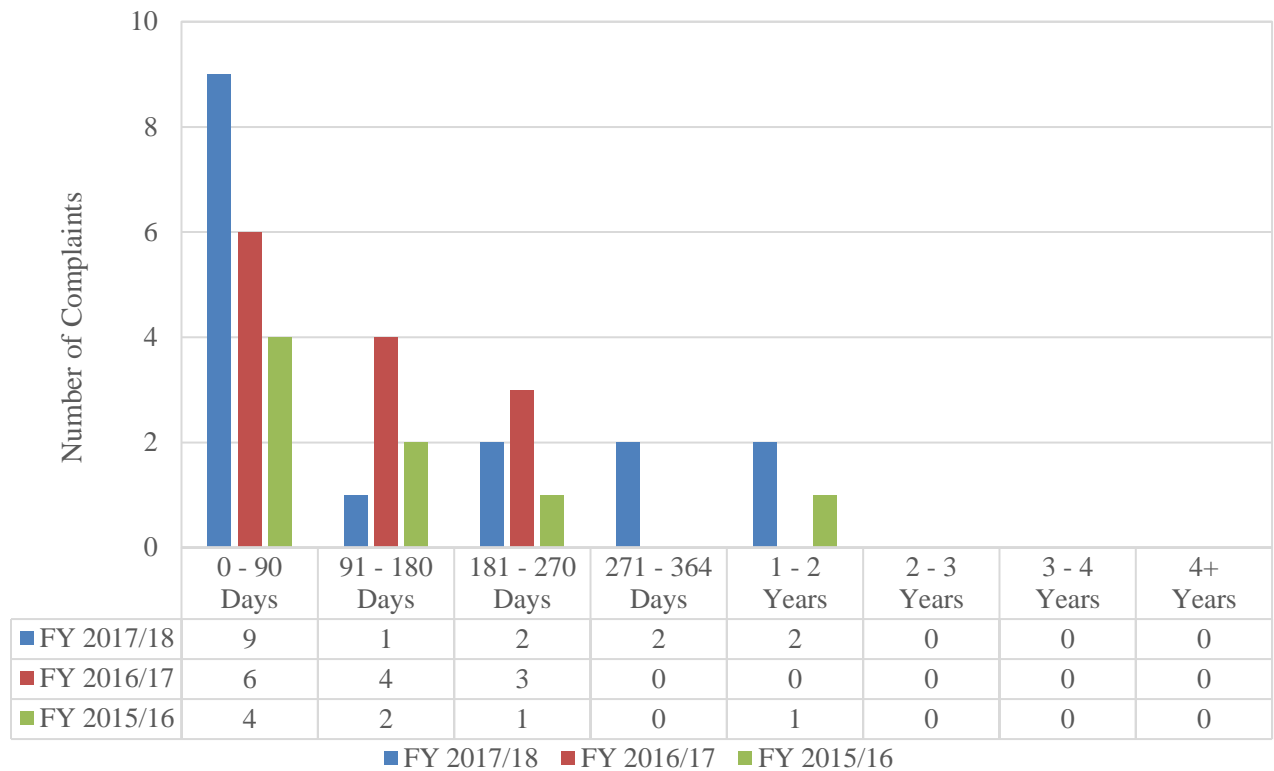


Complaints Received, Closed, and Pending by FY



*The number of complaints received regarding a conviction increased during FY 2017/18 due to the tracking of candidate and licensee disclosed convictions.

Comparison of Age of Pending Complaints by FY



Closure of Complaints by FY

Type of Closure	FY 2017/18	FY 2016/17	FY 2015/16
Cease/Desist Compliance	5	3	7
Citation Issued	0	4	8
Complaint Withdrawn	2	0	0
Insufficient Evidence	0	1	2
Letter of Advisement	8	4	8
No Jurisdiction	1	1	2
No Violation	19	4	4
Referred for Disciplinary Action	1	1	1
Other (i.e., Deceased, Error, etc.)	1	1	1

Disciplinary and Enforcement Actions by FY

Action	FY 2017/18	FY 2016/17	FY 2015/16
Disciplinary Cases Initiated	1	1	1
Pending Disciplinary Cases	1	1	2
Final Disciplinary Orders	1	2	1
Final Citations	0	5	6
Administrative Fines Assessed	0	\$20,250	\$10,500*

*The administrative fines assessed of two citations were dismissed.

Most Common Violations by FY

The most common violations that resulted in enforcement action during the last three fiscal years are listed below.

Business and Professions Code (BPC) Section	FY 2017/18	FY 2016/17	FY 2015/16
BPC § 5616 – Landscape Architecture Contract - Contents, Notice Requirements	0 (0%)	0 (0%)	1 (20%)
BPC § 5640 – Unlicensed Person Engaging in Practice - Sanctions	0 (0%)	4 (80%)	3 (60%)
BPC § 5671 – Negligence, Willful Misconduct in Practice	0 (0%)	0 (0%)	1 (20%)
BPC § 5675 – Felony Conviction - Disciplinary Action	0 (0%)	1 (20%)	0 (0%)

Agenda Item J.2

DISCUSS AND POSSIBLE ACTION ON 2017-2018 STRATEGIC PLAN OBJECTIVES TO:

2. REVIEW DATA RESPECTIVE TO UNLICENSED ACTIVITY AND LICENSEE VIOLATIONS TO IDENTIFY IF TRENDS EXIST IN ORDER TO SHAPE CONSUMER EDUCATION AND ENHANCE ENFORCEMENT EFFORTS

As part of its 2017-2018 Strategic Plan, the Landscape Architects Technical Committee (LATC) has an objective to “Collect and review data respective to unlicensed activity and licensee violations to identify if trends exist (in such areas as how unlicensed activity was identified, who reported the allegation, and the matters which lead to an investigation) in order to shape consumer education and enhance enforcement efforts.”

In an effort to address this Strategic Plan objective, LATC enforcement staff collected and analyzed enforcement data for the previous four fiscal years (FY), FY 14/15 through FY 17/18. During that time, the LATC received 76 practice-related complaints. Of these complaints, 50 were for unlicensed individuals or firms, and 26 complaints were against licensees, including 10 settlement reports.

Data collected was divided into three categories based on the type of complaint: 1) complaints against licensees, 2) settlements against licensees, and, 3) complaints alleging unlicensed activity. Complaints against licensees and reported settlements were delineated because many settlements are a result of financial decisions and not due to the work performed. Data was sorted to ascertain trends pertaining to the source of the complaint, complaint allegations, and investigation findings, including whether action was taken against the complaint subject. Furthermore, data collection was limited only to the parameters specified in the Strategic Plan objective (i.e., source of complaint, allegations, and disciplinary action taken). Accordingly, internally-opened complaints such as conviction-related investigations, were not included in the data.

The attached Enforcement Trends Report illustrates enforcement investigation trends for the last four FYs. In addition, a summary of findings are as follows:

- With regard to source of licensee complaints, the most frequent complainants are the public (68.8%) and licensees (12.5%).
- The most common complaint allegations against licensees are professional misconduct (43.8%) and negligence (31.3%).
- Of the complaints against licensees that have been fully investigated (14), 5 resulted in a letter of advisement and 2 resulted in a citation.
- With regard to settlement reports, most were self-reported and all cases were for allegations of negligence in the design plans.

- With regard to source of unlicensed complaints, the most frequent complainants are licensees (44%), followed by the public (30%) and those submitted anonymously (12%).
- The most common complaint allegations against unlicensed individuals are advertising landscape architectural services on a website (50%) and providing landscape architectural services (36%).
- Of the complaints against unlicensed individuals that have been fully investigated (43), 27 resulted in a letter of advisement and 6 resulted in a citation.

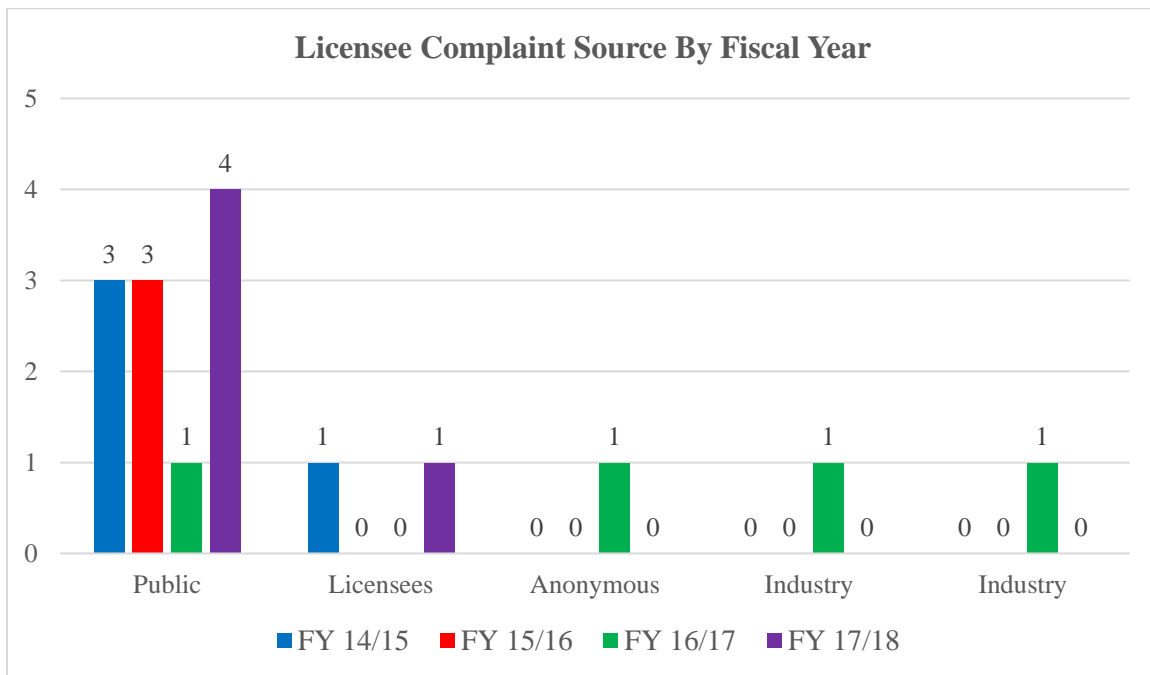
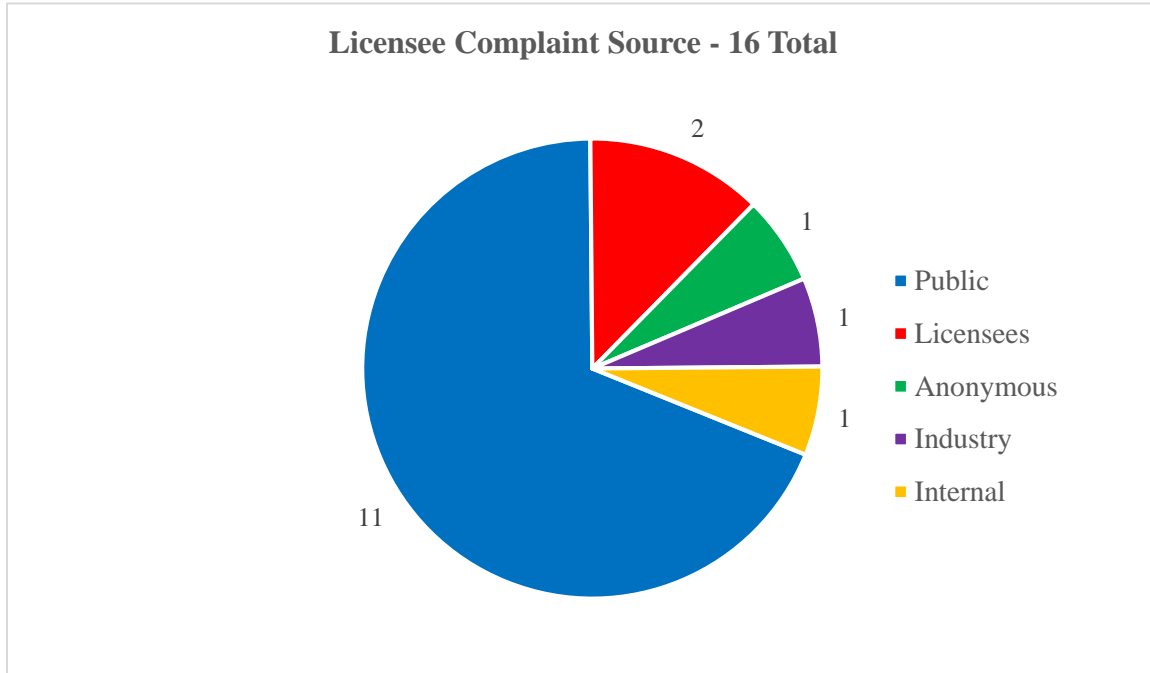
At today's meeting, the Committee is asked to discuss the data provided in the attachment and take possible action in order to fulfill this Strategic Plan objective.

Attachment:

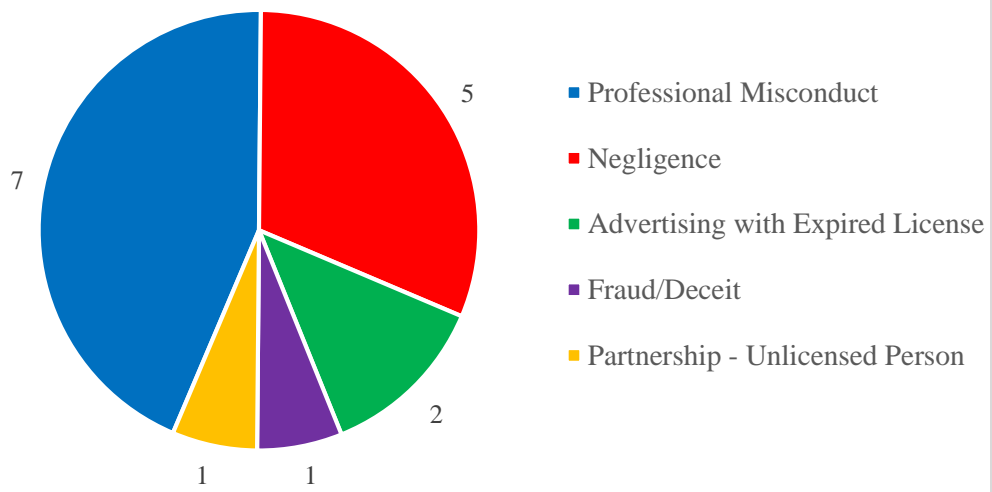
Enforcement Trends Report

ENFORCEMENT TRENDS REPORT

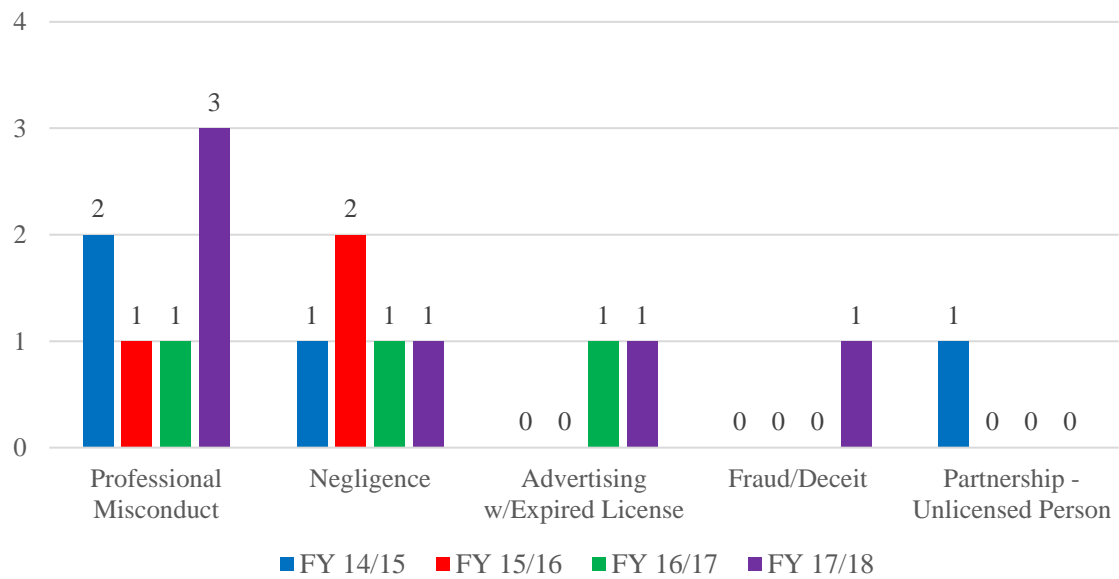
Complaints Received Against Licensees FY 14/15 – FY 17/18



Licensee Complaint Allegations



Licensee Complaint Allegations by Fiscal Year

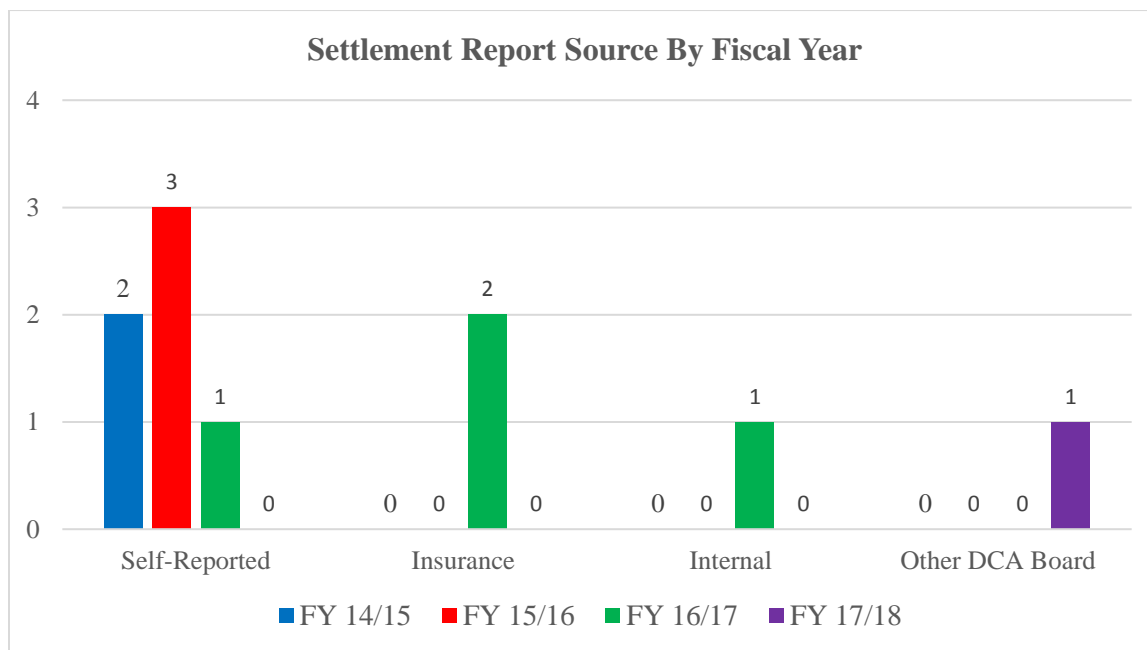
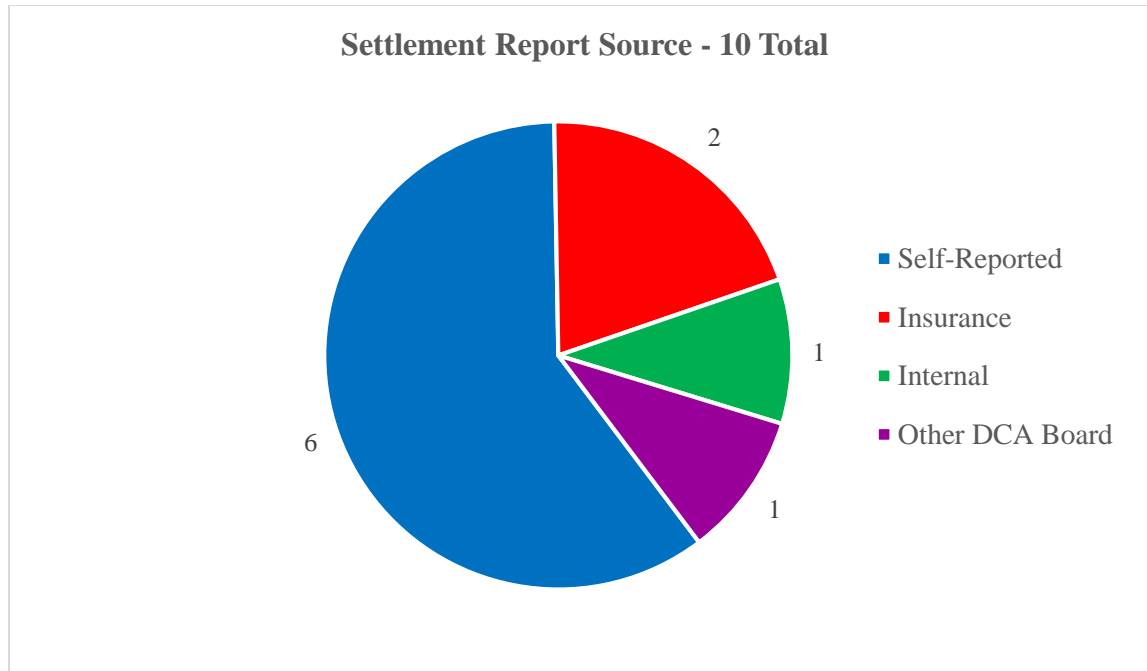


Licensee Complaint Disciplinary Action

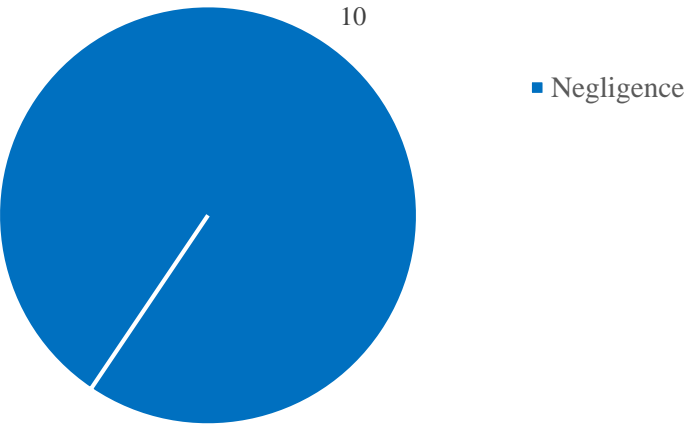
In the last four fiscal years, 14 complaints against licensees, for practice-related allegations (excluding settlement reports), have been closed. Of the 14 cases closed, 2 citations and 5 letters of advisement were issued. The below table displays the action taken and the corresponding violation.

Landscape Architects Practice Act Violations	Citation	Letter of Advisement
Contractual (BPC Section 5616)	1	2
Professional Misconduct (CCR section 2670)	1	1
Partnership – Unlicensed Person (BPC Section 5642)	0	1
Unlicensed Practice (BPC Section 5640)	0	1

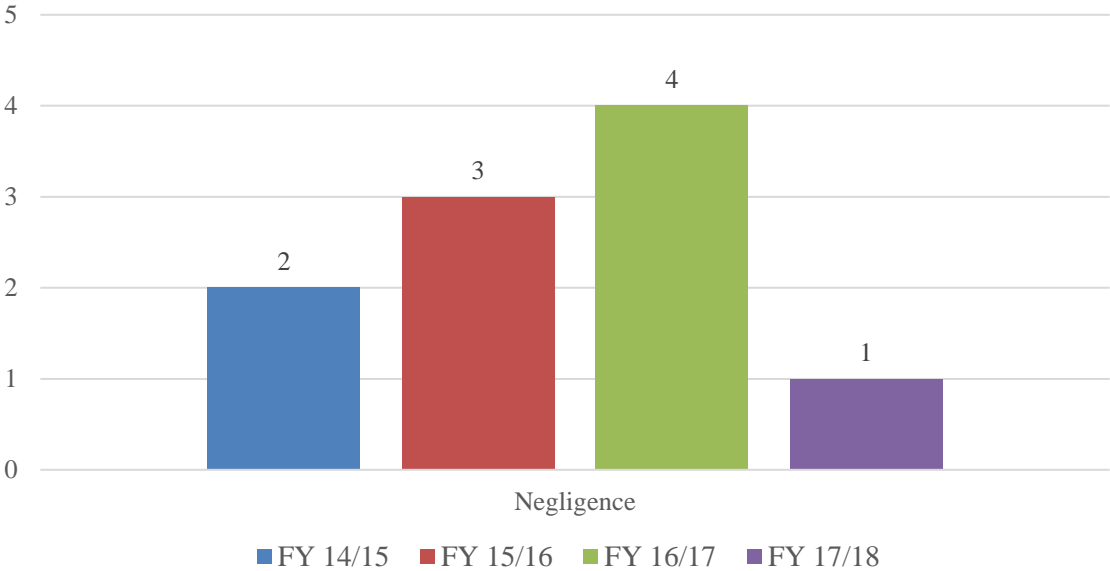
Complaints Resultant of Settlement Reports FY 14/15 – FY 17/18



Settlement Report Allegations



Settlement Report Allegations by Fiscal Year

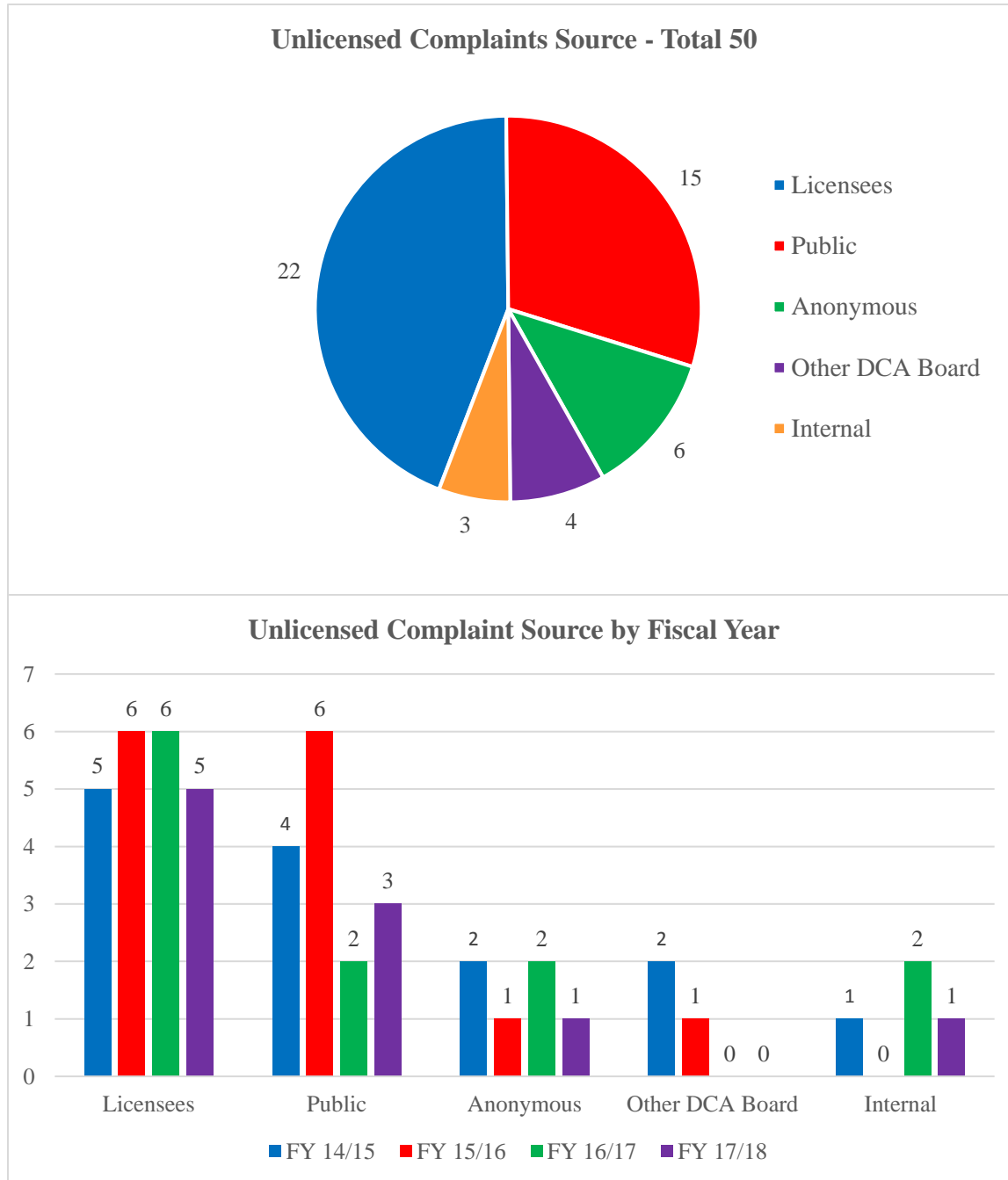


Settlement Report Disciplinary Action

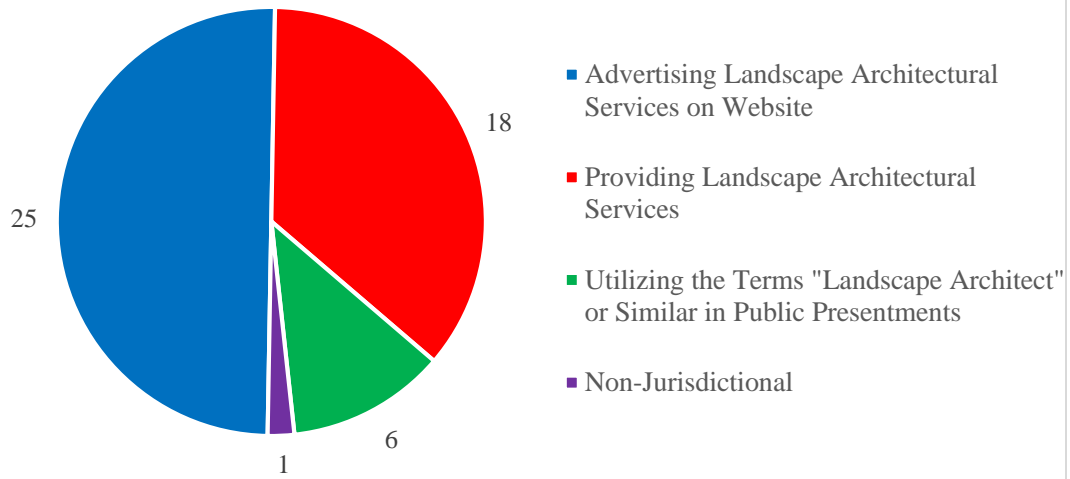
In the last four fiscal years, nine settlement cases, for allegations of negligence, have been closed. Of the nine closed, two resulted in a letter of advisement, three were closed with no violation, and four were closed with no jurisdiction due to the statute of limitations. The below table displays the action taken.

Landscape Architects Practice Act Violations	Citation	Letter of Advisement
Negligence (BPC Section 5671)	0	2

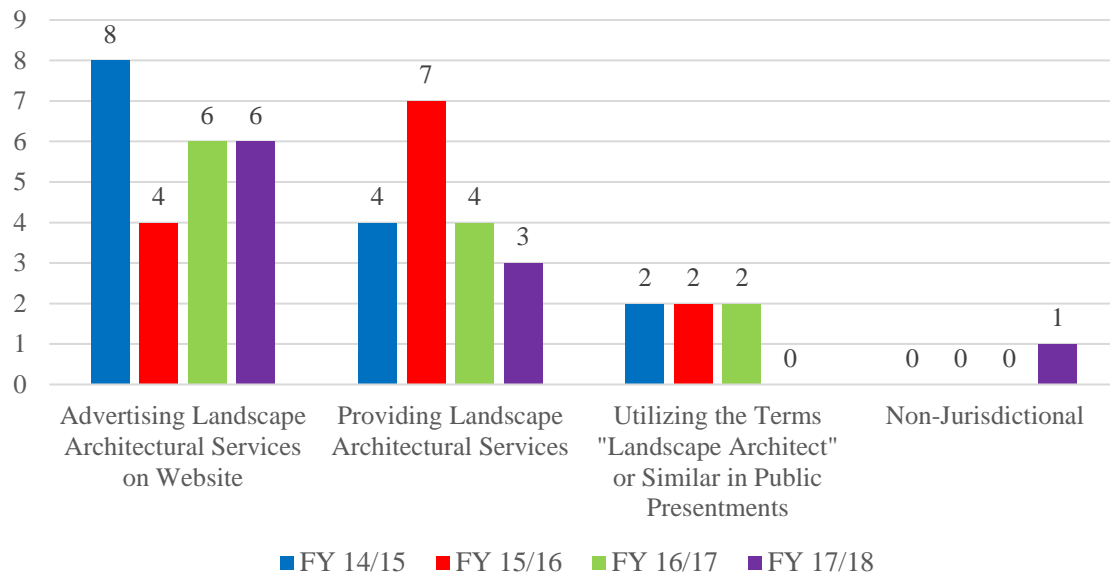
Complaints Received for Unlicensed Activity



Unlicensed Complaint Allegations



Unlicensed Complaint Allegations by Fiscal Year



Unlicensed Complaint Disciplinary Action

In the last four fiscal years, 43 complaints against unlicensed individuals or firms, for practice-related allegations, have been closed. Out of the 43 cases closed, 6 citations and 27 letters of advisement were issued for violations of Business and Professions Code section 5640, Unlicensed Person Engaging in Practice. The below table displays the action taken and the corresponding specific reasons.

Reason for Violation	Citation	Letter of Advisement
Unlicensed Person Providing Landscape Architectural Services	6	2
Unlicensed Person Advertising Landscape Architectural Services on Website	0	21
Unlicensed Person Utilizing the Terms “Landscape Architect” or Similar in Articles, on Title Blocks, etc.	0	4

Agenda Item J.3

DISCUSS AND POSSIBLE ACTION ON 2017-2018 STRATEGIC PLAN OBJECTIVES TO:

3. RESEARCH THE POSSIBILITY OF ENHANCING THE STATUTORY WRITTEN CONTRACT REQUIREMENT TO INCLUDE A CONSUMER NOTIFICATION TO ENHANCE CONSUMER EDUCATION

The Landscape Architects Technical Committee's (LATC) 2017-2018 Strategic Plan contains an objective to "research the possibility of enhancing the statutory written contract requirement to include a consumer notification to enhance consumer education."

The California Architects Board (Board) is pursuing efforts to update its written contract requirements to improve the protections afforded to consumers and architects by ensuring that both parties understand the cost, schedule, compensation, etc. for the project. Resultant of a previous Strategic Plan objective, the Board approved proposed language to amend BPC section 5536.22 (Written Contract) to include language that enhances the information requirement within written contracts concerning "scope of work" to include: 1) the project scope; 2) the project address; 3) the name and address of the project owner; and, 4) a description of the procedure to accommodate contract changes, including changes in the project scope, to the written contract requirement. In January 2016, the Board submitted a proposal to amend BPC section 5536.22 to the Senate Business, Professions and Economic Development (BP&ED) Committee for possible inclusion in an omnibus clean-up bill. BP&ED staff declined this proposed amendment for inclusion in the bill due to the proposal being too substantive.

Thereafter, to further improve the protections afforded to consumers and architects through the written contract requirement, Board staff recommended to the Board additional amendments to the written contract requirement to include: 1) a statement identifying the ownership and/or reuse of documents prepared by the architect; and 2) notification to the client that delineates the architect's licensure and the Board's role as the licensing entity. At its December 15, 2016 meeting, the Board approved the proposed language with the exception of the proposed provision which stipulated that a written contract include notification that the architect is licensed by the Board. The language was submitted to the BP&ED Committee on October 27, 2017, for inclusion in the Committee's 2018 Omnibus bill. BP&ED Committee staff determined that the proposal would not be included in the omnibus bill because it was deemed substantive; but, instead, suggested that it be presented to the Legislature for consideration via the "New Issues" section of the Sunset Review Report. The Board is pursuing this suggestion and will include the proposed language in its Sunset Review Report.

In effort to address its Strategic Plan objective, LATC enforcement staff reviewed the Board's proposed amendments to its written contract requirements in BPC section 5536.22 to identify

where similar language could be added to LATC's BPC section 5616 (Landscape Architecture Contract – Contents, Notice Requirements).

Currently, BPC section 5616 requires that a landscape architect's written contract:

1. Describe the services to be provided by the landscape architect;
2. Describe the basis of compensation and method of payment;
3. Notify clients that landscape architects are licensed by the State of California;
4. Identify the name, address, and license number of the architect and the name and address of the client;
5. Describe the procedure to accommodate additional services; and
6. Describe the procedure to be used by both parties to terminate the contract.

To enhance the LATC's written contract requirements, enforcement staff recommend the addition of the following provisions to BPC section 5616:

1. A description of the project;
2. The project address;
3. A description of the procedure to accommodate contract changes; and
4. A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

Proposed amendments to BPC section 5616 are shown in Attachment 1.

Additionally, LATC staff recommend that, upon approval, the LATC pursue statutory change by presenting amended language to the Legislature for consideration via the "New Issues" section of the Sunset Review Report. Attachment 2 shows the proposed language to be included in the LATC's Sunset Review Report within the "New Issues" section.

The Committee is asked to review and discuss the proposed amendments to BPC section 5616 and take possible action.

Attachments:

1. Proposed Language to Amend Business and Professions Code Section 5616
2. Proposed Language to be Included in Sunset Review Report Section 11 - New Issues

Proposed Language to Amend Business and Professions Code Section 5616 to Read:

- (a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the project for which the client is seeking services.

~~(12)~~ A description of the services to be provided by the landscape architect to the client.

~~(23)~~ A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract and the method of payment agreed upon by both parties.

~~(34)~~ A notice that reads:
“Landscape architects are licensed by the State of California.”

~~(45)~~ The name, address, and license number of the landscape architect and the name and address of the client and project address.

~~(56)~~ A description of the procedure that the landscape architect and client will use to accommodate additional services.

(7) A description of the procedure that the landscape architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment.

~~(68)~~ A description of the procedure to be used by either party to terminate the contract.

(9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

~~(b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with this section is not required.~~

~~(e)~~ This section shall not apply to any of the following:

- (1) Professional services rendered by a landscape architect for which the client will not pay compensation.
- (2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect’s services are of the same general

kind that the landscape architect has previously rendered to, and received payment for from, the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(34) Professional services rendered by a landscape architect to any of the following:

- (A) A landscape architect licensed under this chapter.
- (B) An architect licensed under Chapter 3 (commencing with Section 5500).
- (C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).
- (D) A contractor licensed under Chapter 9 (commencing with Section 7000).
- (E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).
- (F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).
- (G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.
- (H) A public agency.

(dc) As used in this section, “written contract” includes a contract that is in electronic form.

Proposed Language to be Included in Sunset Review Report Section 11 – New Issues

Written Contract

The LATC's "written contact requirement" is one of its most important consumer protection tools. Presently, the landscape architect's written contract must: 1) describe the services to be provided by the landscape architect to the client; 2) describe the basis of compensation, including total cost and method of payment; 3) include a notice that reads, "Landscape architects are licensed by the State of California"; 4) identify by name and address the client and the landscape architect, including the landscape architect's license number; 5) describe the procedure to accommodate additional services; and 6) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced opportunity for one party to take advantage of the other. The LATC believes that the contract requirement benefits both the consumer and the landscape architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the enforcement program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect or landscape architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations, section 2670(d), landscape architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing. However, landscape architects are not currently required to define the project description in their written contracts with clients. Therefore, it can be difficult for the client or landscape architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers related to disputes regarding the ownership and use of an architect's instruments of service. Assembly Bill 630 (Holden, Chapter 453, Statutes of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects nor landscape architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the instruments of service.

The LATC is proposing to amend BPC section 5616 in order to clarify that the following elements are needed in landscape architects' written contracts with clients for professional services: 1) a description of the project for which the client is seeking services; 2) the project address; 3) a description of the procedure that the landscape architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and method of payment; and 4) a statement identifying the ownership and use of instruments of service prepared by the landscape architect.

The LATC expects this proposal to benefit consumers and landscape architects by providing enhanced transparency for contracted parties, thereby, reducing the number of disputes related to disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

The LATC respectfully requests that this proposal be included as part of the legislation addressing its sunset date. See proposed language below:

Amend section 5616 of the Business and Professions Code to read:

(a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the project for which the client is seeking services.

~~(2)~~ A description of the services to be provided by the landscape architect to the client.

~~(23)~~ A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract and the method of payment agreed upon by both parties.

~~(34)~~ A notice that reads: "Landscape architects are licensed by the State of California."

~~(45)~~ The name, address, and license number of the landscape architect, and the name and address of the client and project address.

~~(56)~~ A description of the procedure that the landscape architect and client will use to accommodate additional services.

(7) A description of the procedure that the landscape architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation, total price, and method of payment.

~~(68)~~ A description of the procedure to be used by either party to terminate the contract.

(9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

~~(b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with this section is not required.~~

(e**b**) This section shall not apply to any of the following:

(1) Professional services rendered by a landscape architect for which the client will not pay compensation.

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect's services are of the same general kind that the landscape architect has previously rendered to, and received payment for from, the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(3**4**) Professional services rendered by a landscape architect to any of the following:

(A) A landscape architect licensed under this chapter.

(B) An architect licensed under Chapter 3 (commencing with Section 5500).

(C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).

(G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.

(H) A public agency.

(d**c**) As used in this section, "written contract" includes a contract that is in electronic form.

Agenda Item K

DISCUSS AND POSSIBLE ACTION ON LATC'S 2018 SUNSET REVIEW REPORT AND MEMBER ADMINISTRATIVE PROCEDURE MANUAL

The Landscape Architects Technical Committee's (LATC) current Strategic Plan contains an objective to "Prepare for the Sunset Review process to demonstrate LATC's effectiveness."

Each year, the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee hold joint Sunset Review oversight hearings to review the boards and bureaus under the Department of Consumer Affairs (DCA). The Sunset Review process provides an opportunity for the DCA, the Legislature, the boards, and interested parties and stakeholders to discuss the performance of the boards and make recommendations for improvements.

The LATC must complete this Sunset Review process once every four years, with the LATC's next Sunset Review Report (Report) due to the Legislature on December 1, 2018. Attached is a timeline provided by DCA depicting the overall Sunset Review Process for 2018-2019 (Attachment 1). In order to facilitate this process and provide ample time for review, staff drafted responses to each question delineated in the 2017 template iteration of the Report for consideration by the LATC and California Architects Board (Board). In addition, to further assist LATC staff with review and feedback on the Report, the LATC Chair appointed a Working Group of two Committee members.

Using the 2017 Report template, a draft of the LATC Report was reviewed by the LATC during its meeting on May 4, 2018 and, thereafter, was presented to the Board's Executive Committee during its meeting on May 16, 2018. Subsequently, the draft Report was presented to the Board at its meeting on June 13, 2018.

The 2018 Sunset Review Report template was released on June 29, 2018. Accordingly, staff have transposed the draft responses made to the 2017 Report to the 2018 Report template. In addition, the 2018 template included three new questions (all in Section 4) not previously presented to the LATC. The draft LATC Report using the 2018 Report template is included in Attachments 2-13 for the LATC's review and possible approval (the Report has been divided by section for ease of reference). Revisions to the Report since the LATC's review on May 4, 2018 encompass: 1) feedback provided during each previous review of the Report; 2) discussion from training offered by DCA on May 24, 2018, which included an overview of the Sunset Review process and the Report's sections and opportunity to ask questions of members of the Joint Sunset Review Committee; and, 3) responses to the new questions in the 2018 Report template. (Please note that at the time of this report's distribution, budgetary information for Sections 3 and 5 of the Report are still being finalized. Upon completion, these sections will be distributed at the LATC meeting on July 20, 2018 as a handout.)

The Board will have another opportunity to review the draft Board and LATC Reports (using the 2018 template) during its meeting on September 12, 2018 before the final reports are due to the Legislature. At that time, the Board will be asked to delegate authority to the Board President, Vice President, and Executive Officer to make any necessary changes to the Reports prior to submittal. The Board/LATC's Sunset Review hearing will likely be held in March 2019. Approximately two weeks prior to the hearing, Legislative staff will provide the Board/LATC a Background Paper identifying issues for fact-checking and review. The hearing will provide an opportunity to present the Reports and discuss those identified issues and recommendations from the Legislature. Staff will then prepare responses to the issues identified in the Background Paper and submit formal written responses within 30 days of the hearing.

Also included in the attachments for the Committee's consideration is the LATC's Member Administrative Procedure Manual (Manual) (Attachment 14). Section 12 of the Report requests inclusion of the Manual in the Report's submission. The LATC's Manual was last updated in 2001. Board staff is currently in the process of updating its Manual with the aim of presenting it to the Board for review and approval during its next meeting on September 12, 2018. Accordingly, LATC staff will use the Board's revised Manual as a model by which to update the LATC's Manual. Staff request that the LATC designate a two-person working group to offer review and feedback regarding the updated Manual, which will be presented to the Board at its next meeting along with the LATC's Report.

At today's meeting, the LATC is asked to review the draft Report and take possible action to recommend to the Board approval of the LATC Report. In addition, the LATC is asked to appoint a two-person working group for review of the updated Manual.

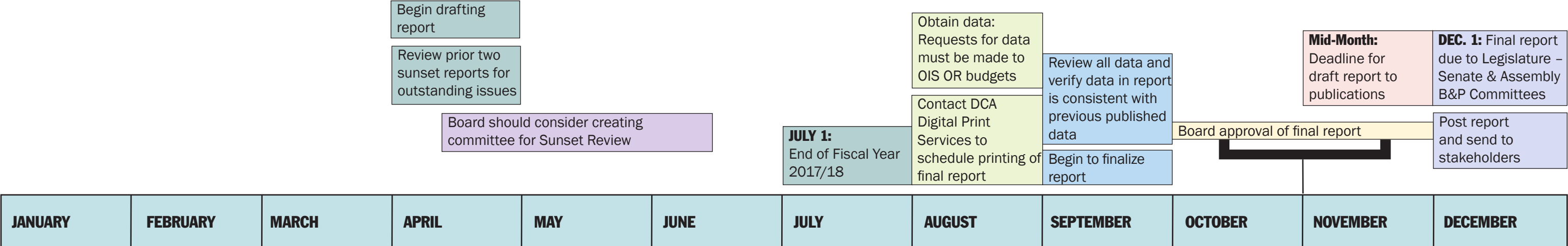
Attachments:

1. Sunset Review Process 2018-2019
2. LATC 2018 Sunset Review Report Section 1 Background
3. LATC 2018 Sunset Review Report Section 2 Performance Measures
4. LATC 2018 Sunset Review Report Section 3 Fiscal
5. LATC 2018 Sunset Review Report Section 4 Licensing
6. LATC 2018 Sunset Review Report Section 5 Enforcement
7. LATC 2018 Sunset Review Report Section 6 Public
8. LATC 2018 Sunset Review Report Section 7 Online Practice
9. LATC 2018 Sunset Review Report Section 8 Workforce
10. LATC 2018 Sunset Review Report Section 9 Current Issues
11. LATC 2018 Sunset Review Report Section 10 Response to Prior Sunset Issues
12. LATC 2018 Sunset Review Report Section 11 New Issues
13. LATC 2018 Sunset Review Report Section 12 Attachments
14. LATC Administrative Procedure Manual (2001)

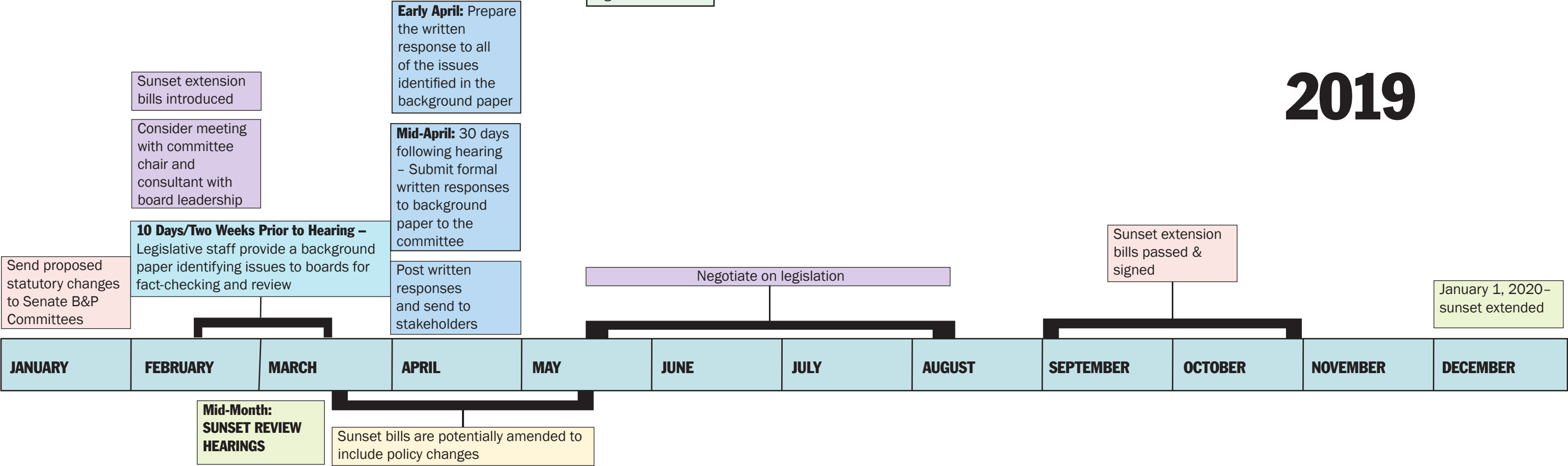


SUNSET REVIEW PROCESS

2018



2019



LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 1

Background and Description of the LATC and Regulated Profession

Provide a short explanation of the history and function of the Landscape Architects Technical Committee (LATC). Describe the occupations/profession that are licensed and/or regulated by the LATC (Practice Acts vs. Title Acts).

- The Board of Landscape Architects (BLA) was created by the California Legislature in 1953.
- The LATC was established under the California Architects Board in 1997 to replace BLA.
- The five-member Committee consists of three gubernatorial appointees, one Senate Rules Committee appointee, and one Assembly Speaker appointee. Members appointed for a term of four years.
- Fifty U.S. states, three Canadian Provinces, and Puerto Rico regulate the practice of landscape architecture.
- Of the 54 jurisdictions, 47 have practice acts and 7 have title acts only. California has both a practice and title act.
- There are more than 16,400 licensed landscape architects in the United States.
- More than 21 percent of the nation's landscape architects are licensed in California.
- The LATC is a strong proponent of strategic planning and collaborates with professional, consumer, and government agencies to develop effective and efficient solutions to challenges.
- The LATC is proactive and preventative by providing information and education to consumers, candidates, clients, licensees, rather than expend more resources later.
- The LATC is committed to a strong enforcement program as a part of its mission to protect consumers and enforce the laws, codes, and standards governing the practice of landscape architecture.

Landscape architects offer an essential array of talent and expertise to develop and implement solutions for the built and natural environment. 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. The decisions and performance of landscape architects affect the health, safety, and welfare of the client, as well as the public and environment. Therefore, it is essential that landscape architects meet minimum standards of competency.

California began regulating the practice of landscape architecture in 1953 with the formation of the BLA. In 1994, the statute authorizing the existence of the BLA expired. The Department of Consumer Affairs (DCA) recommended the Board as the appropriate oversight agency due to the similarities between the two professions and the Boards' regulatory programs. DCA began discussions with the Board and other interested parties on possible organizational structures for regulating landscape architecture in California. In April 1997, the groups

reached consensus and the Board unanimously supported legislation to establish the LATC under its jurisdiction. Legislation establishing the LATC was passed by the Legislature and signed into law effective January 1, 1998.

The LATC is responsible for the examination, licensure, and enforcement programs concerning landscape architects. The LATC currently licenses more than 3,600 of the over 16,400 licensed landscape architects in the United States. California has both a practice act, which precludes unlicensed individuals from practicing landscape architecture, and a title act, which restricts the use of the title “landscape architect” to those who have been licensed by the LATC.

Mission

The LATC regulates the practice of landscape architecture through the enforcement of the Landscape Architects Practice Act to protect consumers, and the public health, safety, and welfare while safeguarding the environment.

In fulfilling its mission, the LATC has found that acting preventively and proactively is the best use of its resources. Because of the nature of the design profession, there are numerous opportunities to prevent minor problems from becoming disasters. As such, the LATC works to aggressively address issues well before they exacerbate into catastrophes. The LATC works closely with professional groups to ensure that landscape architects understand changes in laws, codes, and standards. The LATC also invests in communicating with schools, and related professions and organizations. To ensure the effectiveness of these endeavors, the LATC works to upgrade and enhance its communications by seeking feedback and analyzing the results of its communications efforts. All of these initiatives underscore the LATC’s firm belief that it must be both strategic and aggressive in employing the preventive measures necessary to effectively protect the public health, safety, and welfare.

1. Describe the make-up and functions of each of the LATC’s committees (cf., Section 12, Attachment B).

The LATC and Board maintain an ongoing practice of providing regular updates regarding key issues at each other’s respective meetings in order to sustain understanding of each entity’s priorities. Moreover, the Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board. Likewise, an LATC member will regularly attend Board meetings to ensure ongoing Committee representation.

Furthermore, to assist in the performance of its duties, the LATC establishes subcommittees and task forces, as needed, which are assigned specific issues to address.

The **Education/Experience Subcommittee** (Subcommittee) was charged with reviewing informational tools and data relevant to California’s current landscape architecture licensure requirements and various licensure pathways in other states. Thereafter, the Subcommittee was charged with issuing a recommendation to the LATC for expanded pathways to licensure and amendment of California Code of Regulations (CCR) section 2620 to define and prescribe allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee’s recommendations and accepted them with the exception of the Subcommittee’s proposal to allocate credit toward designated non-accredited related degrees

and any associates degree. On December 7, 2017, the California Architects Board approved the proposed amendments to CCR section 2620. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. The LATC is continuing to explore this matter further and, barring additional changes to CCR section 2620, anticipates submitting a regulatory proposal to the Office of Administrative Law (OAL) by the end of 2018.

An organizational chart of the LATC's committee structure is provided below:



Table 1a. Committee Member Attendance (July 1, 2014 – June 30, 2018) Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.

Andrew Bowden			
Date Appointed: 1/17/2008 [Term Expired 6/10/2010]			
Date Re-appointed: 5/24/2012 [Term Expired 6/1/2015]			
Date Re-appointed: 6/1/2015 [Term Expires: 6/1/2019]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

Nicki Johnson			
Date Appointed: 5/24/2012 [Term Expired 6/1/2014]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes

Stephanie Landregan			
Date Appointed: 5/11/2006 [Term Expired 6/1/2010] Date Re-appointed: 12/10/2010 [Term Expired 6/1/2014]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	Yes

Susan Landry			
Date Appointed: 4/19/2018 [Term Expired 6/1/2018]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	5/4/2018	Sacramento	Yes

Katherine Spitz			
Date Appointed: 5/24/2012 [Term Expired: 6/1/2016] Resigned: 5/14/2015			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10/2015	Pomona	No
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	No

David Allan Taylor, Jr.			
Date Appointed: 6/25/2008 [Term Expired 6/1/2010]			
Date Re-appointed: 6/1/2010 [Term Expired 6/1/2014]			
Date Re-appointed: 6/4/2014 [Term Expired 6/1/2018]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting (Teleconference)	8/27/2014	Sacramento & Various Locations	Yes
LATC Meeting	2/10-11/2015	Pomona	Yes
LATC Meeting (Teleconference)	5/13/2015	Sacramento & Various Locations	Yes
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	No
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	No
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	No

Patricia Trauth			
Date Appointed: 6/1/2015 [Term Expired 6/1/2018]			
Date Re-appointed: 6/8/2018 [Term Expires 6/1/2022]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	8/6/2015	Sacramento	Yes
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

Marq Truscott			
Date Appointed: 9/1/2015 [Term Expired 6/1/2016]			
Date Re-appointed: 6/9/2016 [Term Expires 6/1/2020]			
Meeting Type	Meeting Date	Meeting Location	Attended?
LATC Meeting	11/17/2015	Davis	Yes
LATC Meeting	2/10/2016	San Diego	Yes
LATC Meeting	5/24/2016	Sacramento	Yes
LATC Meeting	11/4/2016	Sacramento	Yes
LATC Meeting	1/17-18/2017	Sacramento	Yes
LATC Meeting	4/18/2017	Pomona	Yes
LATC Meeting	7/13/2017	Sacramento	Yes
LATC Meeting	11/2/2017	Los Angeles	Yes
LATC Meeting	5/4/2018	Sacramento	Yes

Table 1b. Board/Committee Member Roster Includes current and prior members. Length of time serving varies depending on remainder of term available at time of appointment.					
Member Name (Include Vacancies)	Date First Appointed	Date Re- appointed	Date Term Expires	Appointing Authority	Type (public or professional)
PATRICIA TRAUTH, Chair	6/1/2015	6/8/18	6/1/2018 6/1/2022	Governor	Landscape Architect
MARQ TRUSCOTT, Vice Chair	9/1/2015	6/9/2016	6/1/2016 6/1/2020	Governor	Landscape Architect
ANDREW BOWDEN	1/17/2008	5/24/2012 6/1/2015	6/10/2010 6/1/2015 6/1/2019	Governor	Landscape Architect
NICKI JOHNSON	5/24/2012	N/A	6/1/2014	Governor	Landscape Architect
DAVID ALLAN TAYLOR, JR..	6/25/2008	6/1/2010 6/4/2014	6/1/2010 6/1/2014 6/1/2018	Senate Rules Committee	Landscape Architect
SUSAN LANDRY	4/19/2018	N/A	6/1/2018	Speaker of the Assembly	Landscape Architect

2. In the past four years, was the LATC unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

No, in the past four years, the LATC has held all meetings without any quorum issues.

3. Describe any major changes to the LATC since the last Sunset Review, including, but not limited to:

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

California Supplemental Examination (CSE)

The CSE tests for areas of practice unique to California. In January 2013, the LATC contracted with DCA's Office of Professional Examination Services (OPES) to conduct an occupational analysis (OA) of the landscape architect profession. The purpose of the OA was to define practice for landscape architects in terms of actual job tasks that new licensees must be able to perform safely and competently.

In May 2013, OPES initiated the OA process and finalized the OA report in June 2014. As part and parcel of the OA process, OPES conducted a Landscape Architect Registration Examination (LARE) review and linkage study in November 2014 that compared the content of the 2014 CSE Test Plan with the subject matter covered in the various sections of the LARE. The findings of the linkage study were then used to define the content of the CSE and form the basis for determining "minimum acceptable competence" as it relates to safe practice at the time of initial licensure.

The LATC has since contracted with OPES to prepare a new CSE form every year; using the examination plan contained in the 2014 OA as the basis. As a result, LATC developed and administered new CSE forms in 2015, 2016, 2017, and 2018.

Proposal to Expand Initial Pathways to Licensure

The LATC appointed the Education/Experience Subcommittee (Subcommittee) to issue a recommendation to the LATC that expands pathways to licensure and enables amendments of California Code of Regulations (CCR) section 2620 to define and prescribe allowable credit for the following new pathways: 1) acceptance of degrees related to landscape architecture, 2) acceptance of non-related degrees, and 3) an experience-only pathway to licensure. On November 2, 2017, the LATC reviewed the Subcommittee's recommendations and accepted all but two recommendations with minor changes. The Subcommittee's proposals not accepted by the LATC were recommendations to allocate credit toward designated non-accredited related degrees and any associate degree. On December 7, 2017, the California Architects Board approved the proposed amendments to CCR section 2620. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. The LATC is continuing to explore this matter further and, barring additional changes to CCR section 2620, anticipates submitting a regulatory proposal to the OAL by the end of 2018.

Collection Agency Contract

Based on the Board's 2015-2016 Strategic Plan objective to pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties, staff executed a contract with a collection agency through the informal solicitation method (Government Code section 14838.5) to allow the Board and LATC to refer unpaid administrative fines and cost reimbursement accounts aged beyond 90 days to a collection agency. The collection agency provides full-service debt collection services, including "skip-tracing," credit reporting, and filing legal actions when appropriate.

Strategic Planning

The LATC utilizes DCA SOLID Planning Solutions staff to facilitate the development of its biennial Strategic Plans. As preparation for each new Strategic Plan, SOLID conducts an environmental scan for the LATC, which is used as a reference tool for the establishment of new Strategic Plan objectives. Presently, the LATC is in the midst of its 2017-2018 Strategic Plan. Beginning Fall 2018, LATC will engage with SOLID to commence the development of its 2019-2020 Strategic Plan.

Leadership and Personnel

The LATC experienced a leadership change when former Program Manager, Trish Rodriguez, left the LATC in November 2016. In March 2017, Brianna Miller was hired as Program Manager. LATC has also experienced transitional changes as staff promoted to outside agencies. Presently, the LATC is fully staffed.

- **All legislation sponsored by the LATC and affecting the LATC since the last sunset review.**

Assembly Bill (AB) 177 (Bonilla, Chapter 428, Statutes of 2015) extends the effective date of the Landscape Architects Technical Committee from January 1, 2016 to January 1, 2020.

AB 507 (Olsen, 2015) [BreEZe] would have added Business and Professions Code (BPC) section 210.5 to require DCA to submit an annual report to the Legislature and the Department of Finance regarding the BreEZe system. The author opted to not move the bill forward, as comprehensive reporting on BreEZe will be more appropriate when it is fully implemented.

AB 1005 (Calderon, 2017) [Orders of Abatement] would have amended BPC section 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 did not advance.

AB 2138 (Chiu and Low, 2018) [Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction] would reduce barriers to professional licensure for individuals with prior criminal convictions by limiting a regulatory board's discretion to deny a new license application or to suspend or to revoke an existing license. This bill limits a board's discretion to cases where the applicant or licensee was formally convicted of a related crime or subjected to formal discipline by a licensing board, and prohibits license denial or suspension or revocation for offenses older than five years with the exception of violent felonies, as currently established in statute.

Senate Bill (SB) 800 (Committee on Business, Professions and Economic Development, Chapter 573, Statutes of 2017) authorizes a license to be renewed within five years of its expiration and prohibits a license that is expired for more than five years from being renewed, restored, reissued, or reinstated. Rather, the holder of the expired license would apply for a new license.

- **All regulation changes approved by the LATC since the last sunset review. Include the status of each regulatory change approved by the LATC.**

A number of relevant regulatory changes have been enacted or proposed since the last Sunset Review. These changes are listed below.

Education and Training Credits (CCR section 2620) - Effective January 2017, CCR section 2620 was amended to add new subsection 2620(a)(13) to allow candidates to gain up to one year of training/practice credit for teaching in an approved or non-approved landscape architecture degree program or an associate landscape architecture degree program, under the supervision of a licensed landscape architect.

Fees (CCR section 2649) – Effective July 2017, CCR section 2649 was amended to extend the temporary renewal fee reduction to continue at \$220 between July 1, 2017 and June 30, 2019.

Reciprocity (CCR section 2615) – In September 2016, the LATC initiated a regulatory proposal that would amend CCR section 2615(c)(1) by adding a provision requiring candidates applying for California licensure based on licensure in another jurisdiction to submit verifiable documentation to the LATC that they possess both education and experience equivalent to that required of California applicants or, if they do not meet the education requirement, that they hold a current license in good standing in another jurisdiction where they have been actively engaged in the profession for at least 10 of the last 15 years. In response to this regulatory proposal, staff received 296 public comments, many of which were not supportive of the proposal. Thereafter, the LATC determined that reciprocity requirements should mirror the initial licensure requirements. As the regulatory package was not consistent with initial licensure requirements, at the advice provided by DCA legal counsel, the LATC elected to not pursue this regulatory change to CCR section 2615.

Application for Examination (CCR section 2610) – Effective April 2015, CCR section 2610 was amended to increase the amount of time that candidates have to apply for the LARE, and change the registration deadline to be consistent with LATC's current application processing timeframe. This proposal also has the potential to expedite the pathway to licensure for prospective licensees.

Reciprocity, Education, and Training Credits (CCR sections 2615 and 2620) - The LATC is pursuing a regulatory change to amend CCR sections 2615 and 2620 to mirror its expanded licensure pathways and reciprocity requirements with those already used by the Board. Specifically, proposed amendments to section 2620(a) will expand pathways for licensure to provide credit for a candidate with an accredited civil engineering degree, any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway. The LATC is currently evaluating whether additional amendments are necessary to CCR section 2620 related to a candidate's experience and whether this experience should be structured on the candidate's Certification of Experience form.

Barring determination of changes to CCR section 2620, the LATC anticipates commencing the rulemaking process by the end of 2018.

Expired License (CCR sections 2624 and 2624.1) – The LATC is pursuing a regulatory change to repeal CCR sections 2624 and 2624.1 as they no longer are supported by statute due to amendments made to Business and Professions Code sections 5680.1 (Expired License – Renewal) and 5680.2 (License Renewal – Three Years After Expiration) effective January 1, 2018. These amendments allow an expired license holder to renew his/her license within five years of its expiration; and, an expired license holder, whose license is not renewed within five years after its expiration, to pay the fees required of new applicants and pass the CSE. The LATC anticipates commencing the rulemaking process by the end of 2018.

Disciplinary Guidelines (CCR section 2680) - The LATC is pursuing a regulatory change to amend CCR section 2680 to incorporate the revised *Disciplinary Guidelines* by reference. The LATC anticipates commencing the rulemaking process by the end of 2018.

4. Describe any major studies conducted by the LATC (cf. Section 12, Attachment C).

In 2017, the LATC began reviewing existing education and training requirements for licensure to ensure that there are no barriers to the landscape architect profession for qualified individuals. Staff collected initial research via two public forums, held on March 17, 2017 and April 18, 2017 in northern and southern California, to obtain stakeholder feedback about the expansion of existing licensure requirements. This feedback contributed to the LATC's pursuit of regulatory changes to create more opportunities for licensure.

In October 2017, the LATC held an Education/Experience Subcommittee (Subcommittee) meeting to evaluate and issue a recommendation to the LATC regarding increased pathways to licensure. To prepare for this meeting, staff conducted extensive research in order to provide the Subcommittee with data to guide their recommendation. This data included examination content areas for the CSE and the LARE, as well as the accreditation requirements for degrees in landscape architecture, architecture, and civil engineering. In addition, staff collected data on other states' licensing requirements. This included a reporting on which states allow for degrees in fields related to landscape architecture, baccalaureate degree requirements, associate degree requirements, and experience-only.

On November 2, 2017, the LATC considered the Subcommittee's recommendations and proposed amendments to CCR section 2620. The LATC made a recommendation for the Board's approval to expand the pathways to licensure that include related degrees (accredited architecture and civil engineering degrees), non-related baccalaureate degrees, an experience-only pathway, and experience supervised by a landscape contractor. The Board approved these proposed amendments to CCR section 2620 during its meeting on December 7, 2017.

Following the Board's approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. The LATC is

continuing to explore this matter further and, barring additional changes to CCR section 2620, anticipates submitting a regulatory proposal to the OAL by the end of 2018.

5. List the status of all national associations to which the LATC belongs.

- Does the LATC's membership include voting privileges?

The LATC is a member of CLARB and exercises its voting rights pursuant to CLARB's bylaws when approved to attend official meetings.

- List committees, workshops, working groups, task forces, etc., on which the LATC participates.
None.

- How many meetings did LATC representative(s) attend? When and where?

The LATC was approved to participate in the CLARB Annual Meetings as follows:

CLARB Annual Meeting

September 17-19, 2015 (New Orleans, LA)

September 22-24, 2016 (Philadelphia, PA)

September 14-16, 2017 (Boise, ID)

September 27-29, 2018 (Toronto, ON)

- If the LATC is using a national exam, how is the LATC involved in its development, scoring, analysis, and administration?

The national exam, the LARE, is computer-based. As such, there is no opportunity for involvement on scoring and analysis. CLARB contacts licensees directly to select technical experts for a four-year term on their Exam Writing Committee. Currently, there are three California participants on CLARB's Exam Writing Committee.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 2

Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the LATC as published on the DCA website.

The LATC's quarterly performance measure reports for the last four years are attached. (cf., Section 12, Attachment E). The Department of Consumer Affairs (DCA) no longer publishes the annual performance reports.

7. Provide results for each question in the LATC's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The LATC is committed to providing exemplary customer service to its stakeholders. To assist the LATC in fulfilling this commitment, it utilizes customer satisfaction surveys directed to its key constituents. The LATC performs customer satisfaction surveys of consumers including those who have filed complaints against landscape architects/unlicensed individuals and of individuals seeking or renewing a license to practice landscape architecture in California. A majority (70 percent) of the responses to the survey demonstrate that individuals are satisfied or very satisfied with the services provided by the LATC (non-applicable responses excluded).

The LATC distributes its customer satisfaction survey in the following manner:

- Visible link near top of LATC's website;
- Link included in all outgoing staff emails;
- Link included in all LATC subscriber list emails; and
- Emails to recently assisted licensees/consumers, requesting completion of the survey.

In addition, the LATC is partnering with DCA's Communications Division to identify options by which to expand its social media presence. The LATC anticipates that this enhanced web presence could also create additional opportunities for stakeholder interactions and, accordingly, means by which to solicit customer satisfaction survey feedback. Constituents who respond to the surveys may also provide written comments regarding the various functions of the LATC. The comments provide management an opportunity to obtain qualitative feedback from constituents and ensure exemplary customer service.

In an effort to increase the response rate, the LATC recently implemented distribution of the survey to all newly licensed individuals when mailed their license certificate. The LATC will continue to research additional methods to increase response rates and provide exemplary service to its stakeholders. This is an important component to the LATC's mission and strategic goals.

	FY 2017–2018	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	0	2	1	1	1	3
2.	When you visited our website, how would you rate the ease of locating information?	0	3	2	2	0	1
3.	When you visited our website, how would you rate the usefulness of the provided information?	0	2	2	1	1	2
4.	If you submitted an application, how would you rate the timeliness of processing your application?	0	2	1	0	0	4
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	1	0	2	0	1	4
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	2	0	0	0	6
7.	Were you satisfied with the overall service provided by the LATC?	0	3	1	0	0	4
	Total:	1	14	9	4	3	24

	FY 2016–2017	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	3	2	0	0	1	1
2.	When you visited our website, how would you rate the ease of locating information?	0	2	2	3	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	0	2	2	2	0	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	0	0	0	0	0	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	0	0	0	7
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	0	0	0	7
7.	Were you satisfied with the overall service provided by the LATC?	2	1	1	2	0	1
	Total:	5	7	5	7	1	24

	FY 2015–2016	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	6	2	1	1	2	2
2.	When you visited our website, how would you rate the ease of locating information?	5	4	4	1	0	0
3.	When you visited our website, how would you rate the usefulness of the provided information?	4	5	1	2	1	0
4.	If you submitted an application, how would you rate the timeliness of processing your application?	3	0	2	2	1	6
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	2	0	1	1	2	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	1	0	1	0	2	10
7.	Were you satisfied with the overall service provided by the LATC?	4	3	2	1	3	1
	Total:	25	14	12	8	11	27

	FY 2014–2015	Excellent	Very Good	Good	Fair	Poor	Not Applicable
1.	In your most recent contract with us, how would you rate the responsiveness and effectiveness of staff who assisted you?	5	1	2	0	4	2
2.	When you visited our website, how would you rate the ease of locating information?	1	4	3	3	1	1
3.	When you visited our website, how would you rate the usefulness of the provided information?	2	3	4	3	1	1
4.	If you submitted an application, how would you rate the timeliness of processing your application?	1	0	3	0	2	7
5.	If you filed a complaint, were you satisfied with knowing where to file a complaint and whom to contact?	0	0	1	0	3	8
6.	If you filed a complaint, how would you rate the timeliness of receiving resolution for your complaint?	0	0	1	0	3	8
7.	Were you satisfied with the overall service provided by the LATC?	3	4	2	0	4	1
	Total:	12	12	16	6	18	28

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 3 Fiscal and Staff

Fiscal Issues

- 8. Is the LATC's fund continuously appropriated? If Yes, please cite the statute outlining this continuous appropriation.**

No.

- 9. Describe the LATC's current reserve level, spending, and if a statutory reserve level exists.**

Per Business and Professions Code section 128.5(b), the LATC's statutory fund limit is no more than 24 months in reserve. The current reserve level for fiscal year (FY) 2017/18 is \$1,557,000 (17.1 months in reserve). The current spending level is \$1,062,000. The LATC's fund condition is shown below in Table 2, identifying fund balance and expenditure levels. In addition, due to Landscape Architect Registration Examination and California Supplemental Examination savings, the LATC's request for spending authority reduction in the form of a negative Budget Change Proposal (BCP) was approved in the amount of \$200,000 for FY 2015/16 and ongoing.

- 10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the LATC.**

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. LATC is committed to continue monitoring its fund condition to determine if the fee reduction should continue or whether a permanent fee reduction should be implemented.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19*	FY 2019/20*
Beginning Balance	\$2,524	\$2,521	\$2,299	\$2,102	\$1,557	\$976
Revenues and Transfers	\$787	\$540	\$519	\$517	\$512	\$814
Total Revenue	\$3,311	\$3,061	\$2,818	\$2,619	\$2,069	\$1,790
Budget Authority	\$1,190	\$1,019	\$972	\$1,009	\$1,034	\$1,055
Expenditures	\$773	\$751	\$716	\$1,009	\$1,034	\$1,055
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$2,538	\$2,310	\$2,102	\$1,557	\$976	\$683
Months in Reserve	40.6	38.7	23.8	17.1	10.6	7.3

*Projected to spend full budget.

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the LATC? Has interest been paid? What is the remaining balance?

The LATC has not issued any general fund loans in the preceding four FYs. In FY 2003/04, the LATC loaned the general fund \$1.2 million that was repaid with interest in FY 2005/06.

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the LATC in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

During the last four years, the LATC has spent approximately XX% of its budget on the enforcement program, XX% on the examination program, XX% on the licensing program, XX% on administration, and XX% on DCA pro rata.

Table 3. Expenditures by Program Component							(list dollars in thousands)	
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18*	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement								
Examination								
Licensing								
Administration**								
DCA Pro Rata								
Total Expenditures								
* Governor's Budget FY 2017/18								
** Administration includes costs for executive staff, board, administrative support, and fiscal services								
*** DCA Pro Rata included in OE&E for FY 2014/15 and FY 2015/16								

13. Describe the amount the LATC has contributed to the BreEZe program. What are the anticipated BreEZe costs the LATC has received from DCA?

Since the inception of the BreEZe project, the LATC has contributed a total of \$55,221.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the LATC.

The LATC is a special fund agency that generates revenue from its fees. The LATC's main source of revenue is from applicants and licensees through the collection of examination, licensing, and renewal fees. These fees support the license, examination, enforcement, and administration programs, which include processing and issuing licenses, conducting an OA and ongoing examination development, maintaining records, producing and distributing publications, mediating consumer complaints, enforcing statutes, disciplinary actions, personnel, and general operating expenses.

Fees for an original license and biennial renewal increased on July 1, 2009, pursuant to CCR section 2649. As a result:

- 1) Original license fees increased from \$300 to \$400 (license is prorated based on birth month and year);
- 2) Renewal fees increased from \$300 to \$400 (prior to that, the fee had not been increased since 1991, when it was raised from \$200 to \$300); and
- 3) Delinquency fee increased from \$150 to \$200.

In 2015, the LATC implemented a temporary license renewal fee-reduction for FY 2015/16 through 2016/17 to maintain an appropriate fund balance. The LATC promulgated an additional regulatory amendment to continue the fee reduction for FYs 2017/18 through 2018/19. LATC is committed to continue monitoring its fund condition to determine if the fee reduction should continue or whether a permanent fee reduction should be implemented.

Business and Professions Code section 5681 authorizes the LATC to charge fees as follows:

The fees prescribed by this chapter for landscape architect applicants and landscape architect licensees shall be fixed by the Board as follows:

- a) The application fee for reviewing an applicant's eligibility to take any section of the examination may not exceed one hundred (\$100).
- b) The fee for any section of the examination administered by the board shall not exceed the actual cost to the board for purchasing and administering each exam.
- c) The fee for an original license may not exceed four hundred dollars (\$400), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall equal 50 percent of the fee fixed by the board for an original license. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- d) The fee for a duplicate license may not exceed fifty dollars (\$50).
- e) The renewal fee may not exceed four hundred dollars (\$400).
- f) The penalty for failure to notify the board of a change of address within 30 days from an actual change in address may not exceed fifty dollars (\$50).
- g) The delinquency fee shall be 50 percent of the renewal fee for the license in effect on the date of the renewal of the license, but not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).
- h) The fee for filing an application for approval of a school pursuant to Section 5650 may not exceed six hundred dollars (\$600) charged and collected on a biennial basis.

CCR section 2649 currently authorizes the following fees:

- a) Eligibility application fee is \$35;
- b) Reciprocity application is \$35;
- c) CSE application fee is \$35;
- d) CSE fee is \$275;
- e) Original license fee is \$400 (Prorated);
- f) For licenses expiring on or after July 1, 2009, the fee for biennial renewal is \$400. For licenses expiring on or after July 1, 2015, the fee for biennial renewal is \$220. For licenses expiring on or after July 1, 2019, the fee for biennial renewal is \$400.;
- g) Delinquency fee is \$110; and
- h) Duplicate certificate fee is \$15.

Table 4. Fee Schedule and Revenue

(list dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	FY 2017/18 Revenue	% of Total Revenue
Duplicate License/Cert.	\$15	\$50					
Citation/Fine*	Various	Various					
Citation/Fine FTB Collection	Various	Various					
Cost Recovery	Various	Various	\$0	\$0	\$0		
Initial License (Prorated)	\$400	\$400					
CA Supplemental Exam	\$275	\$275					
LARE Eligibility	\$35	\$100					
Biennial Renewal	\$220	\$400					
Accrued Renewal	Various	Various	N/A	N/A	N/A		
Delinquent Renewal	\$110	\$200					
Dishonored Check	\$25	\$50					
TOTAL(S)							

*Citation/Fine received and cashiered by LATC.

15. Describe Budget Change Proposals (BCPs) submitted by the LATC in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved

The LATC has not submitted BCPs in the past four FYs.

Staffing Issues

16. Describe any LATC staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The LATC works expeditiously to fill vacant positions to help ensure adequate staff resources to meet the LATC's objectives. Currently, the LATC has all positions filled. The LATC's position vacancies have mainly been in the Staff Services Analyst and Office Technician classifications, which are entry level. These vacancies are often attributed to other promotional opportunities, a common civil service occurrence. Since one staff person is allocated to each program area a single vacancy is 20% of the staffing level and can have a significant impact on workload until the position is filled. The LATC has been successful in reclassifying positions when needed to ensure appropriate classifications are available to meet operational needs and cross trains staff. Hiring temporary help such as Retired Annuitants and limited-term staff has also been effective in minimizing interruption in workload, training and succession planning, when necessary.

Incorporated as an element of the LATC's Business Continuity Plan, the DCA's Workforce and Succession Plan identifies mission critical positions that have a significant impact on the LATC and requires specialized job skills and/or expertise. The LATC updates the plan annually to develop strategies to retain the expertise and staff knowledge so that it is preserved for the future and on a continual basis.

17. Describe the LATC's staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

The LATC encourages training for all staff and participates heavily in courses offered at no cost through DCA's Strategic Organization, Leadership & Individual Development (SOLID) Training and Planning Solutions. These courses include enforcement-related, customer service, computer software, and other skills-training classes. Staff are also encouraged to pursue SOLID's Analyst Certification Training. This training program is free of charge and includes a series of courses to develop analytical tools, strategies, and techniques. The courses offered and completed develop staff to have the essential tools and training to effectively perform their job. It also enables them to be viable candidates for future promotional opportunities both in-house and externally. SOLID also offers an Enforcement Academy which is a series of courses aimed at developing staff's knowledge and skills related to DCA's enforcement programs as well as leadership trainings, such as the Future Leadership Development Program, which the Program Manager participated in.

Specialized training is also encouraged and provided to staff as needed. These include mandatory courses, such as sexual harassment prevention, ethics, information security awareness, and defensive driving. In the past three FYs, the average cost per year spent on training (i.e., information technology, enforcement certification, regulatory process, annual meeting registrations) is approximately \$2,700.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 4 Licensing Program

18. What are the LATC's performance targets/expectations for its licensing program? Is the LATC meeting those expectations? If not, what is the LATC doing to improve performance?

The LATC's performance target for processing applications and issuing licenses is 30 days from receipt of the application. Where the application is complete, all requirements met (including the submission of required supporting documentation and there is no criminal history), the LATC has typically been able to meet this goal. Additionally, staff is cross-trained to help mitigate the effects of extended absences and vacancies. Staff and management work together in a continuous effort to improve the quality of service provided by the LATC to its candidates and licensees. To this end, processes are routinely evaluated for efficiency to maximize staff performance and achieve performance expectations. When the LATC migrates to a new licensing and enforcement system, it is anticipated that additional process efficiencies will be realized.

19. Describe any increase or decrease in the LATC's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the LATC to address them? What are the performance barriers and what improvement plans are in place? What has the LATC done and what is the LATC going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

Staff processing of applications typically meets its established performance targets. As noted above, management works with staff to routinely evaluate processes for efficiencies and implement them in a timely manner to maintain performance expectations and provide continuously improving customer service to stakeholders.

When evaluating performance on processing applications, it should be taken into consideration that candidates may submit applications for the Landscape Architect Registration Examination (LARE) at any time and if found eligible, it may take several years for the candidate to pass all sections of the test. Candidates may submit applications for the California Supplemental Examination (CSE) and licensure once determined eligible by the LATC. There are no set deadlines for completing the examinations; however, inactive candidate records may be purged after five years (CCR section 2620 (d)(2)). The Council of Landscape Architectural Registration Boards (CLARB) implemented a Council Record as part of the application process in 2012. The Council Record includes information on the candidate's education and certifications of experience which are maintained annually. The Council Record can be transmitted to the LATC and is typically available within one day of the request.

Another matter for consideration relative to application processing is the documentation that must be submitted in support of an application. Candidates are required to have certified transcripts sent directly from their school verifying their qualifying degree and a Certification of Experience form submitted by the licensee who supervised their experience. The LATC sends an ineligibility notification when an application is incomplete, advising candidates of documents that must be submitted for eligibility. It is the candidate's responsibility to ensure that the necessary documents are provided.

There can also be a great variation in the amount of time a candidate is issued a license after he or she has passed the CSE. CSE results are provided to candidates immediately upon completion of the examination at the test center. However, a candidate may choose to wait before applying for the actual license. A license is typically issued within 30 days after receipt of the completed application and fee.

20. How many licenses or registrations does the LATC issue each year? How many renewals does the LATC issue each year?

Refer to Table 7a below for data on licenses and renewals issued each year.

21. How many licenses or registrations has the LATC denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the LATC determined were substantially related.

During the past four years, the LATC has not denied any license based on an applicant's criminal history.

Table 6. Licensee Population					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Landscape Architect	Active	3,507	3,593	3,607	3,675
	Delinquent	292	253	227	242
	Retired	N/A	N/A	N/A	N/A
	Out-of-State	461	470	490	500
	Out-of-Country	34	32	30	36
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.					

Table 7a. Licensing Data by Type

Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board control*	Within Board control*	Complete Apps	Incomplete Apps	Combined, if unable to separate out
FY 2015/16	LARE	225	194	DNA	N/A	DNA	DNA	DNA	See note below ²		
	CSE	152	122	DNA	N/A	DNA	DNA	DNA	“		
	License	97	96	DNA	96	DNA	DNA	DNA	“		
	Renewal ¹	1,873	1,873	DNA	1,873	DNA	DNA	DNA	“		
FY 2016/17	LARE	231	177	DNA	N/A	DNA	DNA	DNA	“		
	CSE	196	146	DNA	N/A	DNA	DNA	DNA	“		
	License	74	74	DNA	74	DNA	DNA	DNA	“		
	Renewal ¹	1,769	1,769	DNA	1,769	DNA	DNA	DNA	“		
FY 2017/18	LARE	192	179	DNA	N/A	DNA	DNA	DNA	“		
	CSE	246	225	DNA	N/A	DNA	DNA	DNA	“		
	License	109	108	DNA	108	DNA	DNA	DNA	“		
	Renewal ¹	1,907	1,907	DNA	1,907	DNA	DNA	DNA	“		
* Optional. List if tracked by the committee.											
DNA = Data Not Available N/A = Not Applicable											

¹Data does not include pending incomplete renewal applications, which range from 10 to 25 per FY.

²Applications are typically processed within 30 days from the date of receipt, provided application is complete and required supporting documentation submitted in accordance with the LATC's regulations (i.e., certified transcripts sent by the educational institution).

Table 7b. Total Licensing Data			
	FY 2015/16	FY 2016/17	FY 2017/18
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	375	427	438
Initial License/Initial Exam Applications Approved	316	323	404
Initial License/Initial Exam Applications Closed	DNA	DNA	DNA
License Issued	96	74	108
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	DNA	DNA	DNA
Pending Applications (outside of committee control)*	DNA	DNA	DNA
Pending Applications (within the committee control)*	DNA	DNA	DNA
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	See note 2 above for Table 7a		
Average Days to Application Approval (incomplete applications)*			
Average Days to Application Approval (complete applications)*			
License Renewal Data:			
License Renewed	1,873	1,769	1,907
Note: The values in Table 7b are the aggregates of values contained in Table 7a			
* Optional. List if tracked by the committee.			
DNA = Data Not Available			

22. How does the LATC verify information provided by the applicant?

The LATC uses several measures to verify information provided by candidates on an application. For example, transcripts are required to substantiate the qualifying degree or certificate listed on the application for which a candidate wishes to receive credit. The transcripts must be certified and submitted directly from the respective school to the LATC for credit to be granted.

Work experience must be submitted on the LATC approved Certification of Experience form signed by the licensed professional who supervised the candidate's work to receive credit. LATC staff verify with the appropriate jurisdiction or regulatory agency that the supervising professional's licensing information provided on the form is true and correct. LATC staff is presently researching how the Certification of Experience form may be expanded to more thoroughly capture the areas of experience gained by a candidate. This research is part of the LATC's effort to expand the experience-based qualifications for licensure wherein the LATC is seeking to allow for an experience-only pathway as well as an opportunity for a candidate to be supervised by a licensed landscape contractor. Broadening the Certification of Experience form would enable LATC licensing staff to review a candidate's experience for diversity within the field. Once finalized, all pathway changes, including Certification of Experience form changes, will be submitted in a regulatory change proposal.

Individuals who are licensed in another jurisdiction and applying for reciprocity must request that their state board provide a license certification to substantiate licensure, license status (e.g., current, delinquent, suspended, etc.), and information on disciplinary action. Additionally, the board certifying the information must provide the examination history detailing what form of the LARE (or equivalent) was taken and when each section was passed.

Initial and reciprocal licensure candidates may substitute their CLARB Council Record in lieu of the above-mentioned transcripts and work experience documentation. The CLARB Council Record provides information on education, experience and examination. LATC staff use the information included in the Council Record to verify that the candidate meets California's licensure requirements.

a. What process does the LATC use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the LATC denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

The LATC's applications include the following questions about the candidate's criminal/disciplinary history:

- Have you ever had a landscape architecture license denied, suspended, or revoked?
- Have you ever been disciplined by another public agency?
- Have you ever been convicted of, or plead guilty or nolo contendere to any criminal or civil offense in the United States, its territories, or a foreign country?
- Is any criminal action pending against you or are you currently awaiting judgement and sentencing following entry of a plea or jury verdict?

The applications of those candidates responding "yes" to any of the questions are referred to the LATC's Enforcement Unit for review and possible disciplinary action. The Enforcement Unit staff obtains a certified copy of the conviction or disciplinary action, a written explanation of the underlying circumstances of the offense or action, and evidence of rehabilitation from the candidate, and determines, based on LATC's regulations and relevant statutes, whether the offense or action is substantially related to the practice of landscape architecture or to the candidate's ability to practice landscape architecture in the interest of the public health, safety, and welfare.

CLARB also maintains a disciplinary database that can be used by member boards to disclose and share information regarding disciplinary actions taken against licensees and unlicensed individuals within their jurisdiction. Prior to the issuance of each license, the Enforcement Unit staff searches the database and verifies if any disciplinary action has been taken against the candidate in another state, but was not disclosed to the Board on the candidate's applications.

During the past four years, the LATC has not denied any licenses based on a candidate's failure to disclose required information on an application, as there have not been any cases involving a candidate who deliberately withheld such information from the Committee.

b. Does the LATC fingerprint all applicants?

The LATC is a component of the Board and works in tandem to align processes and procedures. The Board and LATC are not statutorily authorized to fingerprint candidates (applicants) for a landscape architect license.

In 2011 and 2012, the Board considered the necessity of a fingerprinting requirement as part of its Strategic Plan objectives and determined that based on the anticipated low number of arrest and prosecution reports expected, there would be little increased benefit to the public health, safety, and welfare. It was noted that current law already requires landscape architects working on school projects where children are present to have a background check conducted by submitting their fingerprints. Additionally, there would be increased costs to licensees and candidates.

The Board's current Strategic Plan includes an objective assigned to its Regulatory and Enforcement Committee (REC) to determine the necessity and implementation alternatives of a licensure fingerprint requirement as a means of protecting consumers. At this time, the Board is 1 of 6 programs within the Department of Consumer Affairs' (DCA) 39 boards and bureaus without the statutory authority to use fingerprinting for criminal background checks. Staff is researching how other DCA boards and bureaus implemented their fingerprint requirements for applicants and licensees, as well as examining the current fingerprint requirements for other architectural licensing boards throughout the country. The REC plans to review and discuss this objective at its next meeting, and develop a recommendation for the Board's consideration at a future meeting.

Nonetheless, the LATC continues to monitor the Board's action on fingerprinting and included an objective on its current 2017-2018 Strategic Plan to follow the Board's determination regarding a licensure fingerprint requirement.

c. Have all current licensees been fingerprinted? If not, explain.

No. The LATC is not statutorily authorized to fingerprint licensees. See response to 21b for additional information.

d. Is there a national databank relating to disciplinary actions? Does the LATC check the national databank prior to issuing a license? Renewing a license?

Yes, as noted above, CLARB maintains a database available to its membership that contains disciplinary actions reported by participating Member Boards and the LATC's enforcement unit utilizes this resource. The LATC checks the database prior to issuing licenses and when a licensee discloses on his or her license renewal application that he or she had been convicted of a crime or disciplined by another public agency within the preceding renewal period.

e. Does the LATC require primary source documentation?

Yes, the LATC requires candidates to submit (or have submitted on their behalf) original and/or certified documentation (such as university transcripts) to provide verification of authenticity. The LATC also accepts CLARB Council Records which require primary source documentation.

23. Describe the LATC's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The LATC's laws and regulations require all candidates to meet the same prerequisites for a license. Candidates must document a combination of six years education and experience as specified in CCR section 2620 and successfully complete both the national examination (LARE or the equivalent) and the CSE.

24. Describe the LATC's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The LATC considers military education, training, and experience the same as that from any other source, provided it is related to the practice of landscape architecture. Education, training, and experience must fall within the parameters established in California Code of Regulations section 2620 to receive credit towards the six-year experience licensure requirement.

a. Does the LATC identify or track applicants who are veterans? If not, when does the LATC expect to be compliant with BPC § 114.5?

Yes, the LATC tracks the military status of all candidates (applicants), including branch of service and military documentation received.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the LATC?

None.

c. What regulatory changes has the LATC made to bring it into conformance with BPC § 35?

No changes are necessary, as the LATC is already permitted by its regulations to grant credit for military education, training or experience that is related to the practice of landscape architecture.

d. How many licensees has the LATC waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on LATC revenues?

None.

e. How many applications has the LATC expedited pursuant to BPC § 115.5?

None. No candidates seeking reciprocal licensure and who are married to, or in a domestic partnership or other legal union with, an active duty member of the US Armed Forces who is assigned to a duty station in California have requested the expedited processing.

25. Does the LATC send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

N/A

Examinations

Table 8. Examination Data – Tables modified to include examination results for the CSE and the LARE (by division).

Table 8. Examination Data		
California Supplemental Examination (CSE)		
License Type		Landscape Architect
FY 2014/15	# of 1 st Time Candidates	90
	Pass %	81%
FY 2015/16	# of 1 st Time Candidates	107
	Pass %	81%
FY 2016/17	# of 1 st Time Candidates	117
	Pass %	76%
FY 2017/18	# of 1 st time Candidates	141
	Pass %	55%
Date of Last OA		May 2014
Name of OA Developer		OPES
Target OA Date		May 2020

Table 8. Examination Data					
Landscape Architect Registration Examination (LARE) (National Examination)					
License Type		Landscape Architect			
Exam Title: LARE Divisions*		Section 1	Section 2	Section 3	Section 4
FY 2014/15	# of 1 st Time Candidates ¹	See note 2 below			
	Pass %	69%	65%	68%	47%
FY 2015/16	# of 1 st Time Candidates ¹	See note 2 below			
	Pass %	72%	62%	62%	54%
FY 2016/17	# of 1 st Time Candidates ¹	See note 2 below			
	Pass %	69%	66%	60%	58%
FY 2017/18	# of 1 st Time Candidates ¹	See note 2 below			
	Pass %	63%	65%	72%	69%
Date of Last OA		2016			
Name of OA Developer		Professional Testing, Inc.			
Target OA Date		TBD			

¹ Data includes all California candidates.

² The previous candidate management system used by CLARB was unable to track this information. The new system being used by CLARB may be able to provide this information in the future.

The LARE sections currently administered are:

Section 1: Project and Construction Administration

Section 2: Inventory and Analysis

Section 3: Design

Section 4: Grading Drainage and Construction Documentation

26. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Each candidate for licensure is required to complete both a national examination (LARE) and CSE to become licensed. The two examinations test candidates for their entry-level knowledge, skills, and ability to provide services required of a landscape architect who possesses entry-level competence. Both examinations are only offered in English.

Landscape Architect Registration Examination (LARE)

The LARE is a practice-based examination developed by CLARB. The content of the LARE is based on an analysis of landscape architectural practice conducted every five to seven years. The study identifies what is required at the initial point of licensure in terms of tasks to be completed and the knowledge required to successfully complete those tasks. The most recent “Practice Analysis” was conducted by CLARB in 2016. The LARE concentrates on those services that most affect the public health, safety, and welfare. The LARE has been developed with specific concern for its fidelity to the practice of landscape architecture; that is, its content relates to the actual tasks a landscape architect encounters in practice. No single examination can test for competency in all aspects of landscape architecture, which is why the LARE is not the only requirement to become a licensed landscape architect. Education and experience are also crucial licensure

requirements. The examination attempts to determine the candidate's qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of landscape architecture as an integrated whole.

All sections of the LARE are administered and graded by computer. The following is a list of the sections:

- Section 1 - Project and Construction Management
- Section 2 - Inventory and Analysis
- Section 3 - Design
- Section 4 - Grading, Drainage, and Construction Documentation

CLARB partners with Pearson VUE Test Centers to administer the LARE three times annually. There are 22 test centers in California and over 250 nationwide, making the examination easily accessible for candidates.

Candidates must pass each section of the LARE independently and receive credit for sections passed, but must retake those sections not passed. Full or partial credit may be given when all sections have not been completed at the time a new LARE is introduced. Otherwise credit for sections passed is valid until the candidate passes the entire current examination. Candidates receive an email from CLARB when their results are ready for viewing.

California Supplemental Examination (CSE)

The setting for landscape architectural practice in California is distinct from that of other states. California's large physical size, massive and diverse population, varied landscape and climate, high seismicity, distinctive legal framework, and expansive economy create an unusually demanding environment for landscape architectural practice. The varying interplay of these conditions for specific projects gives rise to even more complicated settings. Additionally, these complexities are further exacerbated by the pressure to accommodate change with increased speed, requiring landscape architects to stretch the limits of their capacity to practice safely. Due to these unique needs and regulatory requirements, California administers the CSE to ensure that candidates have the necessary landscape architectural knowledge and skills to respond to the conditions found in California.

The LATC administers the CSE to candidates who have successfully completed all sections of the LARE, as well as to eligible licensees from other jurisdictions and countries, all of whom must pass the CSE prior to receiving licensure. The CSE tests for those aspects of practice unique to California, including accessibility, energy conservation, sustainability, irrigation, water management, wetlands, wildlife corridors, wildfire resistant landscapes and legal issues (California Environmental Quality Act, etc.), as well as those aspects of practice that are not adequately tested for in the LARE.

The CSE was previously administered as a written examination, but has been delivered via computer since February 2011. The current CSE is based on the 2014 Occupational Analysis (OA) and Test Plan and consists of 100 multiple-choice questions that cover site assessment, program development, design process, and construction documents and contract performance. The CSE is administered by computer at a total of 40 nationwide locations, including 17 testing centers within California, and candidates are given two and one-half hours to complete.

The OA was completed in May 2014. The OA was immediately followed by a review of the LARE psychometric process and linkage study that correlated the knowledge, skills, and abilities tested for in the CSE Test Plan with those present in the *Task Analysis for the Council of Landscape Architectural Registration Board's Landscape Architect (2010)* to ensure there is no overlap between the content in the LARE and CSE.

27. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

Statistics collected by CLARB relative to pass rates for the LARE do not distinguish between first-time and retake candidates by state. However, the LATC does collect CSE pass rate statistics for a comparison between first-time and retake candidates. Both the LARE and CSE are only offered in English. The following table provides a comparison for CSE candidates.

Fiscal Year	First-Time Candidates	Retake Candidates
2014/2015	66%	62%
2015/2016	73%	64%
2016/2017	54%	47%
2017/2018	54%	56%

28. Is the LATC using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

Yes, the LATC utilizes computer-based testing (CBT) for its licensing examinations. The LARE and CSE, which are required for licensure, are both administered through CBT. The LARE has been administered via CBT since 2012 when the exam transitioned from five to four sections. The CSE was a written examination given by the LATC until 2008 when the LATC contracted with Psychological Services Inc. (PSI) to begin offering the examination via CBT. The LARE is offered three times annually and each administration takes place over a two-week period.

Candidates schedule LARE sections through the CLARB online service. This service allows candidates to view all pertinent information relative to their examination history and schedule examinations at their convenience. Pearson VUE Test Services is the test administrator for the LARE. Candidates schedule their exam appointments through CLARB and sit for an administration at a Pearson Vue test center. Each of the four LARE sections is scheduled and administered separately. Depending on the length of the specific section, it is possible to take more than one section on the same day.

The CSE is administered year-round (Monday through Saturday). Psychological Services, Incorporated (PSI) is the test administration vendor for DCA. There are 39 PSI test centers throughout the U.S. (including 17 in California) where a candidate may take the CSE during normal business hours. A candidate may call the PSI scheduling department or use the online scheduler to make an appointment. Candidates receive their CSE results immediately upon completion of their examination.

29. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School approvals

30. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the LATC work with BPPE in the school approval process?

In accordance with CCR section 2620(b)(2), a degree from a school with a landscape architecture program is deemed approved by the LATC if the curriculum has been approved by the Landscape Architectural Accreditation Board (LAAB), as specified in its publication “Accreditation Standards for Programs in Landscape Architecture.” The Bureau for Private Postsecondary Education does not play a role in the process of approving schools of landscape architecture or landscape architectural degree programs for the purposes of the LATC.

The LAAB is the only agency nationally recognized to accredit professional and post-professional degree programs in landscape architecture within the U.S. LAAB accredits the degree programs within the schools, not the schools themselves. The Canadian Society of Landscape Architects Accreditation Council (CSLAAC) is the Canadian equivalent of LAAB and accredits the landscape architectural degree programs in Canada.

The LATC does approve extension certificate programs in landscape architecture. Currently, there are two such programs in California, the University of California, Los Angeles Extension Program and the University of California, Berkeley Extension Program. Programs must meet the requirements specified in CCR section 2620.5 for approval as extension certificate programs. In 2013, the LATC conducted reviews for each of the extension program. Approval is granted with the provision that curriculum cannot be changed without LATC approval. Both programs are currently approved through December 31, 2020. In July 2017, LATC was advised that the University of California, Berkeley Extension Program will close in the Fall 2019 and is no longer accepting new students.

31. How many schools are approved by the LATC? How often are approved schools reviewed? Can the LATC remove its approval of a school?

The LATC is not statutorily authorized to approve schools of landscape architecture or the professional and post-professional degree programs offered by them. The LAAB reviews degree programs every three to six years and has the authority to withdraw accreditation if the program is not meeting accreditation standards.

There are two landscape architecture extension certificate programs in California, as noted above, approved by the LATC. Approval is granted for seven-year periods.

32. What are the LATC's legal requirements regarding approval of international schools?

The LATC is not authorized to approve schools of landscape architecture outside the U.S. or its territories. The legally authorized accrediting entity (if one exists) within each country would be responsible for such approvals of landscape architectural schools or the professional and post-professional programs available at those schools. LAAB provides advice and consultation to organizations in other countries that are developing accreditation standards and procedures.

Continuing Education/Competency Requirements

33. Describe the LATC's continuing education/competency requirements, if any. Describe any changes made by the LATC since the last review.

The Landscape Architects Practice Act does not require continuing education.

- a. How does the LATC verify CE or other competency requirements? Has the LATC worked with the Department to receive primary source verification of CE completion through the Department's cloud?**

N/A

- b. Does the LATC conduct CE audits of licensees? Describe the LATC's policy on CE audits.**

N/A

- c. What are consequences for failing a CE audit?**

N/A

- d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?**

N/A

- e. What is the LATC's course approval policy?**

N/A

- f. Who approves CE providers? Who approves CE courses? If the LATC approves them, what is the LATC application review process?**

N/A

- g. How many applications for CE providers and CE courses were received? How many were approved?**

N/A

h. Does the LATC audit CE providers? If so, describe the LATC's policy and process.

N/A

i. Describe the LATC's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

N/A

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 5 Enforcement Program

34. What are the LATC's performance targets/expectations for its enforcement program? Is the LATC meeting those expectations? If not, what is the LATC doing to improve performance?

The LATC's performance measures for the Enforcement Unit are defined by DCA's Consumer Protection Enforcement Initiative (CPEI) and focus on timely response to consumers and the pursuit of prompt disciplinary or enforcement action against those found to be in violation of the Landscape Architects Practice Act (Act).

For all complaints received, the LATC has a goal of assigning complaints to staff for investigation within seven days. Currently, the average time of assigning complaints for investigation to staff is one day. The LATC is exceeding expectations in this area. Concerning the time necessary to investigate a complaint, the LATC's CPEI standards stipulate that complaints are to be closed within an average of 270 days of receipt. For fiscal years (FY's) 2014/15, 2015/16, 2016/17, and 2017/18, the LATC averaged 330 days, 306 days, 151 days, and 117 days respectively. Case review, evaluation, and consideration of the technical expert consultant findings and staff recommendations are critical, but are often a very time-consuming process that adds to the aging of the investigation and case closure process. The LATC's experts are not physically located in LATC's office. All complaint information must be copied and sent to them for review and returned by the expert upon completion of the report. To aid in improving the length of time it takes to investigate a complaint, the LATC contracts with two expert consultants and recruits additional experts as needed.

35. Explain trends in enforcement data and the LATC's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the LATC done and what is the LATC going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

Since the last reporting period, the LATC has not experienced any fluctuations in enforcement data trends. The LATC received an average of 27 complaints for FY's 2014/15, 2015/16, 2016/17, and 2017/18, of which an average of 13 were advertising and unlicensed activity complaints. Staff has maintained an average of 14 pending complaints at the end of each FY. Enforcement staff closed 40% of investigations within 90 days and 41% within one year.

The LATC has issued 10 citations since the last reporting period. Nine of the citations included a fine assessment averaging \$1,639, and one outlier at \$16,000. The majority of citations issued were to unlicensed individuals, who are often difficult to locate because they change addresses frequently. For these

citations, staff utilizes the Franchise Tax Board (FTB) Intercept Program to attempt to collect fines. However, there is currently no incentive for these individuals to pay their fines, unlike licensees who cannot renew their license without paying.

Lastly, the LATC's 2017/2018 Strategic Plan contained an objective to collect and review data respective to unlicensed activity and licensee violations to identify if trends exist. The LATC will use the results of the collected data to shape consumer education and enhance enforcement efforts.

The LATC has also continued to focus on promptly responding to consumer complaints and maintain an internal weekly report on case aging to improve the tracking of each case through the intake and investigation processes.

Table 9a. Enforcement Statistics			
	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT			
Intake			
Received	22	24	40
Closed	0	0	0
Referred to INV	22	24	40
Average Time to Close	1	5	1
Pending (close of FY)	0	0	0
Source of Complaint			
Public	9	5	7
Licensee/ Professional Groups	9	9	6
Governmental Agencies	3	7	26**
Other	1	3	1
Conviction / Arrest			
CONV Received	3	4	23**
CONV Closed	2	4	19
Average Time to Close	86 days	95 days	63 days
CONV Pending (close of FY)	0	0	6
LICENSE DENIAL			
License Applications Denied	0	0	0
SOIs Filed	0	0	0
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	N/A	N/A	N/A
ACCUSATION			
Accusations Filed	1	0	2
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0
Accusations Declined	0	0	0
Average Days Accusations	828	N/A	247
Pending (close of FY)	2	1	2
* All complaints received by the LATC are referred for investigation.			
** Number of complaints received increased during FY 2017/18 due to the tracking of candidate and licensee disclosed convictions.			

Table 9b. Enforcement Statistics (continued)			
	FY 2015/16	FY 2016/17	FY 2017/18
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	0	1	0
Stipulations	1	1	0
Average Days to Complete	1,260	953	N/A
AG Cases Initiated	1	1	1
AG Cases Pending (close of FY)	2	1	2
Disciplinary Outcomes			
Revocation	0	1	0
Voluntary Surrender	0	1	0
Suspension	0	0	0
Probation with Suspension	1	0	0
Probation	0	0	0
Probationary License Issued	0	0	0
Other	0	0	0
PROBATION			
New Probationers	1	0	0
Probations Successfully Completed	0	0	0
Probationers (close of FY)	1	1	0
Petitions to Revoke Probation	0	0	0
Probations Revoked	0	0	0
Probations Modified	0	0	0
Probations Extended	0	0	0
Probationers Subject to Drug Testing	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	0
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

Table 9c. Enforcement Statistics (continued)			
	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION			
All Investigations			
First Assigned	22	24	40*
Closed	33	19	37
Average days to close	306	145	117
Pending (close of FY)	8	13	16
Desk Investigations			
Closed	33	24	37
Average days to close	306	145	117
Pending (close of FY)	8	13	16
Non-Sworn Investigation			
Closed	0	0	0
Average days to close	0	0	0
Pending (close of FY)	0	0	0
Sworn Investigation			
Closed	3	2	0
Average days to close	80	169	0
Pending (close of FY)	2	0	0
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	0	0
Cease & Desist/Warning	15	6	12
Referred for Diversion	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A
CITATION AND FINE			
Citations Issued	8	4	0
Average Days to Complete	648	248	N/A
Amount of Fines Assessed	\$12,500	\$18,250	\$0
Reduced, Withdrawn, Dismissed	2	0	0
Amount Collected	\$1,000	\$8,750**	\$2,180**
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

* Number of complaints received increased during FY 2017/18 due to the tracking of candidate and licensee disclosed convictions.

**Amounts reflect fines collected, which were assessed in previous years.

Table 10. Enforcement Aging						
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0-1 Year	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
1-2 Years	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
2-3 Years	0 (0%)	0 (0%)	1 (100%)	0 (0%)	1	50%
3-4 Years	0 (0%)	1 (100%)	0 (0%)	0 (0%)	1	50%
Over 4 Years	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0	0%
Total Attorney General Cases Closed*	0	1	1	0	2	100%
Investigations (Average %)						
Closed Within:						
90 Days	10 (38.5%)	9 (27.3%)	7 (36.8%)	21 (56.8%)	46	40.0%
91-180 Days	2 (7.7%)	8 (24.2%)	8 (42.1%)	8 (21.6%)	26	22.6%
181 Days-1 Year	6 (23.1%)	7 (21.2%)	2 (10.5%)	6 (16.2%)	21	18.3%
1-2 Years	4 (15.4%)	6 (18.2%)	2 (10.5%)	2 (5.4%)	15	13.0%
2-3 Years	3 (11.5%)	1 (3%)	0 (0%)	0 (0%)	4	3.5%
Over 3 Years	1 (3.8%)	2 (6.1%)	0 (0%)	0 (0%)	3	2.6%
Total Cases Closed	26	33	19	37	115	100%

*Accusation filed

36. What do overall statistics show as to increases or decreases in disciplinary action since last review.

The LATC filed four accusations, all seeking revocation of licensure, during the current reporting period (FY 2014/15 through FY 2017/18) an increase by two from the last reporting period. Two accusations resulted in a stipulated settlement in which the respondents voluntarily surrendered the license in response to the accusation; however, one of these decisions of the accusation became effective in FY 2018/19 and therefore was not reported in the above table. One accusation resulted in respondent's license being revoked. Respondent contested the decision and a hearing was held in April 2018. The majority of respondent's motions have been denied and the court ordered further briefing on one motion. At this time, the parties have not briefed nor has the court scheduled another hearing. One accusation has been served to the respondent and is currently awaiting a decision.

In evaluating an enforcement program, it is important to reflect on the nature of the profession being regulated. Landscape architects often collaborate with other parties (engineers, architects, attorneys, contractors, and other landscape architects) who provide additional quality control, and their plans must be approved by local building departments. Thus, there are parties who can identify problems earlier in the process so that cases that come to the LATC typically do not deal with major property damage or bodily injury.

37. How are cases prioritized? What is the LATC's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The LATC's case prioritization policy is consistent with DCA's guidelines and appropriate for the profession being regulated. As complaints are received, staff immediately reviews the complaint to determine the appropriate course of action based on the LATC's prioritization guidelines. Complaints given the highest or "urgent" priority include imminent life and safety issues, severe financial harm to clients, egregious pattern of complaints, and project abandonment. Complaints given a "high" priority level include those that involve aiding and abetting, negligence, and unlicensed practice. The most common complaints are contract violations, unlicensed advertising (title) violations, and routine settlement reports.

38. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the LATC actions taken against a licensee. Are there problems with the LATC receiving the required reports? If so, what could be done to correct the problems?

Mandatory reporting requirements are specified in BPC sections 5678 (Report of Settlement or Arbitration - Licensee), 5678.1 (Report of Settlement or Arbitration - Insurer), and 5680.05 (Report to Board by Clerk of Court of Judgement of Conviction of Crime by License Holder).

BPC sections 5678 and 5678.1 require that within 30 days, every licensee and insurer providing professional liability insurance to a California landscape architect send a report to the LATC on any civil action judgment, settlement, arbitration award, or administrative action of \$5,000, or greater of any action alleging the license holder's fraud, deceit, negligence, incompetency, or recklessness in practice. The LATC received 8 settlement reports the previous reporting period and 10 reports in the current period.

BPC section 5680.05 requires that within 10 days after a judgment by a court of this state that a licensee has committed a crime or is liable for any death, personal or property injury, or loss caused by the license's fraud, deceit, negligence, incompetency, or recklessness in practice, the court which rendered the judgment shall report that fact to the LATC.

Historically, the Board has tried to work with the courts to gain cooperation and compliance with the reporting requirement. However, during the past decade the Board has not received a report of a judgment from a court. The Board has collaborated with its Deputy Attorney General (DAG) liaison to seek assistance to obtain compliance from the courts. The DAG disseminated a letter to clerks of the courts reminding them of the requirement. The Board has also requested that the California Administrative Office of the Courts assist in attaining compliance from court clerks.

In addition, BPC section 5680 (Renewal of License - Forms) mandates that licensees report on their renewal forms whether they have been convicted of a crime or disciplined by another public agency during the preceding renewal period.

a. What is the dollar threshold for settlement reports received by the LATC?

As noted above, the dollar threshold for settlement cases received by the LATC is \$5,000.

b. What is the average dollar amount of settlements reported to the LATC?

The average dollar amount of settlements reported to the LATC during the current reporting period is \$73,582.

39. Describe settlements the LATC, and Office of the Attorney General on behalf of the LATC, enter into with licensees.

The Board considers agreeing into stipulated settlements with licensees where appropriate to promote cost-effective consumer protection and to expedite disciplinary decisions. In order to enter into a settlement with the Board, the licensee is generally required to admit to the violations set forth in the accusation, have his or her license placed on probation, submit quarterly probation reports, complete professional education courses directly relevant to the violation(s), and reimburse the Board for its investigative and prosecution costs.

Each proposed stipulated settlement is negotiated by the DAG assigned to the case (in consultation with the Executive Officer), the respondent (licensee or applicant), and the respondent's legal counsel, if represented, and must be accompanied by a memorandum from the DAG 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.

a. What is the number of cases, pre-accusation, that the LATC settled for the past four years, compared to the number that resulted in a hearing?

The Board has not settled any disciplinary cases in the past four years prior to the filing of an accusation.

b. What is the number of cases, post-accusation, that the LATC settled for the past four years, compared to the number that resulted in a hearing?

In the past four years, there were four cases sent to the Office of the Attorney General, all of which resulted in the filing of an accusation. Out of those four cases, two were settled without going to hearing, one resulted in a hearing, and one is awaiting a decision.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

In the past four years, 50% of disciplinary cases were settled, 25% resulted in a hearing, and 25% is currently awaiting a decision.

40. Does the LATC operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the LATC's policy on statute of limitations?

The LATC's statute of limitations is defined by BPC section 5661. All accusations charging the holder of a license issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the Board within three years after the Board discovers, or through the use of reasonable diligence should have discovered, the act or omission alleged as the ground for disciplinary action, whichever occurs first, but not more than six years after the act or omission alleged as the ground for disciplinary action. However, with respect to an accusation alleging a violation of BPC section 5667 (Fraud, Misrepresentation - Obtaining License), the accusation may be filed within three years after the

discovery by the Board of the alleged facts constituting the fraud or misrepresentation prohibited by BPC section 5667.

Since FY 2014/15, the Board has not lost any cases due to the expiration of its statute of limitations. However, the Board received five cases in which the alleged violation(s) occurred beyond the statute of limitations. As a result of the statute of limitations, the Board did not take any action after its investigation of four settlement cases and the fifth case's investigation is pending. These cases involved settlement reports where the landscape architectural services were provided more than six years prior to the receipt of the reports.

41. Describe the LATC's efforts to address unlicensed activity and the underground economy.

In most cases, consumers, licensees, or other government agencies provide evidence of unlicensed activity to be investigated. The LATC addresses unlicensed activity and advertising by immediately and thoroughly investigating complaints, including reviewing online advertisements for violations, issuing citations with administrative fines for violations, and advising consumers of how to recover their money through small claims court. The Board also refers egregious cases to the Division of Investigation for sworn investigation, if appropriate.

In an effort to address unlicensed practice, the LATC's website contains a document entitled "Permitted Practice for Professionals, Practitioners, and Unlicensed Person," which provides a quick reference regarding the various professionals, practitioners, and unlicensed persons who may offer landscape design services and the permitted scope and/or limitations that pertain to each.

Additionally, on its website, the LATC promotes publications for selecting a landscape architect for residential, private development, and public-sector projects. These publications were designed with the intention to help consumers understand the sometimes complex and technical nature of landscape architectural services to include: how to find and select a landscape architect; written contract requirements and recommendations; and what to do if a problem occurs with the project. The LATC also promotes its *Consumer's Guide to Hiring a Landscape Architect* to provide information on the practice of landscape architecture and how to choose the right landscape architect for a project. This information contains a number of basic steps that consumers can take to help keep their projects on track.

In addition, the LATC provides presentations at schools to educate students about the title act and exempt area of practice, thereby helping to prevent future violations.

Cite and Fine

42. Discuss the extent to which the LATC has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the LATC increased its maximum fines to the \$5,000 statutory limit?

The citation program provides the LATC with an expeditious method of addressing violations involving unlicensed activity, repeated advertising violations, and the less serious practice or technical violations that have not resulted in substantial financial or physical harm. CCR section 2630, the regulation that authorizes the LATC to issue administrative citations and fines, was last amended in 2006 to: 1) increase the

maximum administrative fine to \$5,000; 2) modify the fine ranges for Class A, B, and C violations; and 3) modify the Class A violation to pertain to unlicensed individuals in violation of the Act. The Board also plans to assess CCR section 2630 to determine the appropriateness of the classifications of violations and the corresponding fine amounts through a future Strategic Plan objective.

For this reporting period, citations averaged three each year. Of those, all included a fine assessment averaging \$1,639, with one outlier fine assessment of \$16,000.

43. How is cite and fine used? What types of violations are the basis for citation and fine?

As noted above, the citation program provides the LATC with an expeditious method of addressing violations that have not result in substantial financial or physical harm. All professional practice complaints and some unlicensed practice complaints recommended for citation are reviewed by an expert. Administrative fines range from \$250 to \$5,000 per violation, depending on prior violations; the gravity of the violation; the harm, if any, to the complainant, client or public; and other mitigating evidence.

The LATC has used the citation program most frequently to cite individuals who have violated the following:

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions

CCR Section:

- 2670 - Rules of Professional Conduct

Licensees who fail to pay the assessed fines have a “hold” placed on their license record that prevents renewal of the license until the fine is paid.

44. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

In the last four fiscal years, there have been six informal conferences and no administrative hearings as a result of citation appeals.

45. What are the 5 most common violations for which citations are issued?

BPC Sections:

- 5616 - Landscape Architecture Contract - Contents, Notice Requirements
- 5640 - Unlicensed Person Engaging in Practice - Sanctions
- 5657 - Filing of Mailing Address - Requirement
- 5671 - Negligence, Willful Misconduct in Practice

CCR Section:

- 2670 - Rules for Professional Conduct

46. What is average fine pre- and post-appeal?

The average pre-appeal fine is \$1,639 and the average post-appeal fine is \$1,306 with an outlier fine of \$16,000.

47. Describe the LATC's use of Franchise Tax Board intercepts to collect outstanding fines.

The LATC uses the Franchise Tax Board (FTB) Intercept Program to collect unpaid administrative fines from unlicensed individuals and recover dishonored checks. The majority of the LATC's outstanding, unpaid fines are against unlicensed individuals, and Intercept Program provides an additional tool to seek those penalties. Thus far, the success in collecting via this program has not been significant, as the potential sources of recovery are limited to Lottery proceeds, state tax refunds, and unclaimed property.

Cost Recovery and Restitution

48. Describe the LATC's efforts to obtain cost recovery. Discuss any changes from the last review.

The LATC seeks cost recovery in all disciplinary cases (i.e., accusations, statements of issues, and petitions to revoke probation). Cost recovery is generally a required term in stipulated settlements. In cases where the respondent is placed on probation, cost recovery is required pursuant to established payment schedules. However, for those cases calling for revocation, costs are often difficult to collect as respondents have fewer financial resources due to the loss of their licenses and no incentive to pay.

49. How many and how much is ordered by the LATC for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The amount of cost recovery ordered is dependent upon the amount of time spent on the investigation, including the classification of the investigator, and the charges imposed by the Office of the Attorney General up to the date of the hearing.

In the last four FYs, the Board has filed four accusations. One accusation resulted in a disciplinary decision of license surrender with a cost reimbursement of \$4,775; a second accusation resulted in a disciplinary decision of license revocation with a cost reimbursement of \$7,762.50 (this accusation is currently being appealed through the State of California Superior Court); a third accusation resulted in a disciplinary decision of license surrender, that became final in FY 2018/19, with a cost reimbursement of \$2,240.00; and one accusation is pending disciplinary decision.

50. Are there cases for which the LATC does not seek cost recovery? Why?

No.

51. Describe the LATC's use of Franchise Tax Board intercepts to collect cost recovery.

The LATC currently utilizes FTB to collect cost recovery.

52. Describe the LATC's efforts to obtain restitution for individual consumers, any formal or informal LATC restitution policy, and the types of restitution that the LATC attempts to collect, i.e., monetary, services, etc. Describe the situation in which the LATC may seek restitution from the licensee to a harmed consumer.

The LATC has no authority to order restitution outside of a stipulated agreement or an administrative law judge's proposed decision. Through the LATC's complaint handling process, the LATC may recommend that a licensee refund a client's monies or make an adjustment to satisfactorily resolve a complaint involving services provided and fees paid. The LATC has no jurisdiction over fee disputes.

Table 11. Cost Recovery (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures				
Potential Cases for Recovery *	0	0	2	0
Cases Recovery Ordered	0	0	2	0
Amount of Cost Recovery Ordered	\$0	\$0	\$12,537	\$0
Amount Collected	\$0	\$0	\$0	\$0
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Table 12. Restitution (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	\$0	\$0	\$0	\$0
Amount Collected	\$0	\$0	\$0	\$0

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Section 6 Public Information Policies

53. How does the LATC use the internet to keep the public informed of LATC activities? Does the LATC post LATC meeting materials online? When are they posted? How long do they remain on the LATC's website? When are draft meeting minutes posted online? When does the LATC post final meeting minutes? How long do meeting minutes remain available online?

The LATC continually updates its website to reflect upcoming LATC and committee meetings and activities, changes in laws or regulations, licensing information, forms, publications, and other relevant information of interest to consumers, candidates, and licensees. Meeting notices are posted to the website at least 10 days prior to a meeting, and the related meeting packet 7 days prior. Committee meeting minutes are posted on the website once officially approved and remain for 100 years, in accordance with the LATC's retention schedule. Draft meeting minutes are posted on the website in the subsequent meeting packet for Committee approval. Other meeting related documents, such as meeting packets, remain on the website for 50 years, also in accordance with the LATC's retention schedule. The LATC continually seeks input from users for items that may be included on the website and makes a specific effort to ensure that our website meets the needs of our constituents. Other tools used by the LATC to communicate its messages include the eSubscriber list for e-news broadcasts and social media (Twitter).

54. Does the LATC webcast its meetings? What is the LATC's plan to webcast future LATC and sub-committee meetings? How long do webcast meetings remain available online?

The LATC webcasts its meetings when DCA resources are available. The meetings are held at a variety of locations throughout the state in order to increase public participation. In addition, the LATC has actively engaged with the DCAs' Office of Public Affairs to facilitate the webcasting of its Committee and subcommittee meetings and includes notification of webcast availability on its meeting notices. Despite the LATC's active effort to facilitate webcast at each of its meetings, varying technical capabilities of the meeting sites (schools of landscape architecture) as well as availability of Department personnel to perform the video streaming affect the ability to webcast. Lastly, webcast meetings are uploaded onto the DCA YouTube account and are available online for an indefinite period of time.

55. Does the LATC establish an annual meeting calendar, and post it on the LATC's web site?

Yes. The LATC establishes a meeting calendar normally at its last meeting of each year and posts it on the website afterwards. Meetings of committees are also posted to the calendar when the dates are determined by the respective committee Chair.

56. Is the LATC's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the LATC post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The LATC's complaint disclosure policy is consistent with DCA's Recommended Minimum Standards for Consumer Complaint Disclosure. Accusations and disciplinary actions are posted on the LATC's website according to the LATC's records retention schedule.

57. What information does the LATC provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

California Code of Regulations (CCR) section 2608 requires the LATC to maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against licensed landscape architects and unlicensed persons subject to its jurisdiction.

Information subject to the public information system is disclosed to the public upon request by telephone, in person, or in writing (including fax or email). Information is made available by the LATC in writing or by telephone within 10 days of the request.

The following information is disclosed regarding license status of past and current licensees:

1. Name of the licensee, as it appears on the LATC's records;
2. License number;
3. Address of record;
4. License issue date;
5. License expiration date; and
6. License status and history.

The LATC also discloses the total number of enforcement and disciplinary actions, as well as brief summaries. It provides the current status of pending complaints (that comply with the criteria for disclosure pursuant to CCR section 2608), accusations, statements of issues, and citations filed by the Board.

58. What methods are used by the LATC to provide consumer outreach and education?

The LATC provides outreach and education to consumers through a variety of means to ensure effective dissemination of information.

The LATC has specific publications targeting consumers and utilizes the following long-standing publications:

1. *Consumer Tips for Design Projects*. This information is a concise document that summarizes the basic steps that consumers can take to help keep their projects on track.
2. *Selecting a Landscape Architect* publications, which include: *Selecting a Landscape Architect for Public Sector Projects*; *Selecting a Landscape Architect for Residential Projects*; and *Selecting a Landscape Architect for Private Development Projects*. These publications contain information regarding: 1) A

description of the typical services a licensed landscape architect can provide; 2) How to select a landscape architect; 3) What the written agreement between a consumer and a landscape architect should include; and 4) The LATC's role as a regulatory entity. Though the information provided in each of the three publications is consistent, each publication has information tailored to the type of project being performed by the landscape architect.

Additionally, in 2017, the LATC approved a new consumer-oriented publication: *Consumer's Guide for Hiring a Landscape Architect*. This publication is a comprehensive guide for consumers that includes information about the practice of a landscape architect, contract criteria, as well as how to file a complaint.

A key means of distributing these publications is making them available in city and county building departments. This enables consumers who are researching permit requirements for their projects to have timely information on landscape architects and managing a project. In addition, the LATC's posts these publications on its website in order to make them readily available. Further, in response to the LATC's 2017-2018 Strategic Plan objective to expand communication to stakeholders, the LATC is conducting more frequent emails to its e-Subscribers. An example of such notification includes advertisement of the availability of new publications and means by which stakeholders can request hardcopies for their own use or distribution. The LATC's 2017-2018 Strategic Plan also contained an objective to adopt DCA's best practices for social media use. Though the LATC currently maintains a Twitter account, in 2018, LATC began consulting with DCA's Communications Division to begin the process of expanding its social media presence.

Lastly, the website continues to be a primary focus of our efforts, providing the public, licensees, and candidates with a wide range of information. The website provides stakeholders with access to enforcement actions, a license verification tool, newsletters, as well as a comprehensive list of downloadable applications, forms, publications, and instructional materials. In order to enhance public attention to the LATC's website, the LATC's 2017-2018 Strategic Plan also contains an objective to optimize the LATC website on search engines for individuals searching for a landscape architect to enhance LATC's ability to reach more consumers interested in using a landscape architect. Staff have consulted with DCA's Communications Division to begin the process of optimizing the LATC's website so that consumers' web searches related to landscape architecture are more likely to yield the website as a search option.

The LATC will continue to evaluate these consumer education methodologies and work to identify other effective means to provide information.

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Section 7 Online Practice Issues

59. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the LATC regulate online practice? Does the LATC have any plans to regulate internet business practices or believe there is a need to do so?

Technology has been integrated into the landscape architectural profession and continues to provide efficiencies in practice by allowing landscape architects to prepare instruments of service electronically (and outsource their production to online drafting services, as necessary), coordinate with other design professionals, and communicate and share design ideas with clients.

The LATC believes the Landscape Architects Practice Act provides sufficient regulatory control over the use of technology and online practice by landscape architects, as Business and Professions Code (BPC) section 5659 requires the landscape architect's stamp and signature on instruments of service as evidence of the landscape architect's responsibility for those documents. Another important consumer protection tool in this area is the written contract requirement (BPC section 5616), which requires a landscape architect to execute a written contract when providing professional services to a client, with limited exceptions. At this point, technology and online practice have not resulted in an increase in complaints against landscape architects, but the Board will continue to monitor these issues closely.

However, the prevalence of unlicensed individuals who misrepresent themselves as landscape architects and/or offer landscape architectural services to California consumers via the Internet remains a challenge for the LATC's Enforcement Program. During the current reporting period, unlicensed advertising or activity complaints accounted for approximately 45 percent of all complaints received by the LATC. The Board issues citations with administrative fines to unlicensed individuals who advertise or put out devices (such as Internet advertisements) that might indicate to the public that they are landscape architects or qualified to engage in the practice of landscape architecture, in violation of BPC section 5640.

Many of these unlicensed activity complaints involve consumers who may not be familiar with license requirements or the design and landscape construction process. These consumers often rely on "referral" websites that offer to match them with "prescreened" professionals in their area who have passed the websites' background checks and can provide quotes for requested services. While these websites provide valuable information to consumers, such as ratings and reviews from past clients, they do not guarantee the accuracy, quality, or reliability of the information contained in the professionals' advertisements, and some allow unlicensed individuals to identify themselves as landscape architects and/or offer landscape architectural services to the public without verifying licensure.

The Board is interested in researching the feasibility of partnering with such referral websites to verify licensure for these professionals who advertise to California consumers and to remove illegal

advertisements by unlicensed individuals. The Board will also continue to focus on consumer outreach and education regarding the licensure requirements when selecting a landscape architect on the Internet.

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Section 8 Workforce Development and Job Creation

60. What actions has the LATC taken in terms of workforce development?

The LATC has amended regulations and implemented process efficiencies to expand the eligibility requirements for licensure. In 2017, amendments to CCR section 2620 (Education and Training Credits) became effective, which grant candidates up to one year of training credit for teaching in a landscape architecture degree program.

The LATC is currently pursuing additional amendments to CCR section 2620 that would expand the eligibility requirements to grant two years of education credit for an accredited degree in civil engineering or architecture, one-year of credit for any bachelor's degree, and up to six years of training credit for qualifying landscape architectural experience. Presently, a candidate must hold a landscape architectural degree or certificate, or an accredited architecture degree to qualify for licensure. By expanding these pathways, the LATC hopes to achieve more opportunities for individuals to become licensed landscape architects. (See Section 11 for additional information.)

Additionally, the LATC maintains its website (latc.ca.gov), which contains easy-to-understand information about licensing requirements and other related issues. Staff provides presentations regarding licensure at the accredited and approved schools of landscape architecture. The LATC strives to remove impediments to licensure, such as allowing candidates to take Sections 1 and 2 of the LARE prior to completion of the experience requirements.

61. Describe any assessment the LATC has conducted on the impact of licensing delays.

No formal studies have been conducted. However, LATC management has been very proactive in directing the workload of staff to avoid or reduce delays in processing applications and mitigating any impact to the workforce. In addition, converting the CSE to a computer-based testing format greatly expedites licensure, as does releasing scores on-site.

62. Describe the LATC's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The LATC is proactive in working with chairs, deans and students of landscape architectural programs to convey information on the licensing requirements in California. The LATC supplements this effort by holding Committee meetings at schools' campuses. Student outreach seminars are also conducted at campuses to explain licensing requirements. Additionally, at the commencement of the school year, the LATC, through the chairs and deans of the landscape architectural colleges, sends a letter introducing itself and explaining its role to students. A similar related letter is disseminated at the end of the school year. The

LATC believes that these efforts pay dividends by helping students become licensed more efficiently, which saves candidates time and money.

63. Describe any barriers to licensure and/or employment the board believes exist.

The LATC proactively strives to expand its pathways to licensure such that there are more opportunities for potential candidates to qualify for licensure. As the Committee operates under California Architects Board's (Board) governance, the LATC strives to mirror the regulations of the Board, where appropriate. The Board offers diversity in pathways to licensure, including granting credit for related and unrelated degrees and an Integrated Pathway to Architectural Licensure (IPAL) program. IPAL is a structured pathway designed for aspiring architects to have the opportunity to complete the requirements for licensure in an integrated and streamlined manner while earning their accredited degree.

Current LATC licensure requirements necessitate that a candidate must hold a degree or extension certificate in landscape architecture or an accredited degree in architecture. However, the LATC believes that education and training requirements should be expanded as valuable training can occur via the inclusion of more diversity in its licensure pathways. Accordingly, in 2017, the LATC voted to approve amendments to CCR section 2620 that would allow education credit for a degree in civil engineering as well as any baccalaureate degree. In addition, the proposed regulation would allow for expanded opportunities to gain experience credit for licensure as well as a new experience-only pathway to licensure. The LATC believes that promulgation of these regulatory amendments will achieve mitigation of licensure impediments as well as effectuate enhanced opportunities for individuals to pursue licensure in California.

64. Provide any workforce development data collected by the LATC, such as:

a. Workforce shortages

No data is available. However, it should be noted there is anecdotal information to suggest that when the economy is strong, firms experience difficulty hiring new landscape architects.

b. Successful training programs.

No data is available.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 9 Current Issues

65. What is the status of the LATC's implementation of the Uniform Standards for Substance Abusing Licensees?

N/A

66. What is the status of the LATC's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

CPEI was launched in an effort to overhaul the enforcement processes of DCA healing arts boards and bureaus. However, the LATC strives to achieve the performance measures outlined in CPEI, such as the goal to complete all investigations within an average of 270 days. In addition, the LATC continues to report to DCA on a quarterly basis the success in meeting the applicable enforcement goals of CPEI. The LATC is exceeding expectations by closing complaints within an average of 225 days.

67. Describe how the LATC is participating in development of BreEZe and any other secondary IT issues affecting the LATC.

a. Is the LATC utilizing BreEZe? What Release was the board included in? What is the status of the LATC's change requests?

The LATC is not using the BreEZe platform. The LATC was originally in the BreEZe Release 3 and has not submitted any change requests during this reporting period.

b. If the LATC is not utilizing BreEZe, what is the LATC's plan for future IT needs? What discussions has the LATC had with DCA about IT needs and options? What is the LATC's understanding of Release 3 boards? Is the LATC currently using a bridge or workaround system?

The Board and LATC, along with 19 other boards and bureaus were scheduled for the third release of BreEZe. However, numerous technical delays and problems with the project forced the delay of both the first and second releases of the system, and subsequently eliminated the project for those boards and bureaus scheduled for Release 3, including the Board/LATC.

The Department of Consumer Affairs (DCA) developed a Business Modernization Plan, based on the new Project Approval Lifecycle developed by the California Department of Technology (CDT). The purpose of this initiative is to address business and technology needs for programs that continue to rely on legacy technology solutions. The Plan identifies a methodical step-by-step approach that boards and bureaus within DCA will use to assist in moving their programs forward. The goal is to

embrace the unique nature of each of DCA's programs while offering some process standardization. The Plan outlines four stages of the project approval process: Stage 1 - document business justification, Stage 2 - alternatives and cost-benefit analysis, Stage 3 - solution development framework, and Stage 4 - project approval. The final step of the process will be system implementation.

An initial meeting was held on July 11, 2017, with the Board/LATC and DCA's Organizational Change Management (OCM) to discuss the Business Modernization Plan and approach. On August 17, 2017, the Board/LATC met with OCM to discuss the Project Charter and initial inventory of the existing administrative, enforcement, and licensing business processes. The Charter outlines the roles and responsibilities of key project stakeholders, describes the project decision-making authority, and the commitment needed in order to conduct a successful project. The Charter was finalized in January 2018.

The Board/LATC's Business Modernization Report accompanies the Business Modernization Plan and documents the business modernization activities that will be conducted specific to the Board/LATC. The Plan and Report were presented to the Board at their March 1, 2018 meeting along with a presentation by a DCA representative explaining the process planned for Release 3 boards. The Report presented to the Board included a proposed timeline, with a "go-live" release of a minimum viable product by November 2021 with release of configuration and phased implementation enhancements by November 2022. However, the LATC's potential need for a Budget Change Proposal could extend this timeline.

The Board/LATC's business processes inventory was finalized and provided to OCM in May 2018. The next step included mapping all of the business processes in consultation of the Board/LATC's subject matter experts.

Currently the Board/LATC utilizes two legacy systems (Applicant Tracking System [ATS] and Consumer Affairs System [CAS]) and the LATC uses a workaround system for candidates. Because this planned approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction and an enhanced license verification feature on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

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Section 10

LATC Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the LATC.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the LATC took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the LATC has for dealing with the issue, if appropriate.

CAB ISSUE #1: TRAVEL RESTRICTIONS. Should the Committees encourage travel to professional conferences or meetings that directly affect licensure of California licensees?

Committee Staff's Recommendation: The Committees should encourage the Board to pursue opportunities at which its Members and Officers can interact directly with their national peers, and provide a strong voice for California's unique perspective and needs. The Board should inform the Committees of whether it continues to face travel restrictions that prohibit it from attending meetings where its representation could significantly impact California's ability to ensure that national examinations or standards reflect California's needs and protect California licensees, candidates for licensure, and consumers.

2014 LATC Response:

The Board/LATC concurs with the Committees' recommendation. Participation in national affairs is critical for the Board and LATC. The national examinations save the Board and LATC literally millions of dollars by not having to replicate the national examinations. In addition, the Board relies on the Intern Development Program to ensure that candidates receive experience in crucial areas of practice.

The Board and LATC have had recent success on travel, with approvals to attend three key out-of-state national sessions. In addition, three recent sessions have been in California, where the Board was also able to participate. These approved trips for the Board were funded by our national nonprofit - the National Council of Architectural Registration Boards (NCARB), so no State funds were spent. The Board has not received approval to travel with State funds since 2010. LATC was approved to travel to the Annual Business Meeting of the Council of Landscape Architectural Registration Boards (CLARB) in 2009 and 2014 with State funds, but CLARB does not offer "funded trips." LATC was denied the opportunity to attend a CLARB session that was held in California. Sending a Board member to the Annual Meeting costs a fraction of the Board's budget - approximately .0005.

The Board just participated in the NCARB Regional Summit on March 13-14 in Long Beach. At that meeting, the main proposal discussed would restrict existing reciprocity standards and prevent nearly 2,000 California architects from practicing in other states. California was the only state advocating to preserve the existing pathway. Through our efforts, we built a coalition to oppose the measure when it is up for a vote in June at the Annual Business Meeting. There is much more to be done to defeat the measure, but much of the effort takes place on-site at the meeting. In order to succeed, the Board must be in attendance with a strong delegation. This is because there are approximately 250 people in attendance from the 54-member jurisdictions, as well as NCARB executive staff and leadership from the American Institute of Architects, National Architectural Accrediting Board, Association of Collegiate Schools of Architecture and American Institute of Architects - Students. Persuading a group of that size requires a delegation of at least four, but a larger group has greater odds for success and also helps with succession planning so that new Board/LATC members can learn first-hand about the national associations and develop the relationships needed to protect California's interests.

The Board is in the process of submitting an out-of-state trip request to Department of Consumer Affairs (DCA) to add two members in addition to the two that were previously approved. This will provide the Board a strong delegation to work to defeat the resolution.

The professions, via the American Institute of Architects - California Council and California Council of the American Society of Landscape Architects, understand the importance of participation and regularly and consistently support the Board's engagement in NCARB and CLARB. The Board appreciates that DCA and Administration have been approving some of the trips, and the Board encourages ongoing and increased support for the criticality of national issues.

(Note: This was Issue #1 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board's and LATC's travel requests for out-of-state meetings have been consistently approved including the two additional members' approval sought since the last reporting period. The Board has participated in all the NCARB Annual Meetings since the last report except for the 2017 Regional Meeting which took place in Kansas, a State banned from travel pursuant to Assembly Bill 1887 (Low, Chapter 687, Statutes of 2016). This bill prohibits State-funded or state sponsored travel to states that, after June 26, 2015, have enacted a law of a discriminatory nature.

The work conducted at these meetings is critically important and can have a profound impact on issues such as reciprocity. The Board's and LATC's participation can directly influence the policies and procedures that are discussed and decided upon. For example, by California's participation at an NCARB Annual Meeting, the Board was able to successfully advocate against a resolution that would have precluded California architects who do not hold an accredited degree from attaining the "NCARB Certificate" and, accordingly, gaining reciprocity in key states that require the certificate. Through the Board's advocacy, we were able to preserve this important pathway. Similarly, the presence of LATC representatives at the CLARB Annual Meetings ensures that California is sufficiently informed on CLARB activity and able to participate in major discussions and decisions that occur during the meetings. Additionally, during their annual meetings CLARB hosts many discussions to help inform participants of various trends related to the licensing, regulatory, and disciplinary

functions of CLARB member boards. The Board and LATC look forward to maintaining a strong presence at the national level.

LATC ISSUE #2: PRO RATA. What services does the Board receive for its share of pro rata?

Committee Staff's Recommendation: The Board should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, the Board should discuss whether it could achieve cost savings by providing some of these services in-house.

2014 LATC Response:

The Board/LATC's share of the department's pro rata is calculated based on authorized position counts, licensing and enforcement record counts, prior year workload, and interagency agreements. The Board/LATC currently utilizes most of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise in certain administrative services to be effective. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) requires DCA to conduct a study and submit a report to the Legislature on its pro rata calculation of administrative expenses by July 1, 2015. The study will assess whether the pro rata system is the most productive, efficient, and cost-effective methodology and whether some of the services should be outsourced or charged on an as-needed basis. The study will also include consideration of whether the boards should be permitted to elect not to receive (and be charged for) certain administrative services. As part of the study, the Board/LATC has participated in a survey of its use of DCA's services. Based on the outcome of the study and the DCA's report to the Legislature, the Board/LATC will reassess its continued use of the DCA's pro rata services.

(Note: This was Issue #4 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board's 2014 response is still applicable. The Board/LATC's share of the department's distributed costs (pro rata) is calculated based on authorized position counts, licensing and enforcement record counts, volume of calls, complaints and correspondence, prior year workload, interagency agreements, and other distributions. The Board/LATC currently utilizes most, if not all, of the pro rata services for efficiencies and cost savings. Centralized services are more practical and efficient particularly for smaller boards such as ours. Board/LATC staff would need special high-level expertise (and potentially additional resources) to provide such administrative services in an effective manner. It would be difficult to achieve an "economy of scale" if the Board/LATC were to assume pro rata-related services. The Board/LATC has limited staff with diverse responsibilities, whereas DCA has teams of trained specialists with program-specific management.

At an annual meeting, DCA provides an overview of the department's distributed costs. The purpose of this meeting is to explain how the costs of DCA's services are funded. In addition, Senate Bill 1243 (Lieu, Chapter 395, Statutes of 2014) required the department to provide a one-time study of its process for distributing administrative costs among its 39 boards, bureaus, committees, commission and program (boards). The

distribution of costs for these divisions is budgeted to all boards utilizing the various distribution methodologies described above. The study and resultant report provided to all boards provides robust data as to pro rata. For the size of the Board and LATC, the continued use of the DCA's pro-rata and centralized services is more practical and cost efficient. The Board is appreciative of the transparency and DCA's efforts to explain the basis for costs for services.

LATC ISSUE #3: BREEZE IMPLEMENTATION. The Board was supposed to be part of BreEZe's Release Three, which has now been delayed until at least 2016.

Committee Staff's Recommendation: The Board should inform the Committees of any difficulties it foresees as a result of having to remain on its legacy system, and whether any additional stop-gap technological measures are needed until BreEZe is implemented. The Board should inform the Committees of how costs related to BreEZe will impact its fund condition.

2014 LATC Response:

Substantial difficulties are foreseeable as a result of having to remain on the legacy systems, due to numerous significant changes to the national Architect Registration Examination (ARE) and potential changes to other national programs. Board/LATC staff is conducting an assessment of the impact due to delayed implementation of BreEZe for Release 3 boards and bureaus and coordinating efforts with DCA to develop stop-gap measures that could involve significant modifications to the legacy systems.

The Board believes, however, that due to the changes to the ARE, the corresponding changes to the "business model analysis" that was prepared in preparation for BreEZe approximately five years ago, are so significant that the current delay and repositioning of BreEZe may actually be a strategic advantage. Had BreEZe actually rolled out with the ARE consisting of seven divisions, as it does now, it would be completely dysfunctional, as the ARE previously had nine divisions. To add further complexities, there are intricate new rules that place restrictions on candidates' eligibility, which would have further exacerbated the problems.

The Board/LATC routinely monitors its fund condition and works very closely with DCA's Budget Office. The Budget Office has provided the Board/LATC's fund condition projected to fiscal year (FY) 2016/17, which includes anticipated BreEZe costs. The Board/LATC and the Budget Office do not foresee an issue with the Board/LATC's fund condition based on the current projections for BreEZe costs. The Board's fund condition will have an 11-month reserve in FY 2016/17, the year the BreEZe program is planned to be implemented for the Board.

(Note: This was Issue #3 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board/LATC are working in collaboration with DCA on its Business Modernization Plan to effectively facilitate the analysis, approval, and potential transition to a new licensing and enforcement platform. The Plan is a structured approach to identifying business needs and overlaying those requirements on available licensing platforms and complimentary technology. This approach will take time and to address the delayed implementation of a new platform, the Board/LATC are pursuing a stop gap measure to accept credit card payments for renewal applications, our highest volume transaction, and an enhanced license verification feature

on its websites. In addition, the Board/LATC are pursuing conversion to the DCA's new web license search portal. This web-based license verification enhancement will enable the Board/LATC to display information as soon as an update is made to a license (e.g., address change, renewal status, etc.) as well as enable consumers to view all license-related data including licenses that an architect/landscape architect may hold from other DCA's boards and bureaus as well as enforcement actions. In addition, the enhanced verification tool will facilitate a more convenient license-lookup experience for consumers as it will be designed to be smartphone-compatible.

Since the inception of the BreEZe project, the Board has contributed a total of \$411,269 through FY 2017-18. The Board may require a budget change proposal if the costs for the new platform are not absorbable. The LATC has contributed a total of \$55,221 through FY 17/18. The Board/LATC have not yet determined whether they will utilize the BreEZe system or an alternative platform.

ISSUE #7: COLLECTION OF FINES. The Board notes that it is seeking ways to increase collection of fines, particularly in cases of unlicensed practice when it does not have the leverage of a license to incentivize payment.

Committee Staff's Recommendation: The Board should continue to explore ways to improve its enforcement efforts and collect fines. The Board should examine other agencies that are authorized to release SSNs to collection agencies, and whether there are any privacy or security issues that may arise if such information was transmitted. The Board should work with other licensing boards, such as the Contractors State Licensing Board, the Bureau of Real Estate, and the Board of Professional Engineers, Land Surveyors, and Geologists, to determine the feasibility of sharing disciplinary information for purposes of leveraging other professional licenses as a way to achieve compliance; how such a system would operate; and what changes would be necessary.

2014 LATC Response:

The Board/LATC concurs with the Committees' recommendations.

The Board currently has an ongoing objective from its 2014 Strategic Plan to "pursue methods to obtain multiple collection mechanisms to secure unpaid citation penalties" and is committed to continuous improvements with regard to all enforcement efforts.

The Board's fine collection success has averaged about 62% over the last three fiscal years, while other construction/design boards have averaged 37%.

Should the Board pursue authority to release SSNs to collection agencies, it would fully investigate whether there are any privacy or security issues that may arise. The Board has noted that the Respiratory Care Board is authorized to release SSNs to collection agencies via Business and Professions Code section 3778 (Chapter 586, Statutes of 2003); the Board is currently not aware of other agencies with similar authority.

As part of its Strategic Plan objective, the Board/LATC will research the feasibility of working with other licensing boards in sharing disciplinary information for purposes of leveraging other professional licenses. Other strategies the Board/LATC has utilized with regard to fine collection: Franchise Tax Board Intercept Program; payment plans; revised enforcement letters; etc. In addition, the Board is working with DCA to explore the possibility of establishing a collections unit in DCA to assist boards in collecting citation penalties.

(Note: This was Issue #5 for LATC in the Sunset Background Paper.)

2018 LATC Update Response:

The Board continues to focus on the collection of citation penalties, and its current Strategic Plan includes an objective to measure the effectiveness of the Board's citation collection methods as a means of protecting future consumers. The Board's ongoing efforts to pursue payment of citation penalties resulted in a 70% collection rate over the past three fiscal years, while other design and construction boards have averaged 56%. Research has also indicated that collection agencies can take action without SSNs. Accordingly, the Board is currently in the process of contracting with a collection agency for full-service debt collection services, including skip-tracing, credit reporting, and filing legal actions, as appropriate. In addition, collaboration with the Contractors State License Board and Board for Professional Engineers, Land Surveyors, and Geologists to share disciplinary actions for the purpose of leveraging professional licenses may be feasible when on a new platform system.

ISSUE #8: CONTINUED REGULATION BY THE BOARD. Should the licensing and regulation of architects be continued and be regulated by the current Board membership?

Committee Staff's Recommendation: Recommend that the licensing and regulation of architects continue to be regulated by the current Board members of the California Architects Board in order to protect the interests of the public and be reviewed once again in four years.

The Board/LATC concurs with the Committees' recommendation.

(Note: This was Issue #6 for LATC in the Sunset Background Paper and the Board/LATC concur with that recommendation.)

Note: as indicated on the cover memo, the following issue was unique to LATC.

LATC ISSUE #2: PATHWAYS TO LICENSURE. Should the LATC consider ways to streamline its licensure process or make its licensure process more flexible to accommodate out-of-state applicants?

Committee Staff's Recommendation: The LATC should continue to work closely with the Board to identify opportunities to initiate efficiencies in its licensure system, and consult with stakeholders to ensure that the path to licensure is efficient and effective. The LATC should also continue to discuss the possibility of expanding the definition of "education credit" to encompass a certain amount of licensed experience, and to consider granting education credit for degrees related to landscape architecture, while ensuring that licensees retain their competence and that consumers are protected by any changes in eligibility.

2014 LATC Response:

The LATC concurs with the Committees' recommendation. During this last reporting period, LATC has expanded its pathways to licensure to allow partial degrees, and architecture degrees to meet education requirements. The LATC is researching other related degrees that can meet the education requirement for licensure.

Efficiencies in the licensure processes were improved by permitting candidates to take certain sections of the national exam upon graduation. On the horizon are changes to allow credit for teaching under a landscape architect. LATC will also work closely with the Board on its efforts on the Accelerated Path to Architectural Licensure.

In addition, the LATC has received license applications from candidates who are licensed in other states but do not meet specific California requirements, namely a degree in landscape architecture. The LATC is reviewing reciprocity requirements of other states to determine possible changes to improve efficiencies. Initial research revealed varying minimum standards across states including education only, experience only, varying degree types, and acceptance of reciprocity from other states. The LATC will work closely with CLARB to establish the minimum years of licensed experience to qualify to take the California Supplemental Exam in order to become licensed in California. The LATC will also work closely with other stakeholders to ensure that the path to licensure is efficient and effective.

2018 LATC Update Response:

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees (a degree related to landscape architecture) to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

The LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulations that expand pathways to enhance accessibility into the profession. These pathways provide for more related degrees, specifically allocating credit toward licensure for an accredited civil engineering degree as well as provide credit for a candidate with any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway.

The LATC has also continued to assess reciprocity requirements since the last reporting period. In the past, the LATC 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. Accordingly, the LATC is seeking to align its reciprocity and initial licensure requirements such that an out-of-

state candidate who meets the criteria for initial licensure will also be eligible for reciprocity licensure. The enhanced pathways that are being proposed to expand access to licensure (i.e., related degrees, any degree, and experience-based pathways) will afford more opportunities for out-of-state candidates to become licensed in California.

During its meeting May 4, 2018, the Committee determined that the current regulation for reciprocity aligns with the newly proposed initial licensure pathways, but that only minor changes were necessary to update the language. Furthermore, the Committee determined that further research related to the LATC's Certification of Experience form, which is used to certify that a candidate's experience meets the requirements for licensure, was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. Though the Committee is continuing to explore this matter further, barring additional amendments to the regulation language, it is anticipated that a regulatory proposal will be submitted to the Office of Administrative law by the end of 2018.

Additionally, the Committee will continue discussions regarding how it will structure the allocation of experience-based credit. The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

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Section 11 New Issues

This is the opportunity for the LATC to inform the Committees of solutions to issues identified by the LATC and by the Committees. Provide a short discussion of each of the outstanding issues, and the LATC's recommendation for action that could be taken by the LATC, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the LATC in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

The LATC has addressed all issues from the prior review.

NEW ISSUES

Enhanced Pathways to Licensure

During the previous reporting period, the LATC extended its licensure pathways to allow for partial degrees and architecture degrees to meet education requirements. Since then, the LATC has pursued additional efforts that proactively mitigate impediments to licensure and provide enhanced opportunities for prospective candidates to qualify for licensure that are congruent with the type of education and training currently available. Effective January 1, 2017, the LATC promulgated regulations that allocated credit toward licensure for candidates who have landscape architectural teaching experience. Thereafter, the LATC has begun pursuit of additional regulatory changes that would provide expanded pathways to licensure.

The LATC presently requires that candidates have a combination of education and experience to qualify for licensure. To assess stakeholder feedback regarding expansion of licensure requirements, the LATC held public forums in March and April 2017. Thereafter, the LATC formed an Education/Experience Subcommittee (Subcommittee) tasked with determining expanded pathways to licensure and allocating credit given to those pathways. The LATC sought to mirror its expanded licensure pathways with those already used by the California Architects Board (Board), which provides credits for candidates who have degrees related to architecture, any bachelor's degree, and an experience-only pathway, which is constructed as a structured internship program.

Resultant of the Subcommittee's recommended new licensure pathways and in due consideration of public opinion, the LATC and the Board approved amendments to current regulation that provide credit for a candidate with an accredited civil engineering degree, any bachelor's degree, experience supervised by a licensed landscape contractor, as well as an experience-only pathway. Following this approval, it was determined that minor, additional edits were needed to CCR section 2620 for the purpose of consistency in language. The Committee reviewed and approved these edits during its meeting on May 4, 2018. During this meeting, the Committee also determined that further research related to the LATC's Certification of Experience form was needed in order to explore how the LATC can better structure the experience a candidate gains to prepare for licensure. The LATC is continuing to explore this matter further and, barring additional changes to CCR section 2620, anticipates submitting a regulatory proposal to the Office of Administrative law by the end of 2018.

The LATC believes that these proactive efforts will ensure enhanced licensure opportunities, while still maintaining competency of practitioners, for individuals of diverse backgrounds seeking licensure in California.

Written Contract

The LATC's "written contract requirement" is one of its most important consumer protection tools. Presently, the landscape architect's written contract must: 1) describe the services to be provided by the landscape architect to the client; 2) describe the basis of compensation, including total cost and method of payment; 3) include a notice that reads, "Landscape architects are licensed by the State of California"; 4) identify by name and address the client and the landscape architect, including the landscape architect's license number; 4) describe the procedure to accommodate additional services; and 5) describe the procedure to be used by both parties to terminate the contract.

Memorializing the basic terms of a business relationship can prove invaluable. Both parties to the relationship need to understand the cost, schedule, compensation, etc. When there is no contract, there is an enhanced opportunity for one party to take advantage of the other. The LATC believes that the contract requirement benefits both the consumer and the landscape architect.

Since this provision has been in effect for some time, the Board has investigated many consumer complaints that centered around the existence of a contract or meaning of specific terms. As such, the Board's experts in the enforcement program (Architect Consultants) have identified several potential improvements to the current law. Many of the disputes that have resulted in complaints stemmed from misunderstandings concerning the project description and/or failure to manage changes in the project description during the design process. The description of the project has direct bearing on the: 1) design services required; 2) compensation related to those services; and 3) project budget and schedule. Without a defined project description, it is often unclear whether the project is on track in meeting the expectations and project requirements established by the client and the architect or landscape architect.

Under the Rules of Professional Conduct, Title 16, California Code of Regulations, section 2670(d), landscape architects are prohibited from materially altering the scope or objective of a project without first fully informing the client and obtaining the client's consent in writing. However, landscape architects are not currently required to define the project description in their written contracts with clients. Therefore, it can be difficult for the client or landscape architect to determine when the project description has been materially altered if it has not first been defined and agreed upon in the written contract.

The Board has also received complaints and questions from consumers related to disputes regarding the ownership and use of an architect's instruments of service. Assembly Bill 630 (Holden, Chapter 453, Statutes of 2013) became effective January 1, 2014, and added BPC section 5536.4 to the Architects Practice Act, which prohibits the use of an architect's instruments of service without the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use. However, architects nor landscape architects are not currently required to include a provision addressing the ownership and use of their instruments of service in their written contracts with clients. Therefore, clients are often unaware of each party's rights with respect to the instruments of service.

The LATC is proposing to amend BPC section 5616 in order to clarify that the following elements are needed in landscape architects' written contracts with clients for professional services: 1) a description of the project for which the client is seeking services; 2) the project address; 3) a description of the procedure that the landscape architect and the client will use to accommodate contract changes, including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation and

method of payment; and 4) a statement identifying the ownership and use of instruments of service prepared by the landscape architect.

The LATC expects this proposal to benefit consumers and landscape architects by providing enhanced transparency for contracted parties, thereby, reducing the number of disputes related to disagreements regarding the project description, unauthorized changes made to the project during the design process, and/or the ownership and use of instruments of service.

The LATC respectfully requests that this proposal be included as part of the legislation addressing its sunset date. See proposed language below:

Amend section 5616 of the Business and Professions Code to read:

(a) A landscape architect shall use a written contract when contracting to provide professional services to a client pursuant to this chapter. The written contract shall be executed by the landscape architect and the client, or their representatives, prior to the landscape architect commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the project for which the client is seeking services.

(2) A description of the services to be provided by the landscape architect to the client.

(3) A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract and the method of payment agreed upon by both parties.

(4) A notice that reads: "Landscape architects are licensed by the State of California."

(5) The name, address, and license number of the landscape architect, and the name and address of the client and project address.

(6) A description of the procedure that the landscape architect and client will use to accommodate additional services.

(7) A description of the procedure that the landscape architect and the client will use to accommodate contract changes including, but not limited to, changes in the description of the project, in the description of the services, or in the description of the compensation, total price, and method of payment.

(8) A description of the procedure to be used by either party to terminate the contract.

(9) A statement identifying the ownership and use of instruments of service prepared by the landscape architect.

~~(b) This section shall not apply if the client knowingly states in writing after full disclosure of this section that a contract that complies with this section is not required.~~

~~(c) This section shall not apply to any of the following:~~

~~(1) Professional services rendered by a landscape architect for which the client will not pay compensation.~~

(2) An arrangement as to the basis for compensation and manner of providing professional services implied by the fact that the landscape architect's services are of the same general kind that the landscape architect has previously rendered to, and received payment for from, the same client.

(3) If the client knowingly states in writing after full disclosure of this section that a writing which complies with the requirements of this section is not required.

(34) Professional services rendered by a landscape architect to any of the following:

(A) A landscape architect licensed under this chapter.

(B) An architect licensed under Chapter 3 (commencing with Section 5500).

(C) A professional engineer licensed under Chapter 7 (commencing with Section 6700).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A professional land surveyor licensed under Chapter 15 (commencing with Section 8700).

(G) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with, or incidental to, the products, systems, or services of that corporation or its affiliates.

(H) A public agency.

(dc) As used in this section, "written contract" includes a contract that is in electronic form.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of December 1, 2018

Section 12 Attachments

Please provide the following attachments:

A. LATC's administrative manual.

See Attachment A – LATC Member Administrative Procedure Manual

B. Current organizational chart showing relationship of committees to the LATC and membership of each committee (cf., Section 1, Question 1).

See Attachment B – Committee Organization Chart

C. Major studies, if any (cf., Section 1, Question 4).

See Attachment C – Review of the Council of Landscape Architectural Registration Boards' Landscape Architect Registration Examination – Executive Summary

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 17)

See Attachment D – Year End Organization Charts – FYs 14/15 – 17/18

E. Quarterly Performance Measure Reports (cf., Section 2, Question 6).

See Attachment E – Quarterly Performance Measure Reports

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE



COMMITTEE MEMBER ADMINISTRATIVE PROCEDURE MANUAL

Updated 2001

Chapter 1**Introduction****Overview**

The Landscape Architects Technical Committee (LATC) was statutorily established under the jurisdiction of the California Architects Board (CAB) pursuant to the enactment of AB 1546 (Chapter 475, statutes of 1997) which became effective January 1, 1998. It replaces the former Board of Landscape Architects which was abolished through the enactment of SB 2036 (Chapter 908, statutes of 1994) on July 1, 1997.

The LATC's purpose is to act in an advisory capacity to the CAB on examinations and other matters pertaining to the regulation of the practice of landscape architecture in California.

The LATC consists of five technical experts who are licensed to practice landscape architecture in this state. Under the provisions of section 5621(b) of the Business and Professions Code, the Governor has the authority to appoint three of the members. The remaining two members are each appointed by the Senate Committee on Rules and the Speaker of the Assembly. Committee members fill non-salaried positions but are paid \$100 per day for each meeting day and are reimbursed travel expenses.

This procedure manual is provided to Committee members as a ready reference of important laws, regulations, Department of Consumer Affairs (DCA) policies, and CAB policies in order to guide the actions of the LATC and ensure its effectiveness and efficiency.

Delegated Authority

Sections 5620 and 5622 of the Business and Professions Code set forth the duties of the CAB and LATC. On May 14, 1998, the CAB unanimously voted to empower the LATC, to the fullest extent authorized by law, to exercise all duties, powers, purposes, responsibilities and jurisdiction relative to administration of the Landscape Architects Technical Committee as set forth in Chapter 3.5 of Division 3 of the Business and Professions Code (commencing with section 5615), with the following exceptions:

- The Committee shall make recommendations concerning proposed regulatory or statutory changes and submit them to the Board for review and final approval.

- The Committee shall make recommendations concerning budget augmentations and submit them to the Board for review and final approval.
- The Committee shall develop a strategic plan for the Landscape Architects Technical Committee (LATC) and submit it to the Board for review and final approval.
- The Committee shall make recommendations involving disciplining a landscape architect or taking action against a person who has violated this chapter to the Board for review and final approval.

Definitions

B&P Business and Professions Code

CAB California Architects Board

DCA Department of Consumer Affairs

LATC Landscape Architects Technical Committee

Chapter 2**Committee Meeting Procedures****Frequency of Meetings**
(Committee Policy)

The Committee shall meet at least once a quarter and may meet more often as it determines necessary.

Attendance at Meetings
Committee Member
(Committee Policy)

Committee members shall attend each meeting of the LATC. If a member is unable to attend he/she must contact the LATC chair or vice chair and ask to be excused from the meeting for a specific reason.

Committee Member
Participation
(Committee Policy)

The LATC chair may ascertain from members whose level of participation is below standard whether or not the member is able to continue serving as an active member of the LATC. In such a case, the chair may recommend to the CAB that the member resign. If such resignation is not forthcoming within a reasonable time, the CAB, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the CAB his/her arguments against the resolution prior to such a resolution being adopted by the CAB.

Committee Member
Meetings
(Committee Policy)

The LATC may send a representative to CAB board meetings as deemed appropriate by the chair or vice chair.

**Public Attendance at
Committee Meetings**
(Government Code Section
11120 et seq.)

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

Any general discussion of exams or disciplinary procedures shall be held in public. The LATC may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination, and to deliberate on disciplinary cases. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Agenda Items
(Committee Policy)

Any Committee member may submit suggested items for a Committee meeting agenda to the LATC program manager 20 days prior to the meeting.

Notice of Meetings
(Government Code Section
11120 et seq.)

According to the Open Meeting Act, meeting notices (including agendas for Committee meetings) shall be sent to persons on the Committee's mailing list of interested persons at least ten (10) calendar days in advance. The notice shall include a telephone number and address where persons can obtain additional information prior to the meeting.

Record of Meetings
(Committee Policy)

The minutes are a summary, not a transcript, of each Committee meeting. They shall be prepared by LATC staff and submitted for review by the LATC before the next scheduled meeting. LATC minutes shall be approved by the CAB at the Board's next scheduled meeting. When approved, the minutes shall serve as the official record of the meeting.

Tape Recording
(Committee Policy)

The meetings may be tape-recorded for staff purposes. Tape recordings shall be disposed of upon CAB approval of the minutes.

Meeting Rules
(Committee Policy)

The LATC will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting meetings.

Chapter 3**Travel & Salary Policies/Procedures****Travel Approval**
(Committee Policy)

Committee members shall have the chair's approval for all travel except for regularly scheduled meetings.

Travel Arrangements
(Committee Policy)

Committee members should attempt to make travel arrangements through LATC staff.

Out-of-State Travel
(SAM Section 700 et seq.)

For out-of-state travel, Committee members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and approved by the Governor's Office.

Travel Claims
(SAM Section 700 et. seq. and
DCA Memorandum 91-26)

Rules governing reimbursement of travel expenses for Committee members are the same as for management and state staff. All expenses shall be claimed on the appropriate travel expense claim forms. The LATC's administrative assistant maintains these forms and completes them as needed. It is advisable for Committee members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Committee members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the director.

Salary Per Diem
(B&P Code Section 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Committee members is regulated by the Business and Professions Code.

In relevant part, this section provides for the payment of salary per diem for Committee members "for each day actually spent in the discharge of official duties," and provides that the Committee member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

(Committee Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Committee members except for

attendance at official meetings, unless a substantial, official service is performed by the Committee member. Attendance at gatherings, events, hearings, conferences, or meetings in which a substantial official service is performed shall be approved in advance by the LATC chair. The program manager shall also be notified of the event prior to the Committee member's attendance.

Committee members attending out-of-state annual or regional meetings, conferences, seminars, etc. are expected to attend all appropriate sessions and to make a report to the Committee on the sessions at its next scheduled meeting following the event.

2. The statement "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Committee meeting to the conclusion of that meeting. Where it is necessary for a member to leave early from a meeting, the LATC chair shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

3. For LATC specified work, Committee members will be compensated for actual time spent performing work authorized by the LATC chair. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences or participation in item writing workshops for the California Supplemental Examination, and travel time on non-meeting days. That work does not include preparation time for Committee meetings. Members cannot claim salary per diem for time spent traveling to and from a Committee meeting.

Chapter 4

Committee Member Disciplinary Actions (Committee Policy)

Other Policies/Procedures

A Committee member may be censured by the CAB if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The president of the Board shall sit as chair of the hearing or in his or her absence, the vice president. In accordance with the Public Meetings Act, the censure hearing shall be conducted in open session.

Removal of Committee Members
(B&P Code Sections
106 and 106.5)

The Governor has the power to remove from office at any time any member of any board or committee appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a board or committee member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Resignation of Committee Members
(Government Code Section 1750)

In the event that it becomes necessary for a Committee member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of the DCA, the CAB president, the executive officer of the CAB and the chair of the LATC.

Officers of the Committee
(Committee Policy)

The LATC shall elect from its members a chair and a vice chair to hold office for one year or until their successors are elected.

The chair shall preside over and conduct meetings in accordance with Robert's Rules of Order. In addition, the chair shall represent the LATC at the Council of Landscape Architectural Registration Boards' annual and regional meetings and make reports to the LATC at the next scheduled meeting following the event.

The vice-chair shall assume the duties of chair in the chair's absence.

Program Budget
(Committee Policy)

The vice chair shall serve as the LATC's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Committee. Staff will conduct an annual budget briefing with the CAB with the assistance of the vice chair. The program manager or his/her designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

General Role of Committee Members
(Committee Policy)

The primary role of LATC members is to recommend policy under the statutes governing it. Policy guidance is developed by interpreting the regulatory law through officially adopted regulations and clearly developed licensing and enforcement procedures.

More detailed duties of a Committee member are contained in the Department of Consumer Affairs' Board Member Orientation and Reference Manual.

Election of Officers
(Committee Policy)

The LATC shall elect its officers at the last meeting of the fiscal year. Officers shall serve a term of one year. All officers may be elected on one motion (or ballot) as a slate of officers unless objected to by a Committee member.

Officer Vacancies
(Committee Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the chair becomes vacant, the vice chair shall assume the office of the chair. Elected officers shall then serve the remainder of the term.

Task Force Appointments
(Committee Policy)

The chair shall establish task force groups or special committees as he or she deems necessary. The composition of the task forces or special committees shall be determined by the chair in consultation with the vice chair and the program manager of the LATC.

Attendance at Task Force Meetings
(Committee Policy)

If a Committee member wishes to attend a task force or special committee meeting, and he/she is not a participant on that task force, that member shall obtain permission from the Committee chair to attend and shall notify the Committee chair and program manager of the LATC.

Request for Records Access
(Committee Policy)

No Committee member may access a licensee or candidate file without the CAB executive officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the LATC's office.

Communications with Other Organizations/Individuals
(Committee Policy)

All official communications relating to any Committee recommendation or policy to any individual or organization, including the Council of Landscape Architectural Registration Boards (CLARB), the American Society of Landscape Architects (ASLA), or a representative of the media, shall be made only by the chair of the LATC, his/her designee, or the program manager of the LATC. Any Committee member who is contacted regarding official business of the LATC should inform the chair or program manager of the contact. All correspondence shall be issued on the LATC's standard letterhead and will be created and disseminated by the LATC staff.

Program Evaluation
(Committee Policy)

Committee members shall evaluate their performance on an annual basis in conjunction with their strategic planning process.

Program Manager Review
(Committee Policy)

Committee members shall provide input regarding the performance of the program manager at the end of each fiscal year. The LATC chair shall disseminate a performance appraisal form to all Committee members who shall complete the form and return it to the chair who will, in turn, submit it to the executive officer of the CAB.

Contact with Candidates
(Committee Policy)

Committee members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the program manager or LATC staff.

Gifts from Candidates
(Committee Policy)

Gifts of any kind to Committee members or the LATC staff from candidates for licensure with the LATC are not permitted.

Conflict of Interest
(Government Code Section 87100)

No Committee member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Committee member, who has a financial interest, shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Committee member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the program manager of the LATC or the executive officer of the CAB.

Ex Parte Communications
Government Code Section
11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An ex parte communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Committee members are prohibited from ex parte communication with LATC enforcement staff while a proceeding is pending.

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact LATC members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the program manager.

If a Committee member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, he or she should be told that the Committee member will be required to recuse him or herself from an participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Committee member believes that he or she has received an unlawful ex parte communication, he or she should contact the LATC's assigned Legal Office attorney.

Business Cards
(Committee Policy)

Business cards will be provided to each Committee member with the LATC's name, address, telephone and fax numbers, and website address.

LATC Staff
(DCA Reference Manual)

Employees of the LATC are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the LATC delegate all authority and responsibility for management of the civil service staff to the executive officer of the CAB and program manager of the LATC. Committee members shall not intervene or become involved in specific day-to-day personnel transactions.

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Agenda Item L

REVIEW OF FUTURE LATC MEETING DATES

July

4

Independence Day

Office Closed

20

Landscape Architects Technical Committee (LATC)
Meeting

San Diego

September

3

Labor Day

Office Closed

12

California Architects Board (Board) Meeting

Bay Area

27-29

Council of Landscape Architectural Registration Boards
Annual Meeting

Toronto, Ontario

October

19-22

American Society of Landscape Architects
Annual Meeting and EXPO

Philadelphia, PA

November

12

Veterans Day Observed

Office Closed

15-16

LATC Meeting & Strategic Planning Session

Sacramento

22-23

Thanksgiving Holiday

Office Closed

December

13-14

Board Meeting & Strategic Planning Session

Sacramento

25

Christmas Day

Office Closed

Agenda Item M

ADJOURNMENT

Time: _____