



NOTICE OF MEETING Landscape Architects Technical Committee

LATC MEMBERS

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

February 8, 2019

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

**University of Southern California
School of Architecture
Verle Annis Gallery
850 Bloom Walk, Los Angeles, CA 90089
(213) 740-2723**

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

Agenda

**11:00 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. Update on the Department of Consumer Affairs (DCA) – Dean R. Grafilo, DCA Director
- E. Presentation on the University of Southern California Landscape Architecture Program
(Esther Margulies, Associate Professor of Practice, Interim Director Landscape Architecture + Urbanism)
- F. Review and Possible Action on December 6-7, 2018 LATC Meeting Minutes

- G. Program Manager's Report - Update on LATC's Administrative/Management, Examination, Licensing, and Enforcement Programs
- H. Review and Possible Action on Extension Certificate Program Subcommittee's Recommendation to Amend California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5 Requirements for an Approved Extension Certificate Program
- I. Review and Possible Action on Amendments to CCR, Title 16, Division 26, Article 1, Sections 2680 Disciplinary Guidelines, 2655 Substantial Relationship Criteria, and 2656 Criteria for Rehabilitation
- J. Review and Possible Action to Approve Fiscal Year 2019-20 Intra-Departmental Contract with Office of Professional Examination Services (OPES) for California Supplemental Examination (CSE) Development
- K. Review and Possible Action on Draft 2019-2021 Strategic Plan
- L. Discuss and Possible Action on 2019-2021 Strategic Plan Objective to Amend CCR, Title 16, Division 26, Article 1, Section 2603 (Delegation of Certain Functions) to Align with the California Architects Board's Delegation of Certain Functions, CCR, Title 16, Division 2, Article 1, Section 103
- M. Discuss and Possible Action on the 2019-2021 Strategic Plan Objective to Develop a Social Media Content Strategy to Inform the Public
- N. Demonstration of New LATC Website Features
- O. Review of Future LATC Meeting Dates
- P. 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 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 will not be webcast. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at 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)). 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: Blake Clark

Telephone: (916) 575-7236

Email: Blake.clark@dca.ca.gov

Telecommunication Relay Service: Dial 711

Mailing Address:

Landscape Architects Technical Committee

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 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

Marq Truscott, Chair

Andrew Bowden, Vice Chair

Susan M. Landry

David Allan Taylor, Jr.

Patricia Trauth

Agenda Item B

CHAIR'S PROCEDURAL REMARKS AND LATC MEMBER INTRODUCTORY COMMENTS

LATC Chair Marq Truscott or, in his 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 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)).

Public comments will also be taken on agenda items at the time the item is heard and prior to the Committee taking any action on said items. Total time allocated for public comment may be limited at the discretion of the Committee Chair.

From: [Rebecca Schwaner](#)
To: [LATC](#)
Subject: Landscape Architects Practice Act
Date: Wednesday, February 06, 2019 9:55:24 AM

The UCLA Extension Landscape Architecture Program is unique - it serves students who need evening and weekend classes because on the whole they are working adults and have jobs and families. Other Landscape Architecture Programs do not service this community. The program has a strong academic curriculum and working professional instructional core that has produced many fine graduates and licensed professionals. I work in a great firm that has 3 principals who went through this program.

I support the LATC's efforts to amend and add an approval process for the extension programs authorized in the California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5.

Please approve the proposal so that final revisions can be crafted and proceed through the legislative change process.

Thank you for your time and support of California's Landscape Architecture Extension Programs and their contributions to our state.

Rebecca Schwaner
Associate
STUDIO-MLA

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(, ' *Rebecca* ' Schwaner
(, , * ')

From: GLEN DAKE
Sent: Wednesday, February 06, 2019 10:04 AM
To: LATC
Subject: 2/8/19 LATC Meeting agenda item H

Blake Clark & LATC:

Thank you for serving Californians through your work on the LATC.

I support the LATC's efforts, agendaized as Item H, to amend and add an approval process for extension programs authorized in the California Code of Regulations, Title 16, Division 26, Article 1, Section 2620.5.

I've had graduates of UC Extension Certificate Programs among my peers for many years: I am a California Licensed Landscape Architect. I've employed graduates of UC Extension programs in my office. The UCLA Extension Landscape Architecture Program is academically strong and rigorous and has graduated many excellent licensed practitioners.

Yours,

Glen Dake, ASLA
323-526-8279
DakeLuna Consultants
535 Euclid Ave
Los Angeles, CA 90063

From: [Deborah Deets](#)
To: [LATC](#)
Subject: Support for Proposed Revision
Date: Wednesday, February 06, 2019 11:09:51 AM
Attachments: [deb sig.jpg](#)

To: the LATC Committee

Subject: February 8, 2019 LATC Meeting, LATC Agenda Item H

The UCLA Extension Landscape Architecture Program has provided an educational opportunity with evening and weekend classes for working adults that other Landscape Architecture Programs did not provide. The program offers a strong academic curriculum and working professional instructors that have produced many graduates and licensed professionals that are sought after by both government agencies and private firms. I am one of those professionals who graduated from this program, and thanks to the opportunity it afforded me, I have developed standard plans that have contributed to Green Infrastructure movement, the City of Los Angeles' Capital programs, and to the profession of Landscape Architecture.

I support the LATC's efforts to amend and add an approval process for the extension programs authorized in the California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5.

I encourage you to approve the proposal before you to day so that final revisions can be crafted and proceed through the legislative change process.

Thank you for supporting California's Landscape Architecture Extension Programs and their contributions to our state, and national goals.

Sincerely,

deb sig.jpg



Deborah Deets, FASLA

Landscape Architect QSP/QSD

Watershed Protection Division

1149 South Broadway, 10th Floor
Los Angeles, CA 90015
Phone: [213-485-3913](tel:213-485-3913)

Fax: [213-485-3939](tel:213-485-3939)

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From: Steven Lang
Sent: Wednesday, February 06, 2019 12:14 PM
To: LATC
Subject: Review and Possible Action on Extension Certificate Program Subcommittee's Recommendations to Amend CCR Requirements for an Approved Extension Certificate Program.

To: The LATC Committee
Subject : February 8, 2019 LATC Meeting, LATC Agenda Item H

I have been an instructor at UCLA Extension for nearly 20 years. Many of the students graduating from the program have become successful licensed landscape architects and have contributed greatly to the field in private firms and public agencies. The UCLA Extension Landscape Architecture Program has provided a key educational opportunity with evening and weekend classes to working adults that other Landscape Architecture Programs cannot provide. The program has a strong academic curriculum and working professional instructional core that has produced many fine graduates and licensed professionals.

I support the LATC's efforts to amend and add an approval process for the extension programs authorized in the California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5.

As a former LATC member and chairman, I encourage you to approve the proposal before you today so that final revisions can be crafted and proceed through the legislative change process. This has been in the works for years and I am confident that LATC will see the value and timeliness of this proposal and move forward with it.

Thank you for your time and support of California's Landscape Architecture Extension Programs and their contributions to our state.

Sincerely,

Steve Lang, PLA #1771
Principal MIG

LATC

From: Steven Chavez
Sent: Wednesday, February 06, 2019 3:17 PM
To: LATC
Subject: February 8, 2019 LATC Meeting, LATC Agenda Item H

Dear LATC Committee,

The UCLA Extension Landscape Architecture Program has provided an educational opportunity with evening and weekend classes to working adults that other Landscape Architecture Programs cannot provide. The program has a strong academic curriculum with a working professional instructional core that has produced many fine graduates and licensed professionals.

I support the LATC's efforts to amend and add an approval process for the extension programs authorized in the California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5.

I encourage you to approve the proposal before you today so that final revisions can be crafted and proceed through the legislative change process.

Thank you for your time and support of California's Landscape Architecture Extension Programs and their contributions to our state.

Sincerely,

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Steven Chavez, PLA, CLARB
Founding Principal
SCA-LARC
Office 424 777-0749
Mobile 818 679-9742

From: [Charles W Ware Jr.](#)
To: [LATC](#)
Cc: [Stephanie Landregan](#)
Subject: February 8, 2019 LATC Meeting, LATC Agenda Item H
Date: Thursday, February 07, 2019 8:05:48 AM

To: the LATC Committee

RE: February 8, 2019 LATC Meeting, LATC Agenda Item H

Dear Blake:

I recently wound down a long-term role as Principal at Design Workshop, an international planning, urban design and landscape architecture firm. I was ultimately responsible for leading offices in both Los Angeles and Dubai. I am currently working as a collaborating consultant. I have had exposure to a range of landscape architecture degree programs across the U.S.

The UCLA Extension Landscape Architecture Program has provided an educational opportunity with evening and weekend classes to working adults that other Landscape Architecture Programs cannot provide. The program has a strong academic curriculum and working professional instructional core that has produced many fine graduates and licensed professionals.

I have personally observed the quality of the program's graduates and find their skills to be commensurate with other landscape architecture programs. In fact, I find that the students are generally more mature, professional and aspirational than the typical young graduate.

I support the LATC's efforts to amend and add an approval process for the extension programs authorized in the California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5.

I encourage you to approve the proposal before you today so that final revisions can be crafted and proceed through the legislative change process.

Thank you for your time and support of California's Landscape Architecture Extension Programs and their contributions to our state.

Sincerely,

Charles W. Ware
Registered Landscape Architect, CA

From: [meg.coffee](#)
To: [LATC](#)
Subject: February 8, 2019 LATC Meeting, LATC Agenda Item H
Date: Thursday, February 07, 2019 2:11:58 PM

LATC Committee-

I have been an Instructor in the The UCLA Extension Landscape Architecture Program for 15+ years. From our students, we know that the program provides an educational opportunity with evening and weekend classes to working adults that other Landscape Architecture Programs cannot provide. The program has a strong academic curriculum and working professional instructional core that has produced many fine graduates and licensed professionals.

I support the LATC's efforts to amend and add an approval process for the extension programs authorized in the California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5.

I encourage you to approve the proposal before you today so that final revisions can be crafted and proceed through the legislative change process.

Thank you for your time and support of California's Landscape Architecture Extension Programs and their contributions to our state.

Sincerely,

--

m e g r u s h i n g c o f f e e
landscape architecture & design
www.mrcladesign.com
310-387-5891

From: [Michelle Sullivan](#)
To: [LATC](#)
Subject: LATC Agenda Item H - Support
Date: Thursday, February 07, 2019 4:01:37 PM

To: the LATC Committee

Subject: February 8, 2019 LATC Meeting, LATC Agenda Item H

I am a registered landscape architect in the state of California who was fortunate to have gone through the UCLA Landscape Architecture Program. I completed the program nearly 30 years ago. As a member of programs Guidance Committee I have firsthand knowledge of the opportunities the program has provided to so many. The evening and weekend classes have allowed an opportunity to have access to this profession that they may not have been able to have otherwise. The program has a strong academic curriculum and working professional instructional core that has produced many fine graduates and licensed professionals.

I support the LATC's efforts to amend and add an approval process for the extension programs authorized in the California Code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5.

I encourage you to approve the proposal before you to day so that final revisions can be crafted and proceed through the legislative change process.

Thank you for your time and support of California's Landscape Architecture Extension Programs and their contributions to our fine state.

Sincerely,

MICHELLE SULLIVAN-INDJAYAN RLA, ISA, LEED AP
Principal

STUDIO-**MLA**

251 South Mission Road, Los Angeles, California 90033

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artecho

architecture + landscape architecture

February 9, 2009

Landscapes Architecture Professional Institute
1000 Oak Street, Suite 200
Berkeley, CA 94704

Dear LAPI Executive Director:

The Urban Landscape Institute Program provides many educational opportunities for working professionals in creating and maintaining the landscape. We graduate from the program to become better professionals and better professionals who are the backbone of the program.

As a member of the Urban Landscape Institute, I appreciate LAPI's efforts to provide an educational program to the landscape professionals and the landscape community. I appreciate LAPI, 1000 Oak Street, Suite 200, Berkeley, CA 94704.

Please accept my sincere thanks for the opportunity that this letter has given me to express my appreciation for the Urban Landscape Institute.

Thank you for your time and support of the Urban Landscape Institute. I appreciate the Urban Landscape Institute's contribution to the field.

Sincerely,



Pamela Palmer, M.S.
President, LAPI, Landscapes Architecture Professional Institute

THANK YOU

THANK YOU

THANK YOU

THANK YOU

THANK YOU

THANK YOU

THANK YOU

THANK YOU

Agenda Item D

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

Dean R. Grafilo, DCA Director will provide the Board with an update on the DCA.

Agenda Item E

PRESENTATION ON THE UNIVERSITY OF SOUTHERN CALIFORNIA LANDSCAPE ARCHITECTURE PROGRAM (ESTHER MARGULIES, ASSOCIATE PROFESSOR OF PRACTICE, INTERIM DIRECTOR LANDSCAPE ARCHITECTURE + URBANISM)

Associate Professor of Practice and Interim Director of the Landscape Architecture and Urbanism Program, Esther Margulies, will provide a presentation on the landscape architecture program at University of Southern California.

Agenda Item F

REVIEW AND POSSIBLE ACTION ON DECEMBER 6-7, 2018 LATC MEETING MINUTES

The Landscape Architects Technical Committee (LATC) is asked to review and take possible action on the attached December 6-7, 2018 LATC Meeting Minutes.

Attachment:

December 6-7, 2018 LATC Meeting Minutes (Draft)

Minutes

CALIFORNIA ARCHITECTS BOARD Landscape Architects Technical Committee Meeting

December 6-7, 2018
Sacramento, California

Landscape Architects Technical Committee (LATC) Members Present

Patricia Trauth, Chair
Marq Truscott, Vice Chair
Andrew Bowden
Susan M. Landry (Arrived 10:59 a.m.)
David Allan Taylor, Jr.

Staff Present

Laura Zuniga, Executive Officer
Trish Rodriguez, Program Manager
Tara Welch, Attorney III, Department of Consumer Affairs (DCA or Department)
Kourtney Nation, Examination Coordinator
Stacy Townsend, Enforcement Analyst
Blake Clark, Licensing Coordinator

Guests Present

Cheryl Buckwalter, Association of Professional Landscape Designers (APLD)
Amelia B. Lima, APLD
Tracy Morgan Hollingworth, California Council of American Society of Landscape Architects (CCASLA)
Brianna Miller, Board and Bureau Services Specialist, DCA Office of Board and Bureau Services
Stephanie Landregan, Director of the University of California, Los Angeles (UCLA) Extension, Landscape Architecture Program
Michael Oguro, CalTrans
Steve Hao, CalTrans
Robin Salsburg, APLD

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

LATC Chair Patricia Trauth called the meeting to order at 10:58 a.m., and Vice Chair Marq Truscott called roll. Four members of LATC were present, thus a quorum was established.

B. Chair's Procedural Remarks and LATC Member Introductory Comments

Ms. Trauth began by thanking the Committee members for their public service acknowledging that they also serve on other sub-committees, and that their efforts are appreciated. Ms. Trauth proceeded to introduce the Board's Executive Officer, Laura Zuniga, who was sworn in on August 1, 2018. Ms. Zuniga added that she is happy to be here and looks forward with working with the Committee. Ms. Trauth announced that the LATC strategic planning session is scheduled for December 7, 2018 and would be facilitated by DCA SOLID.

C. Public Comment on Items Not on the Agenda

There were no comments from the public.

D. Review and Possible Action on July 20, 2018 LATC Meeting Minutes

Ms. Trauth asked for a motion to approve the July 20, 2018 LATC Meeting Minutes.

Andrew Bowden moved to approve the July 20, 2018 LATC Meeting Minutes.

Susan M. Landry seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

Amelia Lima requested to clarify the intention of her comment at the prior meeting made during Agenda Item J. 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) was to explain that APLD is working with LATC to resolve the issue regarding social media outlets and the professional category options available.

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

Trish Rodriguez announced that she resumed the LATC Program Manager position on November 5, and that former Program Manager Brianna Miller's last day was November 2. Ms. Rodriguez assured the members that it has been a smooth transition from her special projects assignments. Ms. Rodriguez reported that Special Projects Analyst, Tremaine Palmer, accepted another position and vacated the Special Projects position on November 19. She continued that recruitment efforts were underway to fill the position.

Ms. Rodriguez updated the Committee on Business Modernization efforts and advised that business activities were planned to be scheduled between October 2018 and October 2019. She explained that staff began working with DCA Office of Change Management and initiated the business mapping process, which required dedicated staff resources for half-day workshops,

averaging three full days each week. Ms. Rodriguez continued that staff have completed enforcement process mapping and review, making good progress, and the next workshops would be scheduled after the holidays to focus on licensing process review. She also announced that an interim stop-gap measure was underway to implement credit card payments for licensing renewal.

Ms. Rodriguez reported that the LATC new website design format, presented in its testing environment at a prior LATC meeting, was launched. As part of the new website, Ms. Rodriguez provided that the Consumer's Guide on Hiring a Landscape Architect was added, and that staff were working with DCA to implement the license search feature. Mr. Bowden requested a demonstration of the website at the next LATC meeting to view the license search feature and other highlights from the consumer's perspective. Ms. Rodriguez advised that the website is available and asked if members could view the website prior to the presentation.

Regarding social media, Ms. Rodriguez reported that staff met with DCA Public Affairs Office (PAO) to try and bolster LATC's Twitter outreach. She explained that future meetings will be held with PAO to discuss a social media content strategy and communication plan.

Mr. Rodriguez advised that the reference materials for examination development have been updated and placed in use. The Office of Professional Examination Services (OPES) is in the process of updating the reference list for candidates which will be posted on the LATC website at a future date.

Ms. Rodriguez reported that a copy of the Sunset Report was provided to the members at the meeting and that the Report was submitted to the Legislature before the December 1 deadline. She advised that the Report is available on the LATC website and that the hearing date has not been scheduled.

Ms. Trauth thanked Ms. Rodriguez and welcomed her back.

F. Discuss and Possible Action on Model Water Efficient Landscape Ordinance (MWELo)

Ms. Trauth reminded the Committee that at the July 2018 meeting a presentation was given by Julie Saare Edmonds regarding MWELo.

Mr. Truscott suggested that there may be a disconnect between the language in MWELo documentation and the Landscape Architects Practice Act (Act) regarding signature authorization for MWELo documents and plans. He encouraged a public dialog to discuss the language and recommended reviewing the MWELo proposed revisions, the current MWELo language, and the Act and have DCA Legal to provide an opinion when the proposed revisions become available. Mr. Truscott opined that MWELo documents are most commonly found on construction documents and the Act is specific regarding the authority on who can create construction documents. He suggested that the draft MWELo regulations might be available from the Department of Water Resources (DWR) for the LATC's February meeting.

Ms. Landry stated she believes that a certified irrigation designer would be able to sign MWELo documents. Both Ms. Landry and Mr. Truscott conveyed the importance of Errors and Omissions

Insurance from whomever is authorized to sign MWELO documents to better protect agencies, homeowners, and landowners.

Ms. Landry inquired whether the regulations for the Water Recycling Program were available and the public comment period, and whether the LATC should provide a public comment on the compost buy-back, and the fining of cities and residences who are improperly composting and/or buying back the correct compost amount. Ms. Zuniga pointed out that since this item is not on the agenda no motion to comment on this item could be made. Ms. Trauth suggested that a comment could be made as an individual rather than as a committee. Legal counsel, Tara Welch, further suggested that once the proposed regulation becomes available then a teleconference would be more appropriate to discuss the language and decide whether a comment by the Committee Chair is warranted.

Mr. Bowden voiced his uncertainty about LATC's role regarding MWELO and that it should be directed more toward the DWR except for possible LATC comments on the proposed revisions of MWELO. Mr. Bowden continued that LATC's role would be to comment on which professions are qualified to sign MWELO documents. David Allan Taylor, Jr. reiterated and concurred with Mr. Bowden's concerns regarding which professions are qualified to sign MWELO documents and plans.

The Committee agreed to continue to discuss the MWELO proposed changes during future meetings and to conduct a teleconference meeting to do so, if necessary.

A member of the public, Stephanie Landregan, stated that she agreed with Mr. Truscott that there is confusion on signature authorization of MWELO documents and plans. Ms. Landregan informed the Committee that many California schools are not teaching irrigation as a dedicated class in their landscape architecture curriculum. She explained that, per the Act, landscape architects can only provide irrigation services for which they are educated on. Ms. Landregan opined that not all landscape architects are educated on irrigation and therefore would not be able to provide those services, per the Act. She voiced her concern about the demand for qualified professionals to provide irrigation plans in California and the shortage of those in California. Ms. Landregan underscored the importance of discussing how to protect the health, safety, and welfare of the public while also allowing the fair trade and practice of other services. Ms. Landregan suggested that as water use becomes increasingly regulated in California, the issue should be discussed with universities to encourage increased education on irrigation.

A member of the public, Ms. Lima stated that MWELO exists because of California's need to conserve water. She informed the Committee that most water is wasted at California residences and the importance of educating homeowners on water conservation. Ms. Lima opined that it would be a disservice to California if educating homeowners was limited to landscape architects. She continued that it's time for the Committee to reconsider allowing other professions, such as landscape designers, to perform this service, especially if they are educated on MWELO and how to provide the required calculations.

Ms. Landry commented that she finds that many professionals do not understand water calculations and, also that many jurisdictions require that the professional providing the MWELO services be certified and it would be important to recognize the certifying agency. Ms. Landregan clarified that in the MWELO regulation, section 492.7(2)(F)(b)(7) states that the irrigation design

plan shall contain the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. Ms. Landry questioned who certifies irrigation designers, and Ms. Landregan explained that many are self-certified or certified by various associations, such as the Irrigation Association, but there is no monitoring or accreditation of the certification.

A member of the public, Michael Oguro, verified that some irrigation education is provided in landscape architecture programs within other classes. He also added that many licensees that came from another state have little to no education with regards to irrigation.

Mr. Truscott inquired whether the state would regulate the certification and the body providing the certification. Ms. Welch explained that it would be the body that is providing the certification and the criteria required to obtain certification. Ms. Landry asked Ms. Welch for clarification on whether the state would recognize an agency that provides certification especially when a city requires certification from a certain agency. Ms. Welch provided that many cities rely on certification programs to ensure that the proper criteria is met to provide the services as the next best thing since the state does not provide certification and there is no national accrediting body for these certification programs. Ms. Welch recommended against pursuing creating criteria for certification due to the lack of substantiation and the regulation would not be approved.

Ms. Landry inquired whether the Committee could comment on MWELo regarding the issues surrounding irrigation certification. Ms. Welch agreed that it would be appropriate to comment as long as the Committee agrees and by providing the feedback it brings to their attention problems that would arise with regards to the Act and our licensees and to possibly receive additional information with regards to the MWELo language.

Tracy Morgan Hollingworth conveyed the ASLA's support for LATC to address MWELo in the California Supplemental Examination (CSE) due to its relevance within California. She continued that by including MWELo on the CSE, it would promote universities and colleges to sufficiently cover irrigation. Ms. Hollingworth opined that since MWELo is not spelled out in the Act it could not be tested on as part of the CSE. Trish Rodriguez interjected that MWELo questions are contained on the CSE. Ms. Trauth requested clarification if in order to test on MWELo in the CSE if MWELo would need to be in the Act. Ms. Welch responded that it would depend on the statute and if there is a list of requirements to be tested on in the CSE and if so, the regulation would have to be amended to incorporate MWELo. Ms. Rodriguez informed the Committee that the Office of Professional Examination Services (OPES) does not recommend adding any testing requirements for the CSE in regulation but rather to conduct an occupational analysis to identify the needs of the industry to ensure the proper items are covered in the CSE.

The Committee agreed to continue discussion of the MWELo proposed revision at a future Committee meeting when the MWELo draft language is available.

G. Update on 2018 Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting

Ms Rodriguez reported that CLARB's Annual Meeting was held September 27-29, 2018 in Toronto, Canada; however, LATC did not receive Agency approval to attend the meeting. She

continued that prior to the Annual Meeting, staff submitted the 2018 Board of Directors and Committee on Nominations Elections Ballot reflective of the votes determined by the LATC at their July 20, 2018 meeting. Ms. Rodriguez added that materials from the Annual Meeting were provided by CLARB and included in the meeting materials. She notified the Committee that CLARB plans to survey licensees regarding examination process efficiencies as part of their friction analysis study.

Ms. Rodriguez added that during the Annual Meeting, CLARB's proposed bylaws were not approved and may be revised for another vote in 2019. Ms. Trauth noted that CLARB allowed participants to vote remotely on the Bylaws and she voted in support of the changes, on behalf of the LATC. She also shared that LATC recently sent a letter to CLARB requesting expanded opportunities for remote participation at CLARB Annual Meetings.

Ms. Landregan expressed concern that the state with the largest licensee population was not represented at CLARB's Annual Meeting. Ms. Trauth added that LATC has been able to attend in the past and will request travel approval for the 2019 CLARB Annual Meeting.

H. Update on Amendments to the LATC's Member Administrative Procedure Manual

Ms. Rodriguez presented that the Member Administrative Procedure Manual (Manual) was updated as recommended during the Sunset Review training provided by DCA and included in the Sunset Review Report. Ms. Rodriguez explained that staff referred to Contractors State License Board's manual and the Board's manual as guides when updating the LATC Manual. She continued that the Sunset Report was due to the Legislature on December 1, 2108, and therefore the draft was approved by the Board at their last meeting on September 12, 2018, prior to LATC's review.

After reviewing the teleconference section of the Manual, Ms. Landry questioned if the only way to teleconference is through audio and not live through video. She felt that it would be beneficial to have video conference because it would be easier to follow along during the meeting. The Committee discussed possible teleconferencing options, challenges, and benefits. Mr. Truscott inquired about future live audio of the committee meetings for the public to listen to the meeting but not participate. Ms. Zuniga and Welch confirmed that that would be possible for future committee meetings.

Mr. Bowden questioned why the Board is required to meet quarterly whereas the LATC is only required to meet twice a year. Ms. Welch confirmed that it was a policy change and that LATC is only required to meet twice a year but can meet more often. Mr. Bowden expressed concern that the LATC is viewing the Manual for the first time and were not able to provide feedback prior to submittal of the Sunset Report. Ms. Zuniga advised that the Manual could become a Strategic Plan objective and placed on a future meeting agenda to provide feedback on any edits that they feel are necessary to update the manual.

I. Update on 2017-2018 Strategic Plan Objective to Follow the Board's Determination Regarding the Necessity for a Licensure Fingerprinting Requirement and the Alternatives for Implementation as a Means of Protecting Consumers

Ms. Rodriguez presented that LATC, similar to the Board, does not have statutory authority to use fingerprinting for background checks and are 2 of 6 programs within DCA's 39 boards and bureaus that do not have such authority. She further stated that in August 2018 the Board's Regulatory and Enforcement Committee (REC) was presented with information regarding the Board's review of applicant and licensee convictions as well as an overview of licensure fingerprint requirements for all DCA boards and bureaus, specifically information regarding the Contractors State License Board's and the Board for Professional Engineers, Land Surveyors, and Geologists' applicant fingerprint requirement. Ms. Rodriguez explained that the REC extensively discussed the necessity of a fingerprint requirement and recognized the benefit of the fingerprint requirement; however, they also noted several items reducing the need for a fingerprint requirement. The REC ultimately concluded that there is insufficient data to justify the need for fingerprinting at this time and recommended to the Board to not pursue a fingerprinting requirement. It was noted that at the Board's September 2018 meeting the Board was presented with the recommendation to not pursue fingerprinting and voted to approve the recommendation.

J. Review and Discuss California code of Regulations (CCR), Title 16, Division 26, Article 1, Section 2620.5 (Requirements for an Approved Extension Certificate Program)

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

Ms. Rodriguez directed the Committee to the background information, provided in the meeting materials, outlining the history of the LATC's efforts to revise CCR section 2620.5. She specified that the Committee is asked to review and discuss the current provisions of CCR section 2620.5 and consider whether the following should be addressed in the regulation: 1) program approval expiration, reauthorization, and extensions of said approval; 2) provisions for site reviews and how or if these shall be conducted; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with this regulation.

Ms. Tara Welch noted that this regulation was initially brought before the LATC because the Landscape Architectural Accreditation Board (LAAB) was changing its accreditation requirements and the regulation was intended to be upgraded to coincide with the new LAAB requirements. She added that, in addition, site visit processes are unclear because nothing is laid out in the regulation itself; so potentially any information collected from site visits could be viewed as an underground regulation. She reminded the Committee that LATC previously attempted to submit a rulemaking package to the Office of Administrative Law (OAL) which was subsequently disapproved because the process to determine which LAAB requirements were referenced in the proposed regulatory language and which were not included appeared arbitrary. She noted that the biggest issue she finds with the current regulation is that it does not specify program approval expiration so the current process of reviewing programs for approval every six years could be considered an underground regulation as well. Ms. Welch added that LATC must determine what changes are necessary to the regulation without relying on LAAB accreditation standards. She clarified that the regulation currently does not require extension certificate programs to be reevaluated after initial approval and that is problematic from a consumer standpoint because the program needs to be reevaluated periodically to make sure it is still meeting the minimum requirements. Ms. Welch opined that the necessity of site visits should also be addressed, and, if they are determined necessary, the site review criteria must be transparent

and easy for staff and reviewers to understand. She recommended creating a subcommittee to determine what changes to the regulation are necessary and how to implement those changes.

Ms. Landry questioned the chance of obtaining approval for the previously proposed regulatory language denied by OAL in 2013. Ms. Welch explained that would be a matter of how the changes are justified in the rulemaking package. She added that the Committee may want to start by reviewing the current regulation language to determine if it provides the Committee, and ultimately the Board, enough information to understand how extension certificate programs operate to satisfy consumer protection and protection for the students.

Ms. Trauth asked for public comment. Ms. Landregan, Director of the UCLA Extension Program, expressed concern with the lack of formal process to approve extension certificate programs, conduct site visits, and set approval expiration dates. She suggested that the program review process be part of an LATC meeting at the university, where the program would present a self-evaluation report. Ms. Landregan added that the LATC's approval recommendation could be presented at a subsequent meeting. She recommended that LATC offer program approval for periods of six years, based on what other accreditation agencies do.

Ms. Trauth agreed with Ms. Welch's previous recommendation to form a subcommittee to propose changes that would not require frequent updates. Ms. Landry confirmed that the UCLA Extension Program is currently the only program currently offering an approved certificate in landscape architecture. She opined that holding program reviews during LATC meetings could become problematic if additional programs were to open and apply for approval.

Mr. Truscott recommended that LATC form a subcommittee. Ms. Welch clarified that the Committee's role is to provide program approval recommendations to the Board for consideration. She added that the subcommittee could be comprised of two Committee members or one Committee member and one public member, excluding Mr. Bowden due to his conflict of interest as Chair on the UCLA Landscape Architecture Guidance Committee. Ms. Landry added that having a public member affiliated with an extension certificate program would be beneficial. Ms. Zuniga suggested that the subcommittee consider the current regulation, rather than previously proposed regulatory language, to determine what changes are necessary at this time. Mr. Truscott volunteered to participate in the subcommittee and asked that staff agendaize possible extension of the UCLA Extension Program's current approval period for an additional year. Ms. Trauth confirmed the subcommittee would be comprised of Mr. Truscott and Ms. Landregan. Mr. Truscott added that the subcommittee would plan to have a presentation prepared for the next LATC meeting.

K. Election of 2019 LATC Officers

Ms. Rodriguez reported that an election is held at the last meeting of the calendar year to vote for a Chair and Vice Chair, to serve for one year, and that the election would be held at today's meeting.

Susan Landry moved to nominate Marq Truscott for Chair.

Andrew Bowden seconded the motion.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

Andrew Bowden nominated himself for Vice Chair.

Marq Truscott seconded the motions.

There were no comments from the public.

Members Bowden, Landry, Taylor, Truscott, and Chair Trauth voted in favor of the motion. The motion passed 5-0.

L. Review Tentative Schedule and Discuss Future LATC Meeting Dates

Ms. Rodriguez announced tentative future meeting dates as:

Friday, February 9, 2019
Thursday, May 23, 2019
Tuesday, August 13, 2019
Friday, November 8, 2019

She advised that the meeting locations were to be determined and would work with schools or CCASLA to identify the next location. The members expressed interest in having a future meeting in the bay area and Ms. Landry offered to assist with securing meeting locations for the bay area.

M. Recess

The meeting recessed at 1:52 p.m.

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

On December 7, 2018, the meeting was called to order at 8:43 a.m., and the following persons were present:

LATC Members

Patricia Trauth, Chair
Marq Truscott, Vice Chair
Andrew Bowden
Susan M. Landry
David Allan Taylor, Jr.

Staff

Laura Zuniga, Executive Officer

Trish Rodriguez, Program Manager
Kourtney Nation, Examination Coordinator
Stacy Townsend, Enforcement Analyst
Blake Clark, Licensing Coordinator

Guests

Julie Kolaszewski, Strategic Planner & Facilitator, DCA SOLID
Lusine Sarkisyan, Strategic Planner & Facilitator, DCA SOLID

O. Strategic Planning Session

Julie Kolaszewski and Lusine Sarkisyan from SOLID facilitated the LATC's strategic planning session and lead the LATC through its review of accomplishments for 2017-2018, its mission, values, and strategic goals, which assisted members in developing objectives for 2019-2021. SOLID will update the Strategic Plan with changes made during the session, and the Committee will review and finalize the plan at its next meeting.

P. Adjournment

The meeting adjourned at 1:30 p.m.

Agenda Item G

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) December 2018 Monthly Report provides a synopsis of current activities and is attached for the LATC's review.

Attachments:

1. Monthly Report (December 2018)
2. Enforcement Report
3. California Architects Board December 13-14, 2018 Meeting Notice



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MEMORANDUM

DATE: January 1, 2019

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

FROM: Laura Zuniga, Executive Officer

SUBJECT: DECEMBER 2018 MONTHLY REPORT

The following information is provided as an overview of Board activities and projects as of December 31, 2018.

ADMINISTRATIVE/MANAGEMENT

Board The Board's next meeting is scheduled for February 27, 2019, in southern California. The members are being surveyed for remainder meeting dates in 2019.

Business Modernization In December 2017, the Board, in collaboration with the Department of Consumer Affairs (DCA), finalized its 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. Together, these documents outline a specific framework, and the Board's progress within such framework.

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.

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The process mapping phase includes developing various process maps, and a functional requirements document. Six or more workshops are scheduled each week and are combined with Board and LATC SME's. Thirty-one business modernization workshops have been completed since the initial townhall meeting on November 1.

Because this planned approach will take time and to address the delayed implementation of a new platform, the Board and LATC are pursuing a stop gap measure to accept credit card payment for license renewal applications, our highest volume transaction. In October 2018, the Board and LATC worked with DCA to secure a contract with credit card vendors which was executed in December 2018. The online acceptance of credit card payments for license renewal is planned to be launched in January 2019.

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

Executive Committee The Executive Committee is planning to hold a teleconference meeting on January 31, 2019.

Legislation Assembly Bill (AB) 2138 [Chapter 995, Statutes of 2018] limits the current discretion provided to regulatory entities within DCA to apply criminal history background, as it relates to denial of an application for licensure. This bill was signed by the Governor on September 30, 2018 and becomes effective on January 1, 2019.

Senate Bill (SB) 721 [Chapter 445, Statutes of 2018] establishes minimum inspection requirements for the exterior elevated elements, including balconies and decks, of buildings with three or more multifamily dwelling units. This bill was signed by the Governor on September 17, 2018 and becomes effective on January 1, 2019.

SB 826 [Chapter 954, Statutes of 2018] requires each publicly held corporation whose principal executive offices are located in California to have a minimum number of females on its board of directors. The bill was signed by the Governor on September 30, 2018 and becomes effective on January 1, 2019.

SB 1137 [Chapter 414, Statutes of 2018] requires the Department of Veterans Affairs and the DCA, in consultation with each other, to take appropriate steps to increase awareness regarding professional licensing benefits available to veterans and their spouses. A letter conveying the Board's support was sent to Senator Vidak on August 16, 2018. SB 1137 was signed by the Governor on September 14, 2018 and becomes effective on January 1, 2019.

SB 1480 [Chapter 571, Statutes of 2018] reduces the requirement that boards within DCA meet three times per year to two times per year. This bill was signed by the Governor on September 19, 2018 and becomes effective on January 1, 2019.

Newsletter The *California Architects* newsletter was published on December 19, 2018. The next issue of the newsletter is planned for publication in early 2019.

Sunset Review The Board's and LATC's 2018 Sunset Review Reports were submitted to the Legislature on November 28, 2018. The hearing is tentatively scheduled for March 5, 2019.

Outreach Staff is working with DCA's Office of Publications, Design and Editing to design the *New Licensee Information Guide* for dissemination and inclusion in newly licensed packets to assist architects in understanding the Architects Practice Act (Act) and filing and notification requirements. The *Guide* will be published and disseminated in early 2019.

Personnel Lead Enforcement Analyst, Kristin Walker accepted a promotional opportunity at the Board of Chiropractic Examiners and her last day at the Board was December 5, 2018. Recruitment efforts have begun to fill her position.

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

December 2018 Social Media Statistics

Platform	Posts	Current Followers	Followers 1 Year Prior	Difference
Twitter (launched in 2014)	4	1,127	1,135	1%
Instagram (launched in 2016)	1	467	242	193%
Facebook (launched in 2017)	9	90	21	429%

EXAMINATION AND LICENSING PROGRAMS

Architect Registration Examination (ARE) The pass rates for ARE divisions taken by California candidates between November 1–30, 2018, are shown in the following tables:

November 2018 ARE 5.0

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	56	40	71%	16	29%
Practice Management	84	43	51%	41	49%
Programming & Analysis	92	48	52%	44	48%
Project Development & Documentation	111	45	41%	66	59%
Project Management	81	41	51%	40	49%
Project Planning & Design	146	51	35%	95	65%

Pass rates for ARE divisions taken by California candidates during the first three quarters of this calendar year (January 1, 2018 to September 30, 2018) are shown in the following tables:

2018 ARE 5.0 (1st thru 3rd Quarters Combined)

DIVISION	NUMBER OF DIVISIONS	TOTAL PASSED		TOTAL FAILED	
		No. of Divisions	Passed	No. of Divisions	Failed
Construction & Evaluation	335	215	64%	120	36%
Practice Management	682	329	48%	353	52%
Programming & Analysis	502	223	44%	279	56%
Project Development & Documentation	627	300	48%	327	52%
Project Management	466	268	58%	198	42%
Project Planning & Design	808	337	42%	471	58%

National pass rates for 2017 ARE 5.0 are shown in the following table:

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%

California Supplemental Examination (CSE) On December 1, 2018, the Board reduced the waiting period for those who fail the CSE. Eligible candidates may now schedule a retake appointment if it has been at least 90 days since their last attempt. On July 5, 2018 the regulatory package was submitted to DCA for and initial analysis prior to submittal to the Office of Administrative Law (OAL) – see Regulatory Proposals below.

The current Intra-Departmental Contract with the OPES for examination development for fiscal year (FY) 2018/19 expires on June 30, 2019. Staff will commence development of the FY 2019/20 contract in early spring.

The pass rates for the CSE taken by candidates between December 1–31, 2018, and prior FY are displayed in the following tables:

December 2018 CSE
(as of December 31, 2018)

CANDIDATE TYPE	CANDIDATES PASSED		CANDIDATES FAILED		TOTAL
	Count	Percent	Count	Percent	
Instate First-time	44	52%	41	48%	85
Instate Repeat	19	70%	8	30%	27
Reciprocity First-time	12	60%	8	40%	20
Reciprocity Repeat	5	56%	4	44%	9
Relicensure First-time	0	0%	2	100%	2
Relicensure Repeat	0	0%	0	0%	0
TOTAL	80	56%	63	44%	143

FY 2018/19 CSE
(as of December 31, 2018)

CANDIDATE TYPE	CANDIDATES PASSED		CANDIDATES FAILED		TOTAL
	Count	Percent	Count	Percent	
Instate First-time	217	60%	144	40%	361
Instate Repeat	76	57%	57	43%	133
Reciprocity First-time	72	56%	57	44%	129
Reciprocity Repeat	17	53%	15	47%	32
Relicensure First-time	2	29%	5	71%	7
Relicensure Repeat	1	100%	0	0%	1
TOTAL	385	58%	278	42%	663

FY 2017/18 CSE

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

NCARB Integrated Path to Architectural Licensure (IPAL) The most recent information from NCARB indicates there are more than 400 students enrolled across 17 IPAL programs; over 60 of whom have taken one or more ARE divisions. Five students graduated from IPAL programs in May and received their license. NCARB anticipates being able to provide more robust data in three to five years when more students have progressed through the programs.

Professional Qualifications Committee (PQC) The next PQC meeting has not been scheduled but is tentatively planned for April 2019.

Regulatory Proposals *California Code of Regulations (CCR) Sections 124 (California Supplemental Examination) and 124.5 (Review of California Supplemental Examination)* The Board approved 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 prereview.
July 2, 2018	DCA Legal concluded prereview and returned regulation to staff
July 5, 2018	Proposed regulation submitted to DCA Legal for Initial Analysis

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 December, there were 47 telephone and/or email contacts requesting information, advice, and/or direction. Licensees accounted for 17 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. 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

Marshall Balfe (Sebastopol) The Board issued a one-count citation that included a \$1,000 administrative fine to Marshall Balfe, architect license number C-9674, for an alleged violation of Business and Professions Code (BPC) sections 5583 (Fraud and Deceit) and 5584 (Willful Misconduct). The action alleged that Balfe executed a written contract with a consulting architect wherein the consulting architect agreed to provide consultation and drafting services to Balfe for various projects at an hourly rate. However, Balfe failed to comply with the terms of the written contract, pay the consulting architect in full for services rendered in support of Balfe's three projects, and adhere to his proposed payment plans. The citation became final on November 27, 2018.

Sonia Ekmakji (Woodland Hills) The Board issued a one-count citation that included a \$1,000 administrative fine to Sonia Ekmakji, dba Archi Tec, Archi.Tec, Archi-Tec, ArchiTec, and Architec1, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect). The action alleged that on or about October 5, 2017, Ekmakji prepared a proposal to provide plans for a residential project in Valencia, California, which identified her business name as "ARCHI-TEC." Ekmakji subsequently prepared a set of drawings for the project that were submitted to the City of Santa Clarita Building and Safety Division in or around December 2017 to obtain a building permit. Ekmakji's title block on the drawings stated "ARCHITEC DESIGN & REMODEL" and included the email address "ARCHITEC1@YAHOO.COM." In addition, on or about January 5, 2018, Ekmakji was issued a business tax registration by the City of Los Angeles under the business name "ARCHI TEC" and on or about January 10, 2018, Ekmakji submitted her business card to the Board, which included the business name "ARCHI.TEC" and the email address "ARCHITEC1@YAHOO.COM." Furthermore, on or about July 20, 2018, Ekmakji's advertisement on the Internet at yellowpages.com under the business name "Architec1 - Sonia Ekmakji" was categorized under "Architectural Designers." Ekmakji also used the business names "Archi Tec," "Archi.Tec," "Archi-Tec," "ArchiTec," and "Architec1," which include an abbreviation or confusingly similar variation of the term "architect," without an architect who is in management control of the services that are offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. Ekmakji paid the fine, satisfying the citation. The citation became final on November 5, 2018.

Analiza Fuentes (West Hollywood) The Board issued a one-count citation that included a \$1,000 administrative fine to Analiza Fuentes, dba Studio7, an unlicensed individual, for alleged violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect). The action alleged that on or about August 16, 2018, Fuentes' Levo profile described her as

providing “architecture + photography,” included the word “architectural” to describe her services, and provided the title of “Project Architect.” In addition, Fuentes’ Buildshop profile was categorized under “Architects” and included “Architects” under *Services Offered*. Fuentes’ Houzz profile was also categorized under “Architects” and her Behance and Poplar profiles were categorized under “Architect.” Furthermore, on or about September 5, 2018, Fuentes’ LinkedIn profile described her as a “Project Architect,” stated she is an “Experienced Architectural Designer and Project Manager with a demonstrated history of working in the architecture & planning industry,” and stated her specialties include “Architectural Design,” “Architecture,” and “Interior Architecture.” The citation became final on November 30, 2018.

Geoffrey George Fujimoto (Sacramento) The Board issued a one-count citation that included a \$1,500 administrative fine to Geoffrey George Fujimoto, dba GFD & Associates, an unlicensed individual, for alleged violations of BPC section 5536(a) and (b) (Practice Without License or Holding Self Out as Architect) and CCR, title 16, section 134(a) (Use of the Term Architect). The action alleged that on or about February 25, 2018, Fujimoto executed a written contract to provide construction documents for a commercial project located in Sacramento, California. The written contract: included “ARCHITECTURAL SERVICES” and “ENVIRONMENTAL DESIGN/ARCHITECTURE” in Fujimoto’s letterhead for his firm, GFD & Associates; stated “SERVICES PROVIDED: ENVIRONMENTAL DESIGN/ARCHITECTURE”; referenced a “STAMP ON SUBMITTAL”; and listed fictitious “CONSULTANT LIC. G1726478” above his signature. On or about April 2, 2018, the drawings Fujimoto prepared for the project were submitted to the City of Sacramento Community Development Department with a planning entitlement application. The title block of the drawings included the term “ARCHITECTURE” in the logo for Respondent’s firm, GFD & Associates, and stated “-----, ARCHITECT,” “C - ---,” and “CONTACT: GEOFF FUJIMOTO.” Fujimoto also affixed a stamp to the drawings, which read: “INDENDED ARCHITURE (sic);” “GEOFFREY FUJIMOTO;” “G-1720479;” “RENEWAL DATE 04/30/2018;” and “STATE OF CALIFORNIA.” The stamp was circular in shape and of a design used by California licensed architects pursuant to CCR, title 16, section 136. In addition, on or about May 29, 2018, Fujimoto submitted his business card to the Board, which stated “Environmental Design/Architecture” below his name, with the term “Architecture” crossed out. Furthermore, on or about July 26, 2018, Fujimoto’s LinkedIn profile described him as an “Associate Architect” and stated his skills include “Architects,” “Architectural Drawings,” and “Computer Architectural Design.” Fujimoto also used the business name “GFD & Associates,” which included the terms “architectural” and “architecture” in its description of services, without an architect who is in management control of the services that are offered and provided by the business entity and either the owner, a part-owner, an officer, or an employee of the business entity. The citation became final on November 5, 2018.

Robert Francis Huddy (Studio City) The Board issued a one-count citation that included a \$1,500 administrative fine to Robert Francis Huddy, architect license number C-20474, for an alleged violation of BPC section 5584 (Negligence). The action alleged that after executing a written contract to provide schematic design, design development, and construction documents for a commercial project located in Los Angeles, California, Huddy failed to respond to his client’s requests for information regarding the project and misrepresented the level of completion of his architectural drawings. The citation became final on November 19, 2018.

Eric Edward Merlo (Stockton) The Board issued a one-count citation that included a \$500 administrative fine to Eric Edward Merlo, architect license number C-15361, for an alleged violation of BPC section 5600.05(a)(1) (License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements). The action alleged that Merlo certified false or misleading information on his 2017 License Renewal Application. Merlo paid the fine, satisfying the citation. The citation became final on November 15, 2018.

Fedros Samadani (Los Gatos) The Board issued a two-count citation that included a \$1,500 administrative fine to Fedros Samadani, architect license number C-25068, for alleged violations of BPC sections 5536.22(a) and (a)(3), (4), and (5) (Written Contract) and 5584 (Willful Misconduct) and CCR, title 16, section 160(b)(2) (Rules of Professional Conduct). The action alleged that Samadani failed to execute a written contract with his client prior to commencing professional services for a residential project located in San Bruno, California, and failed to include his license number, a description of the procedure that he and the client will use to accommodate additional services, and a description of the procedure to be used by either party to terminate the contract, in the written contract he prepared for the project. Samadani received a total of \$5,120 in prepaid fees from the client for structural engineering services and made one payment of \$800 to a structural engineer to review and provide input on conceptual plans, leaving a balance of \$4,320 in prepaid structural design fees. However, after the structural engineer passed away, Samadani failed to either provide the client with the structural engineering services for which he was paid or refund the prepaid fees for those services to the client. Samadani also failed to respond to the Board's requests for information regarding an investigation within 30 days. The citation became final on November 27, 2018.

<u>Enforcement Statistics</u>	<u>Current Month</u> December 2018	<u>Prior Month</u> November 2018	<u>FYTD</u> 2018/19	<u>5-FY Avg</u> 2013/14- 2017/18
Complaints				
Received/Opened (Reopened):	20 (0)	15 (0)	98 (1)	331 (2)
Closed:	23	23	107	316
Average Days to Close:	337 days	210 days	257 days	124 days
Pending:	148	150	163*	121
Average Age of Pending:	283 days	243 days	230 days*	148 days
Citations				
Issued:	6	2	21	48
Pending:	5	10	14*	11
Pending AG: †	1	2	2*	4
Final:	1	7	23	43
Disciplinary Actions				
Pending AG:	4	4	4*	5
Pending DA:	1	1	1*	1
Final:	0	0	1	3
Continuing Education (\$5600.05)**				
Received/Opened:	1	0	4	67
Closed:	0	1	13	64
Pending:	1	0	2*	20

Settlement Reports (§5588)**

Received/Opened:	1	0	16	28
Closed:	1	2	15	29
Pending:	17	15	16*	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 2018/19 (as of December 31, 2018), 23 citations with administrative fines became final with 32 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 [18.8%]
- BPC section 5536.22(a) - Written Contract [3.1%]
- BPC section 5583 - Fraud or Deceit [3.1%]
- BPC section 5584 - Negligence or Willful Misconduct [9.4%]
- BPC section 5600.05(a)(1) or (b) - License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements [46.9%]
- CCR section 134(a) - Use of the Term Architect [6.3%]
- CCR section 160(b)(2) - Rules of Professional Conduct (Willful Misconduct) [12.5%]

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. Staff is preparing the proposed regulatory package for submission to DCA for initial analysis, prior to publicly noticing with the 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 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 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.

As a result of guidance from DCA, staff will need to make additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 as well as CCR sections 110 (Substantial Relationship Criteria) and 110.1 (Criteria for Rehabilitation).

Regulatory and Enforcement Committee (REC) The next REC meeting has not been scheduled at this time.

Written Contract (BPC section 5536.22) The Board previously approved a legislative proposal to amend 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. The Senate Business, Professions and Economic Development Committee (BP&ED) staff determined that the proposal was substantive and, as such, would need to be included in another bill. The Board subsequently approved a revision to one suggested amendment, as well as an exemption from the written contract requirements for public contracts.

The Board's proposal to amend BPC section 5536.22 was presented to the Legislature for consideration via the "New Issues" section of the Sunset Review Report.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE (LATC)

LATC ADMINISTRATIVE/MANAGEMENT

Personnel The LATC commenced recruitment efforts to fill the Special Projects Analyst position.

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

Committee The next LATC's next meeting is scheduled for February 8, 2019, in southern California. Staff are working to secure a meeting location.

Committee member mandatory trainings must be completed as follows:

- Ethics Orientation – completed within the first six months of appointment and repeat every two years throughout a member's term
- Sexual Harassment Prevention – completed within the first six months of appointment and every two years throughout a member's term
- Board Member Orientation – completed within one year of a member's appointment and reappointment
- Defensive Driver – once every four years

Licensing Beginning January 1, 2019, LATC will transition from birthdate-based initial licensing to a more simplified process whereby all initial licenses will expire two years after issuance and the associated fee will be \$400, as outlined in CCR section 2649 (Fees).

Social Media The LATC maintains a Twitter account that currently has 145 followers. This account largely permits the LATC to have active social media participation with the public and professionals.

Website On October 30, LATC staff met with DCA's Office of Information Services to discuss the LATC's transition to the DCA's updated and modernized Web License Look Up. This replaced the LATC's License Look Up feature was a PDF updated and re-posted on the website on a monthly basis. The modernized license search feature was launched on December 27 and will be compatible for smart phones and provide consumers with enhanced licensee information.

In November, minor revisions were made to the Reciprocity Application to mirror the format of the recently revised Certification of Experience form. The updated application is expected to be published on the LATC website in January 2019.

LATC EXAMINATION PROGRAM

California Supplemental Examination (CSE) LATC's Intra-Departmental Contract with OPES for examination development will expire on June 30, 2019. Staff has commenced development of the FY 2019/20 contract.

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.

During the exam development workshops held on August 24-25, 2018 and September 14-15, 2018, OPES facilitated a review of the reference materials used for the CSE. Based on SME findings in these workshops, OPES recommended changes to the reference list that will be incorporated in the *CSE Candidate Guide* and reflected on the LATC website. OPES will inform the LATC when the updated list should be distributed.

CSE Results The pass rates for the CSE taken by candidates during FY 2018/19 (as of December 31, 2018) and prior FYs are shown in the following tables:

FY 2018/19 CSE
(as of December 31, 2018)

EXAMINATIONS ADMINISTERED	CANDIDATES PASSED		CANDIDATES FAILED	
	Total	Percent	Total	Percent
137	108	79%	29	21%

FY 2017/18 CSE

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) A LARE administration was held December 10-22, 2018, and the candidate application deadline was October 26, 2018. Examination results for all LARE administrations are released by the Council of Landscape Architectural Registration Boards (CLARB) within six weeks of the last day of administration. The next LARE administration will be held April 1-13, 2019, and the application deadline is February 15, 2019.

The pass rates for LARE sections taken by California candidates during the August 6-18, 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	67	41	61%	26	39%
Inventory and Analysis	71	42	59%	29	41%
Design	46	23	50%	23	50%
Grading, Drainage and Construction	59	43	73%	16	27%

National pass rates for LARE sections taken during the August 6-18, 2018, administration are shown below:

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
Project and Construction Management	67	61%	312	69%	-8%
Inventory and Analysis	71	59%	363	71%	-12%
Design	46	50%	331	64%	-14%
Grading, Drainage and Construction Documentation	59	73%	335	70%	3%

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%

SECTION	CALIFORNIA		NATIONAL		DIFFERENCE
	Total	Passed	Total	Passed	
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 LATC 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.

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 were presented to the LATC during its meeting on July 20, 2018; at which time the Committee granted approval to staff to move forward with the combined rulemaking file for CCR sections 2615 and 2620. The Board approved the LATC's proposed regulatory language at its meeting on September 12, 2018. Staff is preparing the proposed regulatory package for submission to DCA for initial analysis, prior to publicly noticing with the OAL.

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
July 20, 2018	LATC voted to recommend to the Board to proceed with the combined rulemaking file for CCR sections 2615 and 2620
September 12, 2018	Proposed regulatory language approved by Board
November 1, 2018	Staff preparing regulatory package for DCA legal initial analysis

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. 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. 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.

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.

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.

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.

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 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.

At the July 20, 2018 LATC meeting, the Committee reviewed the proposed language to amend CCR section 2620.5 that was rejected by OAL on July 17, 2013. Following discussion, the Committee directed staff to explore options to engage LAAB as well as research private entities regarding the accreditation of extension certificate programs. The Committee requested that staff present their research findings for consideration at the next meeting on December 6-7, 2018.

At the December 6, 2018 LATC meeting, the Committee discussed opportunities to address the following in regulation: 1) extension certificate program approval, expiration, reauthorization, and extensions of said approval; 2) possible provisions for site reviews; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with the regulation. Following discussion, the Committee directed staff to form a subcommittee comprised of Marq Truscott and Ms. Landregan to work with staff to recommend regulatory changes for LATC's consideration at a later meeting date.

Following is a chronology, to date, of the processing of LATC's regulatory proposal for CCR 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
July 20, 2018	LATC directed staff to explore options to engage LAAB and private entities in the approval process of extension certificate programs
December 6, 2018	LATC directed the formation of a two-person subcommittee to recommend regulatory changes for LATC's consideration

CCR sections 2624 (Expired License – Three Years After Expiration) and 2624.1 (Expired License – Five Years After Expiration) – SB 800 amended 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. On November 19, 2018, revisions were made to the section 100 package at the suggestion of DCA and returned for processing. On December 17, 2018, the section 100 package was submitted to OAL for approval.

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. On September 20, 2018, LATC staff, along with Executive Officer, Laura Zuniga, met with OPA to discuss social media options for the LATC. It was suggested that staff track interest (i.e., “likes,” comments, and re-posts) in successive social media posts/articles to determine LATC’s intended audience.

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. The LATC’s website transitioned to its new, updated format on October 23, 2018. Accordingly, LATC staff have reached out to OPA to continue efforts toward website optimization.

Revamp the Website (Using the Board’s website as a possible template) to be More User-Friendly for Consumers - On October 23, 2018, OIS transitioned the LATC to the new website format.

Continue to Explore and make a determination with regard to licensure for individuals who have related degrees to expand pathways to licensure -- At its January 17, 2017 meeting, the LATC 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. The first public forum was facilitated by DCA SOLID on March 17, 2017, in Sacramento; the second public forum was held on April 18, 2017, in Pomona during the LATC meeting. Feedback collected during the forums addressed 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 and resulted in 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 which 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 approved by the Board during its December 7, 2017, meeting.

Following 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 correct references to the definition of partial completion of a landscape architecture degree or extension certificate program, in 2620(b)(1).

The Board approved the LATC's proposed regulatory language at its meeting on September 12, 2018. Staff is preparing the proposed regulatory package for submission to DCA for initial analysis, prior to publicly noticing with the OAL.

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. 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. 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 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.

As a result of guidance from DCA, staff will begin making additional changes to the *Disciplinary Guidelines* due to the passage of AB 2138 and present changes to the Committee at a future meeting.

<u>Enforcement Statistics</u>	<u>Current Month</u> December 2018	<u>Prior Month</u> November 2018	<u>FYTD</u> 2018/19	<u>5-FY Avg</u> 2013/14- 2017/18
Complaints				
Received/Opened (Reopened):	4 (0)	3 (0)	20 (0)	28 (0)
Closed:	3	3	22	31
Average Days to Close:	181 days	20 days	130 days	247 days
Pending:	14	13	12*	16
Average Age (Pending):	118 days	135 days	143 days*	252 days
Citations				
Issued:	0	1	1*	3
Pending:	2	3	2*	3
Pending AG: †	0	0	0*	1
Final:	1	0	1	3

Disciplinary Actions

Pending AG:	1	1	1*	1
Pending DA:	0	0	0*	0
Final:	0	0	1	1

Settlement Reports (§5678)**

Received/Opened:	1	0	2	2
Closed:	1	0	2	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 FOR 2019

January

1	<i>New Year's Day</i>	<i>Office Closed</i>
21	<i>Martin Luther King, Jr. Day</i>	<i>Office Closed</i>
31	Executive Committee Teleconference Meeting	Various Locations

February

8	Landscape Architects Technical Committee (LATC) Meeting	Los Angeles
18	<i>President's Day</i>	<i>Office Closed</i>
27	Board Meeting	San Diego

March

7-9	National Council of Architectural Registration Boards (NCARB) Regional Summit	Nashville, TN
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April

1	<i>Cesar Chavez Day (observed)</i>	<i>Office Closed</i>
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May

23	LATC Meeting	Campbell
27	<i>Memorial Day</i>	<i>Office Closed</i>

June

TBD	Board Meeting	San Luis Obispo
6-8	American Institute of Architects Conference on Architecture 2019	Las Vegas, NV
20-22	NCARB Annual Meeting	Washington, DC

July

4	<i>Independence Day</i>	<i>Office Closed</i>
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August

13	LATC Meeting	Chula Vista
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September

TBD	Board Meeting	Berkeley
2	<i>Labor Day</i>	<i>Office Closed</i>
26-28	Council of Landscape Architectural Registration Boards Annual Meeting	St. Louis, MO

November

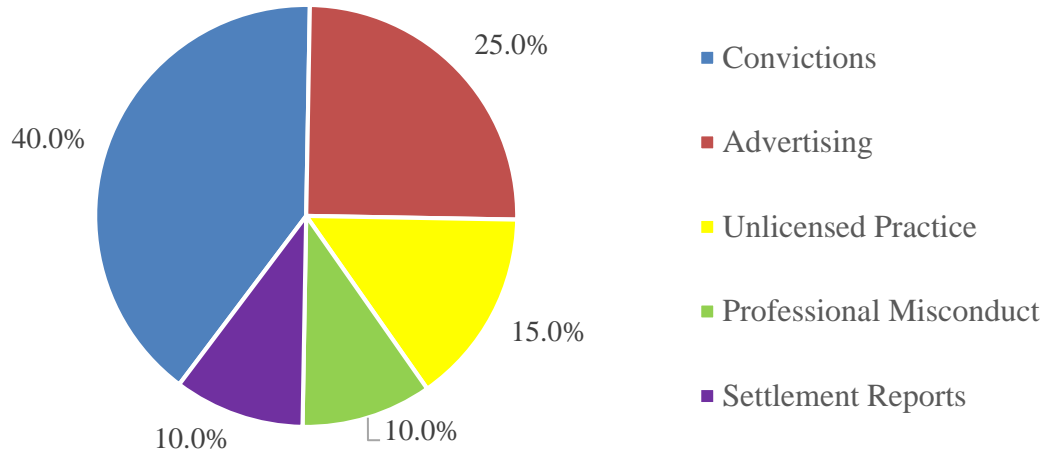
8	LATC Meeting	Sacramento
11	<i>Veterans Day</i>	<i>Office Closed</i>
15-18	American Society of Landscape Architects Annual Meeting and Expo	San Diego
28-29	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

December

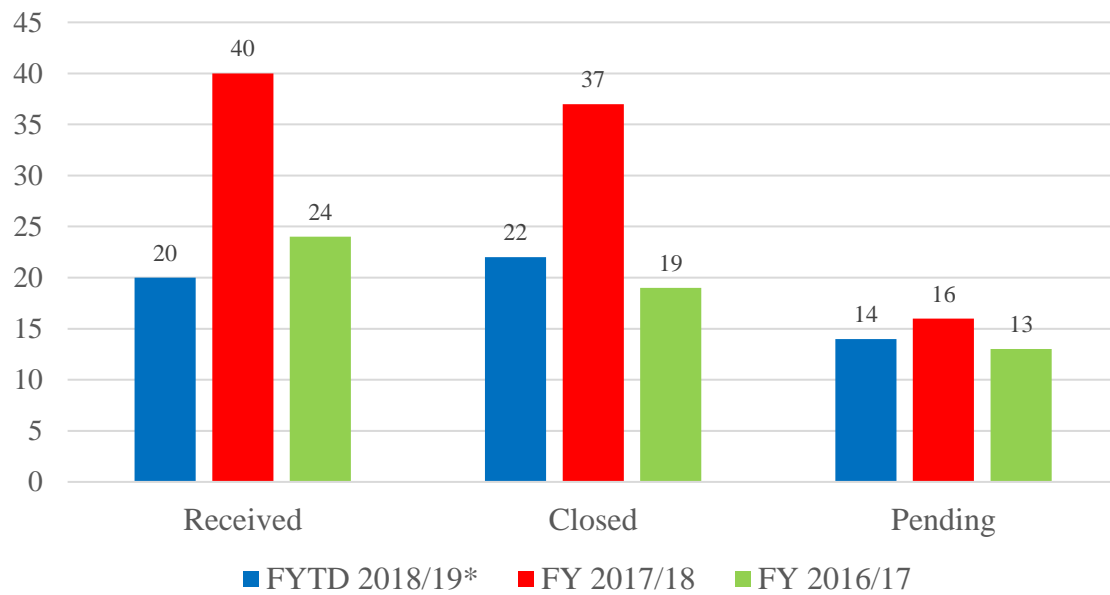
TBD	Board Meeting	Sacramento
25	<i>Christmas Day</i>	<i>Office Closed</i>

ENFORCEMENT PROGRAM REPORT

Types of Complaints Received FYTD 2018/19*

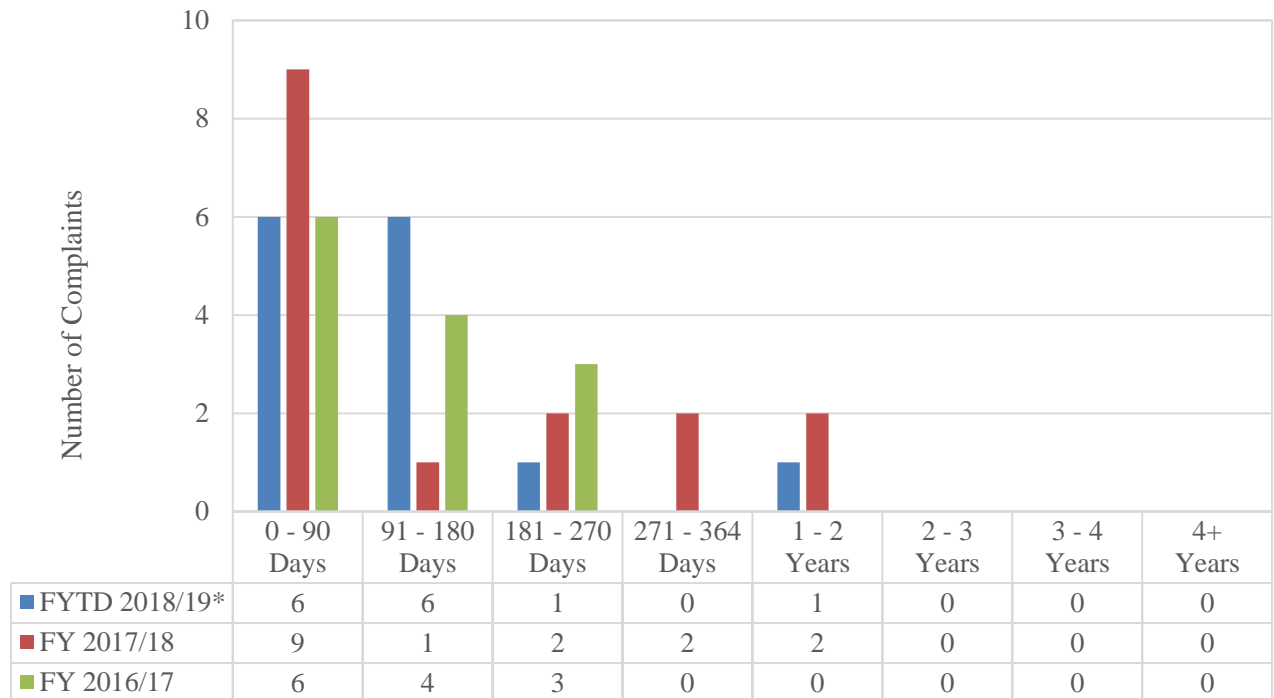


Complaints Received, Closed, and Pending by FY



*Fiscal Year to Date (FYTD) reflects data as of December 31, 2018.

Comparison of Age of Pending Complaints by FY



*FYTD reflects data as of December 31, 2018.

Closure of Complaints by FY

Type of Closure	FYTD 2018/19*	FY 2017/18	FY 2016/17
Cease/Desist Compliance	0	5	3
Citation Issued	2	0	4
Complaint Withdrawn	0	2	0
Insufficient Evidence	1	0	1
Letter of Advisement	3	8	4
No Jurisdiction	2	1	1
No Violation	13	19	4
Referred for Disciplinary Action	0	1	1
Other (i.e., Deceased, Error, etc.)	1	1	1

* FYTD reflects data as of December 31, 2018.

Disciplinary and Enforcement Actions by FY

Action	FYTD 2018/19*	FY 2017/18	FY 2016/17
Disciplinary Cases Initiated	0	1	1
Pending Disciplinary Cases	1	1	1
Final Disciplinary Orders	1	0	2
Final Citations	2	0	5
Administrative Fines Assessed	\$1,750	0	\$20,250

*FYTD reflects data as of December 31, 2018.

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	FYTD 2018/19*	FY 2017/18	FY 2016/17
BPC § 5640 – Unlicensed Person Engaging in Practice - Sanctions	2 (67%)	0 (0%)	4 (80%)
BPC § 5675 – Felony Conviction - Disciplinary Action	1 (33%)	0 (0%)	1 (20%)

*FYTD reflects data as of December 31, 2018.



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF BOARD MEETING

Board Members

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

December 13-14, 2018

**Cosumnes River College
WIN Center Building (Community Room)
8401 Center Parkway
Sacramento, CA 95823
(916) 691-7729 or (916) 574-7220 (Board)**

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

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

Agenda

December 13, 2018

10:00 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. Update on the Department of Consumer Affairs (DCA) – Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services
- E. Review and Possible Action on September 12, 2018 Board Meeting Minutes
- F. Election of 2019 Board Officers
- G. Executive Officer's Report – Update on Board's Administration / Management, Examination, Licensing, and Enforcement Programs
- H. Discuss and Possible Action on Recommendation Regarding 2018 Octavius Morgan Distinguished Service Awards

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. Presentation by the California Council for Interior Design Certification (CCIDC) Executive Director, Roze Wiebe, on CCIDC Activities and Commercial Designation
- J. Professional Qualifications Committee (PQC) Report
 - 1. Update on October 25, 2018 PQC Meeting
 - 2. Review and Discuss 2017-2018 Strategic Plan Objective to Revise the *Candidate Handbook* to Reduce Candidate Confusion
- K. Update on December 6-7, 2018 Landscape Architects Technical Committee (LATC) Meeting
- L. Review of Future Board Meeting Dates
- M. Closed Session – Pursuant to Government Code Sections 11126(c)(3), 11126(f)(4), and 11126.1, the Board Will Meet in Closed Session to:
 - 1. Review and Possible Action on June 13, 2018 Closed Session Minutes
 - 2. Deliberate and Vote on Disciplinary Matters
 - 3. Adjourn Closed Session
- N. Reconvene Open Session
- O. Recess

Agenda
December 14, 2018
8:30 a.m. to 3:30 p.m.
(or until completion of business)

- P. Call to Order / Roll Call / Establishment of a Quorum
- Q. 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)).*
- R. Presentation by the DCA Office of Professional Examination Services (OPES) Regarding Examination Performance Statistics for the Architect Registration Examination (ARE) and California Supplemental Examination (CSE)
- S. Strategic Planning Session
- T. Adjournment

(Continued)

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 plans to webcast the December 13, 2018 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: Gabe Nessar

Telephone: (916) 575-7202

Email: gabriel.nessar@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 H

REVIEW AND POSSIBLE ACTION ON EXTENSION CERTIFICATE PROGRAM SUBCOMMITTEE'S RECOMMENDATION TO AMEND CALIFORNIA CODE OF REGULATIONS (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 CCR, title 16, section 2620.5, formally establishing requirements for Board approval of extension certificate programs, based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB).

In 2009, the LAAB implemented changes to its accreditation standards which prompted the LATC to pursue changes to section 2620.5. For the past several years the LATC has considered different variations of proposed regulatory changes to section 2620.5 and requested staff to conduct various research. Part of the research conducted included DCA legal counsel's review which revealed that section 2620.5 does not currently require the LATC to perform extension certificate program site visits or establish site visit procedures to evaluate the program's adherence to requirements it sets forth. Rather, the regulation specifies the necessary components and documentation required for extension certificate program approval. In addition, section 2620.5 does not establish an expiration of the Board's approval (pursuant to Business and Professions Code section 5630) of a program or extensions of time for reapproval, and information and documentation submitted by an extension certificate program received in a Self-Evaluation Report often contains information not required by the regulation.

At its meeting on December 6, 2018, the LATC reviewed the current provisions of section 2620.5 to determine whether the following should be addressed in the regulation: 1) program approval expiration, reauthorization, and extensions of said approval; 2) provisions for site reviews and how or if these shall be conducted; and 3) the information that shall be provided by the extension certificate program to evaluate the program's compliance with this regulation. Following discussion, the LATC appointed a subcommittee comprised of Marq Truscott and Stephanie Landregan to consider the current regulation and determine what changes are necessary at this time.

On January 17, 2019, staff held a conference call with the subcommittee where together they developed the following recommended changes to section 2620.5 or the review/approval procedures for LATC's consideration:

Curriculum Requirements

- Expand the current list of required curriculum areas outlined in subsection (i) to include "current California regulation covering the environment, landscape architecture, and water conservation"

Instructional Personnel Requirements

- Amend the instructional personnel requirements outlined in subsection (m)(1) to allow an approved extension certificate in landscape architecture

Submittal Requirements for Board Approval/Renewal of Approval

- Specify in regulation the submittal requirements for Board approval, and renewal of approval, of an extension certificate program
- Require programs to apply for renewal of Board approval every six years by submitting a self-evaluation report to the Board detailing conformance with CCR section 2620.5 requirements
- Specify in either regulation or future extension certificate program site review/approval procedures, that, following submittal of a program's self-evaluation report, the report shall be agendized at the next regular meeting of the LATC and that upon review of the report the Board may: 1) recommend renewal of the program for an additional six years; 2) request additional information to consider the request for renewal; or 3) recommend a shorter period of renewal of the program stating reasons of non-conformance to be addressed within a specified timeframe

Site Visit Requirements

- Conduct one-day site visits prior to granting Board approval or renewal of approval
- Site visit teams should be comprised of one LATC member, one faculty member from an LAAB-accredited program located in California, and one licensed landscape architect
- Site visits should focus on confirming accuracy of information provided in the program's submitted self-evaluation report
- Site visits may include meetings with the school administrator, program director, department director, program faculty, students, and/or alumni

At today's meeting, the Committee is asked to review and consider the subcommittee's recommendations outlined above to determine how to proceed. It should be noted that determined changes to the regulatory language must be supported by sufficient justification for submittal to the Office of Administrative Law for approval. Attached for reference is current CCR section 2620.5 regulatory language.

Attachment:

CCR Section 2620.5

[Home](#) [Table of Contents](#)

§ 2620.5. Requirements for an Approved Extension Certificate Program.

16 CA ADC § 2620.5

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 16. Professional and Vocational Regulations

Division 26. Landscape Architects Technical Committee

Article 1. General Provisions (Refs & Annos)

16 CCR § 2620.5

§ 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 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 director shall be a landscape architect.

(h) The 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:

(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 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) At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture.

(2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

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

HISTORY

1. New section filed 10-16-91; operative 11-15-91 (Register 92, No. 7).

2. Amendment of subsections (a), (j) and (k) filed 3-29-2002; operative 4-28-2002 (Register 2002, No. 13).

3. Change without regulatory effect amending section filed 5-5-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 19).

This database is current through 1/11/19 Register 2019, No. 2

16 CCR § 2620.5, 16 CA ADC § 2620.5

END OF DOCUMENT

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Agenda Item I

REVIEW AND POSSIBLE ACTION ON AMENDMENTS TO CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2680 DISCIPLINARY GUIDELINES, 2655 SUBSTANTIAL RELATIONSHIP CRITERIA, AND 2656 CRITERIA FOR REHABILITATION

Assembly Bill (AB) 2138 (Chiu, Chapter 995, Statutes of 2018) was approved by the Governor on September 30, 2018 and becomes operative on July 1, 2020. The bill requires boards, bureaus, and committees (collectively, the boards) to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria.

DCA provided model regulations and recommended each board to coordinate with board counsel regarding specific regulatory amendments. Staff worked with legal counsel to prepare revisions to CCR section 2680 Disciplinary Guidelines, 2655 Substantial Relationship Criteria, and 2656 Criteria for Rehabilitation. Section 2656 includes two options for consideration. Option 1 allows the Board to consider rehabilitation on a case-by-case basis. Option 2 requires the Board to find rehabilitation if the applicant completed their terms of their criminal probation/parole.

AB 2138 also requires boards to collect and report data annually to the legislature regarding applicants with criminal records who have been denied a license. Proposals regarding the data collection and reporting methodology and other related requirements will be presented to the LATC at a future meeting.

At today's meeting, the LATC is asked to review and recommend to the Board approval of the proposed amendments to CCR sections 2680, 2655, and 2656. In addition, the Draft LATC Disciplinary Guidelines will be provided as a handout at the meeting for the LATC to review and recommend to the Board for approval.

Attachment:

1. Proposed Regulatory Language to Amend CCR Section 2680 (Disciplinary Guidelines), 2655 (Substantial Relationship Criteria), and 2656 (Criteria for Rehabilitation)
2. Landscape Architects Technical Committee Disciplinary Guidelines (Revised 2019)

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

Title 16. Professional and Vocational Regulations Division 26. Landscape Architects Technical Committee

PROPOSED REGULATORY LANGUAGE

Changes to the existing regulation are shown in single underline for new text and ~~single strikeout~~ for deleted text.

Amend Sections 2655, 2656, and 2680 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

Section 2655. Substantial Relationship Criteria.

(a) For the purpose of denial, suspension, or revocation of the license of a landscape architect pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of a landscape architect if to a substantial degree it evidences present or potential unfitness of a landscape architect to perform the functions authorized by his or her the license in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but not be limited to, the following:~~

(b) In making the substantial relationship determination required under subsection (a) for a crime, the Board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a landscape architect.

(c) For purposes of subsection (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

(a) Any violation of the provisions of Chapter 3.5 of Division 3 of the Business and Professions Code or other state or federal laws governing the practice of landscape architecture.

Note: Authority cited: Sections 481, 493, 5630, Business and Professions Code. Reference: ~~Division 1.5~~, Sections 141, 475, 480, 481, 490, 493, et seq and 5630, Business and Professions Code.

Section 2656. Criteria for Rehabilitation. [Option 1]

(a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code on the ground that the applicant was convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall, in evaluating the

~~rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:~~

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subsection (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a), the Board shall apply the following criteria in evaluating the applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

- (1) The nature and ~~severity~~ gravity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (1) or (2).
- (4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) The criteria in subsection (a)(1)-(5), as applicable.
- (6) Evidence, if any, of rehabilitation submitted by the applicant.

(c) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall ~~, in evaluating the rehabilitation of such person and his or her present eligibility for a license will~~ consider the following criteria:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(d) If subdivision (c) is inapplicable, or the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subsection (c), the Board shall apply the following criteria in evaluating a licensee's rehabilitation. The Board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

- (1) ~~The N~~nature and severity-gravity of the act(s) or ~~offense-crime~~(s).
- (2) ~~The T~~total criminal record.
- (3) The time that has elapsed since commission of the act(s) or ~~offense-crime~~(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) The criteria in subsection (c)(1)-(5), as applicable.
- (6) If applicable, evidence of ~~expungement-dismissal~~ proceedings pursuant to Section 1203.4 of the Penal Code.
- (7) Evidence, if any, of rehabilitation submitted by the licensee.
- (e) When considering a petition for reinstatement of the license of a landscape architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection ~~(b)~~(c) or (d), as applicable.

Note: Authority cited: Sections 482 and 5630, Business and Professions Code. Reference: ~~Division 1.5, Sections 141, 475, 480, 481, 482, 488, 493, et seq~~ and 5630, Business and Professions Code.

Section 2656. Criteria for Rehabilitation. [Option 2]

- (a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code on the ground that the applicant was convicted of a crime, the Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation., in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:
- (b) If subsection (a) is inapplicable, the Board shall apply the following criteria in evaluating the applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:
 - (1) The nature and ~~severity-gravity~~ of the act(s) or crime(s) under consideration as grounds for denial.
 - (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial ~~which also could be considered as grounds for denial~~ under Section 480 of the Business and Professions Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsection (1) or (2).
 - (4) ~~The extent to which~~ Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) Evidence, if any, of rehabilitation submitted by the applicant.
- (c) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the Board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. , in

evaluating the rehabilitation of such person and his or her present eligibility for a license will consider the following criteria:

(d) If subdivision (c) is inapplicable, the Board shall apply the following criteria in evaluating a licensee's rehabilitation. The Board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

- (1) The Nature and severity-gravity of the act(s) or offense-crime(s).
- (2) The Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense-crime(s).
- (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement-dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (ee) When considering a petition for reinstatement of the license of a landscape architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b)(c) or (d), as applicable.

Note: Authority cited: Sections 482 and 5630, Business and Professions Code. Reference: Division 1.5, Sections 141, 475, 480, 481, 482, 488, 493, et seq and 5630, Business and Professions Code.

Section 2680. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" [Rev. 2000] (Revised 20198) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 481, 493, 5622, and 5630, and 5662, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 125.3, 125.6, 140, 141, 143.5, 480(a), 490, 493, 496, 499, 5616, 5640, 5642, 5659, 5660, 5662, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5, and 5676, and 5678, Business and Professions Code; and sections 11400.20, 11400.21, 11425, 11425.50, and 11425.50(e), Government Code.

Start Face Page:

Landscape Architects Technical Committee
Disciplinary Guidelines
(Revised 2019)



Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Phone: (916) 575-7230
www.latc.ca.gov

End Face Page

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DISCIPLINARY GUIDELINES

I. INTRODUCTION

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~Board~~**CAB**), Landscape Architects Technical Committee (LATC) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, landscape architects, others involved in the disciplinary process, and ultimately the Board, shall~~may~~ be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses~~are referenced to the statutory and regulatory provisions~~.

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board (~~CAB~~) recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, and ~~that~~ mitigating or aggravating circumstances ~~and/or~~ other factors, may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken.

Additional copies of this document may be obtained by contacting the ~~LATC~~**CAB** at its office in Sacramento, California. There may be a charge assessed sufficient to cover the cost of production and distribution of copies.

II. GENERAL CONSIDERATIONS

A. Citations

The Board may issue a citation pursuant to Section 125.9 or 148 of the Business and Professions Code, and in accordance with Section 2630 of Article 1 of Division 26 of Title 16 of the California Code of Regulations, as an alternate means to address relatively minor violations not necessarily warranting discipline.

Citations are not disciplinary actions, but are matters of public record. The citation program increases the effectiveness of the Board's consumer protection process by providing a method to effectively address less egregious violations.

Citations shall be in writing and shall describe the particular nature and facts of the violation, including a reference to the statute or regulation allegedly violated. In assessing a fine, the Board shall give due

consideration to the factors enumerated in subdivision (b) of Section 2630.1 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

Citations that include an assessment of an administrative fine are classified according to the nature of the violation as follows:

- 1) Class “A” violations are violations that involve an unlicensed person who has violated Business and Professions Code section 5640, including, but not limited to, acting in the capacity of a landscape architect or engaging in the practice of landscape architecture. A class “A” violation is subject to an administrative fine in an amount not less than \$750 and not exceeding \$2,500 for each and every violation.
- 2) Class “B” violations are violations that involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has caused physical damage to a structure or building or to real property or monetary damage to a client or member of the public, or a person who has committed a class “C” violation and has one or more prior, separate class “C” violations. A class “B” violation is subject to an administrative fine in an amount not less than \$1,000 and not exceeding \$2,500 for each and every violation.
- 3) Class “C” violations are violations that involve a person who, while engaged in the practice of landscape architecture, has violated a statute or regulation relating to the practice of landscape architecture and which has not caused either the death or bodily injury to another person or physical damage to a structure or building or to real property or monetary damage to a client or a member of the public. A class “C” violation is subject to an administrative fine in an amount not less than \$250 and not exceeding \$1,000 for each and every violation.

Notwithstanding the administrative fine amounts listed above, a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:

- 1) The citation involves a violation that has an immediate relationship to the health and safety of another person.
- 2) The cited person has a history of two or more prior citations of the same or similar violations.
- 3) The citation involves multiple violations that demonstrate a willful disregard of the law.
- 4) The citation involves a violation or violations perpetrated against a senior citizen or disabled person.

Payment of a fine with or without an informal conference or administrative hearing does not constitute an admission of the violation charged, but represents a satisfactory resolution of the citation for purposes of public disclosure.

After a citation is issued, the person may:

- 1) Pay the fine/comply with any order of abatement and the matter will be satisfactorily resolved.
- 2) Request an informal conference. Following the informal conference, the citation may be affirmed, modified, or dismissed, including any fine levied or order of abatement issued.
- 3) Request an administrative hearing to appeal the citation regardless of whether or not an informal conference was held.

Failure to pay a fine, unless the citation is being appealed, may result in disciplinary action. Where a citation is not contested and a fine is not paid, the fine shall be added to the fee for renewal of the license.

B. Proposed Decisions

The Board requests that Proposed Decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their ~~definitions~~ descriptions.
- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if he or /she is present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

C. Stipulated Settlements

The Board will consider agreeing to stipulated settlements to promote cost-effective consumer protection and to expedite disciplinary decisions. The respondent should be informed that in order to stipulate to a settlement with the Board, he or she may be required to admit to the violations set forth in the accusation or statement of issues. All proposed stipulated settlements must be accompanied by a memorandum from the Deputy Attorney General addressed to Board members explaining the background of the case and defining the allegations, mitigating circumstances, admissions, and proposed penalty, along with a recommendation for the Board to adopt the stipulated settlement.

D. Cost Reimbursement

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including, but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

E. ~~Criteria~~Factors to be Considered

Substantially Related Criteria. – The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of the profession, based on the criteria specified in Section 2655 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in Section 2656 of Article 1 of Division 26 of Title 16 of the California Code of Regulations.

In determining whether revocation, suspension, or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to any consumer, client or the general public.
3. Prior disciplinary record.

4. ~~Number and/or variety of current violations.~~
5. ~~Mitigation evidence.~~
6. ~~Rehabilitation evidence.~~
7. ~~In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
8. ~~Overall criminal record.~~
9. ~~Time passed since the act(s) or offense(s) occurred.~~
10. ~~Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.~~
11. ~~Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.~~

F. Substantial Relationship Criteria

~~California Code of Regulations, Title 16, Division 26, Article 1, section 2655 states:~~

~~For the purpose of denial, suspension, or revocation of the license of a landscape architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a landscape architect if to a substantial degree it evidences present or potential unfitness of a landscape architect to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:~~

~~(a) Any violation of the provisions of Chapter 3.5 of Division 3 of the Business and Professions Code.~~

III. DEFINITION OF PENALTIES

Revocation: Loss of a license as the result of any one or more violations of the Landscape Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of his or her license and demonstrates to the Board's satisfaction that he or she is rehabilitated.

Suspension: Invalidation of a license for a fixed period of time, not to exceed a period of one year.

Stayed Revocation: Revocation of a license, held in abeyance pending respondent's compliance with the terms of his or her probation.

Stayed Suspension: Suspension of a license, held in abeyance pending respondent's compliance with the terms of his or her probation.

Probation: A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving his or her conduct or preventing the likelihood of a recurrence of the violation.

Public Reproof: A condition of probation whereby the respondent is required to appear before the Board to review in public the violation which he or she was determined to have committed and the penalties imposed.

IV. DISCIPLINARY GUIDELINES

The offenses are listed by ~~statute~~section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets ~~listed after each condition of probation~~ refers to the specific standard or optional conditions of probation listed on pages XX—XX.

A. Business and Professions Code Sections

Section 5616: Landscape Architecture Contract – Contents, Notice Requirements

<u>Maximum:</u>	<u>Revocation</u>
<u>Minimum:</u>	<u>Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:</u>
	a. <u>Cost reimbursement [#16]</u>
	b. <u>Restitution [#17] (if applicable)</u>

Section 5640: Unlicensed Person Engaging in Practice - Sanctions

Applicant <u>Maximum:</u>	<u>Revocation or Denial of application for a license application</u>
Applicant <u>Minimum:</u>	<u>Ninety (90) days actual suspension</u> <u>Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:</u>
	a. <u>All standard conditions of probation [#1-#7]</u> <u>Ethics course [#14]</u>
	b. <u>Cost reimbursement [#16]</u>
	c. <u>Restitution [#17] (if applicable)</u>

Section 5642: Partnership, Corporation – Unlicensed Person

<u>Maximum:</u>	<u>Revocation</u>
<u>Minimum:</u>	<u>Stayed Revocation, 90 days' actual suspension [#11], and probation for 5 years' <u>probation on all standard conditions [#1-10] and the following optional conditions:</u></u>
	a. <u>All standard conditions of probation [#1-#7]</u>
	ba. <u>Cost reimbursement [#1116]</u>

Section 5659: Inclusion of License Number – Requirement

<u>Maximum:</u>	<u>Revocation</u>
<u>Minimum:</u>	<u>Stayed revocation and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:</u>

- a. Ethics course [#14]
- b. Cost reimbursement [#16]
- c. Restitution [#17] (if applicable)

Section 5666: Practice in Violation of Chapter Provisions

The appropriate penalty depends on the nature of the offense.

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Cost reimbursement [#16]
- b. Restitution [#17] (if applicable)

Section 5667: Fraud, Misrepresentation - Obtaining License

Maximum/Minimum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

Section 5668: Impersonating Landscape Architect – Practice Under Assumed Name

~~**Licensee-Maximum:** Revocation~~
Licensee-Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~
- ~~b. Continuing education courses~~ Ethics course [#14]
- ~~c. Cost reimbursement [#16]~~
- ~~d. Restitution [#17] (if applicable)~~

Section 5669: Aiding, Abetting - Unlicensed Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- ~~a. All standard conditions of probation~~ [#1-#7]
- ~~ba. Continuing education courses~~ Ethics course [#1014]
- ~~eb. Cost reimbursement~~ [#1116]
- ~~dc. Restitution~~ [#1217] (if applicable)

Section 5670: Fraud, Deceit in Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- ~~a. All standard conditions of probation~~ [#1-#7] Ethics Course [#14]
- b. Continuing education courses [#1015]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

Section 5671: Negligence, ~~Willful Misconduct in Practice~~

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- ~~a. All standard conditions of probation~~ [#1-#7]
- ~~da. Continuing education courses~~ [#1015]
- ~~eb. Cost reimbursement~~ [#1116]
- ~~fc. Restitution~~ [#1217] (if applicable)

Section 5671: Willful Misconduct in Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]

b. Continuing education course [#15]

c. Cost reimbursement [#16]

d. Restitution [#17] (if applicable)

Section 5672: Gross Incompetence in Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b. Written examination [#109]~~

~~b~~a. California Supplemental Examination [#12]

~~e~~b. Continuing education courses [#1015]

~~d~~c. Cost reimbursement [#1116]

~~e~~d. Restitution [#1217] (if applicable)

Section 5673: False Use of Signature

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b~~a. Continuing education courses Ethics course [#1014]

~~e~~b. Cost reimbursement [#1116]

~~d~~c. Restitution [#1217] (if applicable)

Section 5675: Felony Conviction - Sanctions

Maximum: Revocation ~~or denial of license application~~

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~b. Continuing education courses [#10]~~

ea. Cost reimbursement [#116]

~~d. Restitution [#12]~~

eb. Criminal Probation Reports [#18]

Section 5675.5: Disciplinary Action by a Public Agency – Disciplinary Action

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

~~a. All standard conditions of probation [#1-7]~~

ba. Continuing education courses [#15]

eb. Cost reimbursement [#16]

dc. Restitution [#17] (if applicable)

Section 5676: Plea of Nolo Contendere – Criminal Conviction - Sanctions

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

~~a. All standard conditions of probation [#1-7]~~

~~b. Continuing education courses [#10]~~

ea. Cost reimbursement [#16]

~~d. Restitution. [#12]~~

eb. Criminal Probation Reports [#18]

Section 5678: Report of Settlement or Arbitration Award – Licensee

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

a. Cost reimbursement [#16]

Civil Penalty: In lieu of revocation, assess civil penalty of not less than \$100 and not more than \$1,000. If knowing and intentional failure to report, in lieu of revocation, assess civil penalty up to \$20,000.

B. General Provisions of Business and Professions Code

Section 125.6: Discrimination by Licensee

Maximum: Revocation

Minimum: Stayed revocation, ~~60~~90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. ~~All standard conditions of probation [#1-#7]~~

~~b~~a. Cost reimbursement [~~#11~~16]

Section 140: Failure to Record and Preserve Cash Transactions Involving Employee Wages or Failure to Make Those Records Available to Board Representative

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional condition:

a. Cost reimbursement [#16]

Section 141: Effect of Disciplinary Action Taken by Another State or the Federal Government

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Continuing education courses [#15]

b. Cost reimbursement [#16]

c. Restitution [#17] (if applicable)

Section 143.5 Provision Prohibited in Settlement Agreements; Adoption of Regulations; Exemptions

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-10] and the following optional conditions:

a. Ethics course [#14]

b. Cost reimbursement [#16]

Section 480 (a): Applicant's Grounds for Denial of Licenses

An applicant's application may be denied for (1) conviction of a crime substantially related to the qualifications, functions, or duties of the practice of landscape architecture; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act ~~which~~that if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.

Maximum/Minimum: Denial of license application

Minimum: Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 490: Conviction of Crime; Suspension, Revocation – Grounds

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Cost reimbursement [#16]
- b. Criminal Probation Reports [#18]

Section 496: Subversion of Licensing Examinations or Administration of Examinations

Maximum/Minimum: Revocation or denial of license application

Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

Section 499: False Statement in Support of Another Person's Application; Grounds

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Cost reimbursement [#16]

C. California Code of Regulations

Division 2, Title 16, Chapter 26, Article 1. General Provisions

Section 2670: Rules of Professional Conduct

(a) Competence

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] ~~on~~ and the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~
- a. California Supplemental Examination [#12]
- b. Continuing education courses [#1015]
- c. Cost reimbursement [#1116]
- d. Restitution [#1217] (if applicable)

(b) Willful Misconduct

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. Ethics course [#14]
- b. Continuing education courses [#15]
- c. Cost reimbursement [#16]
- d. Restitution [#17] (if applicable)

(bc) Full Disclosure

Maximum:

Revocation

Minimum:

Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ ~~[#1-#7]~~ Ethics course [#14]
- b. ~~Continuing education courses~~ ~~[#10]~~
- e**b**. Cost reimbursement ~~[#11]~~ [#16]
- d**c**. Restitution ~~[#12]~~ [#17] (if applicable)

(ed) Informed Consent

Maximum:

Revocation

Minimum:

Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ ~~[#1-#7]~~
- b**a**. Continuing education courses ~~[#10]~~ [#15]
- e**b**. Cost reimbursement ~~[#11]~~ [#16]
- d**c**. Restitution ~~[#12]~~ [#17] (if applicable)

(de) Conflict of Interest

Maximum:

Revocation

Minimum:

Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ ~~[#1-#7]~~ Ethics course [#14]
- b. ~~Continuing education courses~~ ~~[#10]~~
- e**b**. Cost reimbursement ~~[#11]~~ [#16]
- d**c**. Restitution ~~[#12]~~ [#17] (if applicable)

(ef) Copyright Infringement

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#11], and 5 years' probation on all standard conditions [#1-10] and the following optional conditions:

- a. ~~All standard conditions of probation~~ ~~[#1-#7]~~ Ethics course [#14]
- b. Continuing education courses ~~[#10]~~ [15]
- c. Cost reimbursement ~~[#11]~~ [16]
- d. Restitution ~~[#12]~~ [17] (if applicable)

V.D. Violation of Probation

Maximum Penalty

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

Minimum Penalty

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offense(s).

V. MODEL DISCIPLINARY ORDERS

A. Licensee

Revocation of License

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and forward or deliver his or her license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of his or her revoked license for one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ _____ within thirty (30) days of the effective date of this Decision.

Option: As a condition precedent to reinstatement of his or her revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of his or her license unless otherwise ordered by the Board.

Revocation Stayed and License Placed on Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years on the following terms and conditions:

Public Reproval

Landscape Architect License No. _____, issued to respondent _____, is publicly reproved. This reproval constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

Surrender License

Respondent _____ surrenders Landscape Architect License No. _____ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver his or her license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be fully restored.

Grant Petition and Place License on Probation

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Grant Petition and Place License on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be fully reinstated upon the following conditions precedent:

Upon completion of the conditions precedent above, petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Extension of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional _____ year(s) on the following terms and conditions:

D. Applicant

(in cases where a Statement of Issues has been filed)

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

Grant Application and Place License on Probation

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Grant Application and Place License on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect license shall be issued to respondent upon the following conditions precedent:

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued a landscape architect license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Deny Application

The application filed by respondent _____ for initial licensure is hereby denied.

VI.—~~STANDARD~~ CONDITIONS OF PROBATION

A. Standard Conditions

(To be included in all cases of probation)

Severability Clause

Each condition of probation is a separate and distinct condition. If any condition of this Decision and Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey All Laws

Respondent shall obey all federal, state, and local laws and regulations ~~governing the practice of landscape architecture in California~~ and comply with all conditions of probation.

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board ~~on using the Board's a Quarterly Probation Report of Compliance form (10/98 Rev. 5/2018)~~ using the Board's a Quarterly Probation Report of Compliance form (10/98 Rev. 5/2018) obtained from the Board (Attachment A).

3. Personal Appearances

Upon reasonable notice by the Board, ~~the~~ respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. Cooperate During Probation

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of his/ or her compliance with the terms and conditions of this probation. Upon reasonable notice, ~~the~~ respondent shall provide the Board, its agents or employees, with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice landscape architecture in California for the length of the probation period. Failure to pay all renewal fees prior to respondent's license expiration date shall constitute a violation of probation.

6. Notification of Changes to Address and/or Telephone Number

Respondent shall notify the Board in writing of any and all changes to his or her address of record and telephone number within 10 calendar days of such change.

57. Tolling for Out-of-State Practice, Residence or In-State Non-Practice

Respondent shall provide a list of all states, United States territories, and elsewhere in the world where he or she has ever been licensed as a landscape architect or held any landscape architecture related professional license or registration within 30 calendar days of the effective date of this Decision. Respondent shall further provide information regarding the status of each license and registration and any changes in the license or registration status within 10 calendar days, during the term of probation. Respondent shall inform the Board if he or she applies for or obtains a landscape architectural license or registration outside of California within 10 calendar days, during the term of probation.

In the event respondent should leave California to reside or to practice outside the State or for any reason stop practicing landscape architecture in California, respondent shall notify the Board or its designee in writing within ~~10~~^{ten} days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled, if and when he or she ceases practicing in California. Non-practice is defined as any period of time exceeding 30~~thirty~~ days in which respondent is not engaging in any activities defined in Section 5615 of the Business and Professions Code. All provisions of probation other than the quarterly report requirements, examination requirements, and education requirements, shall be held in abeyance until respondent resumes practice in California. All provisions of probation shall recommence on the effective date of resumption of practice in California. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the LATC. It shall be a violation of probation for Respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California. All other provisions of probation shall recommence on the effective date of resumption of practice in California.

68. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order ~~that which~~ was stayed. If an accusation or a petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction ~~until the matter is final~~, and the period of probation shall be extended until the matter is final.

9. License Surrender While on Probation

During respondent's term of probation, if he or she ceases practice due to retirement or health reasons, or is otherwise unable to satisfy any condition of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and exercise its discretion in determining whether to grant the request, or take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the

conditions of probation. All costs incurred (i.e., cost reimbursement) are due upon reinstatement or relicensure.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board.

710. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

VII. OPTIONAL CONDITIONS OF PROBATION

B. Optional Conditions

811. Suspension

Respondent is suspended from the practice of landscape architecture for _____ days beginning on the effective date of ~~the~~this Decision.

12. California Supplemental Examination

Option 1 (Condition Subsequent)

Within six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within six months, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or /she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

913. Written Examination

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (L-A-R-E-r).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he

or /she may resume practice. Tolling provisions apply during any period of non-practice due to respondent's failure to take and pass said examination. It shall be a violation of probation for respondent's probation to remain tolled pursuant to this condition for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (LARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that he or she may resume practice. Respondent is responsible for paying all costs of such examination.

14. Ethics Course

Within 30 days of the effective date of this Decision, respondent shall submit for prior Board approval a course in ethics that will be completed within the first year of probation.

Failure to satisfactorily complete the required course as scheduled or failure to complete same within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of the course required by this condition, and for paying all costs of said course.

15. Continuing Education Courses

Respondent shall successfully complete and pass professional education courses, approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than one year~~100 days~~ prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board for its approval the specifics of each course required by this condition, and for paying all costs of such courses.

16. Cost Reimbursement

Respondent shall reimburse the Board \$ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the effective date ~~the Board's of this Decision is final.~~

Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

1217. Restitution

Within _____ days of the effective date of this Decision, respondent shall make restitution to _____ in the amount of \$_____ and shall provide the Board with proof from _____ attesting that the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

1318. Criminal Probation Reports

~~In the event of conviction~~ If respondent is convicted of any crime, ~~Respondent~~ shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of his or /her probation officer.

14. Relinquish License and Wall Certificate

~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

1519. Notification to Clients/Cessation of Practice

In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall ~~comply with procedures provided by the Board regarding notification to, and management of,~~ provide all clients with whom he or she has a current contractual relationship in the practice of landscape architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.

20. Civil Penalty

Respondent shall pay to the Board a civil penalty in the amount of \$_____ [not less than \$100 and not more than \$1,000; if knowing and intentional failure to report, assess civil penalty up to \$20,000] pursuant to Business and Professions Code section 5678. Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5678 violations and used in lieu of revocation.]

II. REHABILITATION CRITERIA

California Code of Regulations, Title 16, Division 26, Section 2656, Criteria for Rehabilitation states:

- ~~(a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for a license will consider the following criteria:~~
 - ~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~

- ~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~
- ~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~
- ~~(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~
- ~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~
- ~~(b) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license, will consider the following criteria:~~
 - ~~(1) Nature and severity of the act(s) or offense(s).~~
 - ~~(2) Total criminal record.~~
 - ~~(3) The time that has elapsed since commission of the act(s) or offense(s).~~
 - ~~(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~
 - ~~(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~
 - ~~(6) Evidence, if any, of rehabilitation submitted by the licensee.~~
- ~~(c) When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).~~

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

400 R Street, Suite 4000

Sacramento, CA 95814

Phone: (916) 445 4954 Fax: (916) 324 2333

E-mail: late@dea.ca.gov Web: late.dea.ca.gov

State of California

Department of Consumer Affairs

Gray Davis, Governor



DEPARTMENT OF CONSUMER AFFAIRS, BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CALIFORNIA ARCHITECTS BOARD

Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation



Gavin Newsom,
Governor

Attachment A

QUARTERLY PROBATION REPORT ~~OF~~ COMPLIANCE

1. NAME: _____ TELEPHONE #: () _____
(Last/First/Middle) (Residence)

RESIDENCE ADDRESS OF RECORD: _____

CITY: _____ STATE: _____ ZIP CODE: _____

2. NAME OF FIRM: _____ YOUR TITLE: _____

FIRM ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE #: () _____

3. On the ~~back~~ second page of this form detail your landscape architectural activities for the probation period beginning:

beginning _____ and ending _____
Mo. Day Year Mo. Day Year

4. ~~Site~~ List any other activities related to the practice of landscape architecture:

_____ **ACTIVITY** _____ **DATE**

-
-
-
5. I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.

Signature: _____

Date: _____

DATE: _____ QUARTER: _____ YEAR: _____

CLIENT NAME: _____ TELEPHONE #: ()
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: ()
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: ()
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

(Rev. 5/2018)

Agenda Item J

REVIEW AND POSSIBLE ACTION TO APPROVE FISCAL YEAR 2019-20 INTRA-DEPARTMENTAL CONTRACT WITH OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) FOR CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE) DEVELOPMENT

The Department of Consumer Affairs' (DCA) OPES is charged with providing professional psychometric services to DCA boards and bureaus, which include all aspects of the examination validation process (i.e., Occupational Analyses, examination development, test scoring and statistical analyses, and national examination reviews).

The Landscape Architects Technical Committee's (LATC) current Intra-Departmental Contract with OPES for development of the CSE will expire on June 30, 2019. A new contract (attached) is needed for fiscal year (FY) 2019-20 for continued examination development. Since LATC currently has a surplus of examination items, the attached draft contract reflects OPES' recommendation to reduce the number of examination development workshops from six to three for this examination cycle. Upon completion of the next Occupational Analysis forecasted in FY 2020-21, OPES recommends continuing with four examination development workshops per exam cycle.

At today's meeting, the Committee is asked to review and take possible action on the new contract with OPES for examination development for FY 2019-20.

Attachment:

Intra-Departmental Contract with OPES for FY 2019-20

INTRA-DEPARTMENTAL CONTRACT

CONTRACT NUMBER

AMENDMENT NUMBER

IAC #75732

1. This Contract is entered into between the Board/Bureau/Divisions named below

REQUESTING BOARD/BUREAU/DIVISION'S NAME

California Architects Board/Landscape Architects Technical Committee (Committee)

PROVIDING BOARD/BUREAU/DIVISION'S NAME

Office of Professional Examination Services (OPES)

2. The term of this Contract is: **July 1, 2019 through June 30, 2020**

3. The maximum amount of this Contract is: **\$22,016**

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

**California Supplemental Exam
Written Examination Development**

Exhibit A – Scope of Work	1 Page
• Attachment I - Project Plan	1 Page
• Attachment II - Roles and Responsibilities	3 Pages
Exhibit B – Budget Detail and Payment Provision	1 Page
• Attachment I - Cost Sheet - Global Costs	2 Pages
Exhibit C – General Terms and Conditions	1 Page
Exhibit D – Special Terms and Conditions	1 Page

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

DEPARTMENT OF CONSUMER AFFAIRS

**Department of Consumer
Affairs
Contracts Unit
Use Only**

REQUESTING BOARD/BUREAU/DIVISION'S NAME

California Architects Board/Landscape Architects Technical Committee

BY (Authorized Signature)

DATE SIGNED

PRINTED NAME AND TITLE OF PERSON SIGNING

Laura Zuniga, Executive Officer

ADDRESS

2420 Del Paso Road, Suite 105 Sacramento, CA 95834

BUDGET OFFICER'S SIGNATURE

DEPARTMENT OF CONSUMER AFFAIRS

PROVIDING BOARD/BUREAU/DIVISION'S NAME

Office of Professional Examination Services

BY (Authorized Signature)

DATE SIGNED

PRINTED NAME AND TITLE OF PERSON SIGNING

Heidi Lincer, Chief

ADDRESS

**2420 Del Paso Road, Suite 265
Sacramento, CA 95834**

BUDGET OFFICER'S SIGNATURE

EXHIBIT A

SCOPE OF WORK

1. The Office of Professional Examination Services (OPES) agrees to provide the following services:

Develop new items for Landscape Architect Technical Committee California Supplemental Examination, review existing items, construct one new form of the exam and establish passing score for one form of the written examination.

2. The Landscape Architects Technical Committee (Committee) agrees to provide the following services:

See attached: I. Project Plan
II. Roles and Responsibilities

3. The project representatives during the term of this agreement will be:

Requesting Committee:

Name: Laura Zuniga
Phone: (916) 575-7222
Fax: (916) 575-7285

Office of Professional Examination Services:

Name: Heidi Lincer
Phone: (916) 575-7240
Fax: (916) 419-1697

Direct all agreement inquiries to:

**Department of Consumer Affairs
Contracts Unit:**

Address: 1625 North Market Blvd. Suite S-103
Sacramento, CA 95834
Phone: (916) 574-7277
Fax: (916) 574-8658

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75732
PROJECT PLAN
for
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
CALIFORNIA SUPPLEMENTAL EXAM
WRITTEN EXAMINATION DEVELOPMENT
FISCAL YEAR 2019-20

Project Objectives:	<i>Develop new items for Landscape Architect Technical Committee California Supplemental Examination, review existing items, construct one new form of the exam and establish passing score for one form of the written examination.</i>
Proposed Completion Date:	June 30, 2020
LATC Contact:	Kourtney Nation (916) 575-7237
OPES Contact:	Brian Knox (916) 575-7273

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
1. Item Writing/Review Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Perform post workshop activities	June 2019 July 2019 August 16-17, 2019 August 2019	Board Board OPES OPES
2. Exam Construction Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Perform post workshop activities	July 2019 August 2019 September 20-21, 2019 September 2019	Board Board OPES OPES
3. Passing Score Workshop Recruit SMEs for 2-day workshop Provide list of SMEs to OPES Conduct workshop with SMEs Analyze data, prepare passing score memo	September 2019 October 2019 November 21-22, 2019 November 2019	Board Board OPES OPES
4. Publish Examination Prepare final copies for one form of examination Prepare examination for CBT	May 2020 June 2020	OPES OPES

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75732

ROLES AND RESPONSIBILITIES
for
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

LANDSCAPE ARCHITECTS
WRITTEN EXAMINATION DEVELOPMENT

FISCAL YEAR 2019-20

INTRODUCTION

The Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (DCA) provides psychometric consulting in examination development and occupational analysis to DCA's regulatory entities through Intra-Agency Contract (IAC) agreements.

The purpose of a licensure examination is to identify individuals who have the minimum knowledge and skills to perform job tasks safely and competently. An occupational analysis (OA) of the profession is required to determine the most critical job tasks and knowledge. The OA must be conducted prior to examination development and reviewed every 5-7 years. To ensure legal defensibility, the content of the examination must be based on the results of a current OA.

The examination development process is conducted in several workshops and requires a total of 30 licensed landscape architects to serve as expert consultants known as subject matter experts (SMEs). A minimum of 6 SMEs, with a goal of 8-10 SMEs, are needed for each workshop. The SMEs in each workshop should be different to ensure objectivity of the examination development process and to ensure that all aspects of the profession are represented.

The examination development services to be provided will include: item writing and review, examination construction, and passing score processes.

ROLE OF THE LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

The primary role of the Landscape Architects Technical Committee (Committee) is to recruit a representative sample of SMEs for development of the examination. The Committee should also inform SMEs about the nature of their participation and the OPES security requirements.

The selection of SMEs critically affects the quality and defensibility of a licensure examination program. The SMEs selected to participate in an examination development workshop panel should:

- reflect the landscape architect profession in terms of geographic location, practice specialty area, ethnicity, and gender;
- be currently working in the field and have up-to-date skills; and
- maintain a license in good standing that is not retired nor inactive.

Additionally, approximately half of all SMEs in each workshop should have received their license within the past 5 years to ensure that an entry-level perspective is maintained. It is essential that a Committee representative consult with OPES before beginning SME recruitment.

Due to potential conflict of interest, undue influence, security considerations, or all of the above, board members, committee members, and instructors shall not serve as SMEs for, nor participate in, any aspect of licensure examination development or administration, pursuant to DCA Policy OPES 18-01.

In addition, the Committee has the responsibility to acquire any reference materials to be used by the SMEs in the development of examination items.

The nature of the work performed by OPES can result in unanticipated changes. For example, work may be completed ahead of or behind schedule. Flexibility on the part of both parties is essential to the success of the contract.

ROLE OF THE OFFICE OF PROFESSIONAL EXAMINATION SERVICES

The primary role of OPES is to develop the written examination. OPES will link the examination to the results of an occupational analysis to ensure the content validity of the examination. During the workshops, OPES will work with the SMEs to develop items, review items, construct an examination, and establish the passing score for one examinations.

Following each workshop, OPES and Committee staff will review the performance of each SME to determine those who should be invited back. The Committee agrees to recruit SMEs so as to build a competent pool of representative, productive participants.

SECURITY

OPES has implemented various controls to ensure the integrity, security, and appropriate level of confidentiality of licensure examination programs. These controls include prohibiting certain items, such as electronic devices and items that could potentially conceal recording devices, in all workshops.

SMEs are required to:

- provide valid photo identification;
- allow for electronic devices to be secured in the reception area during workshops; and
- sign one or more agreements accepting responsibility for maintaining strict confidentiality of licensure examination material and information to which they have access.

Any person who fails to comply with OPES' security requirements will not be allowed to participate in licensure examination workshops. In addition, any person who subverts or attempts to subvert a licensure examination will face serious consequences, which may include loss of licensure, criminal charges per Business and Professions Code section 123, or both.

OPES will notify the Committee of any SME whose conduct during a workshop violates policy or whose presence is disruptive. OPES reserves the right to immediately dismiss any SME whose presence poses a security risk. OPES will take steps to manage disruptive behavior; however, if such behavior persists or prevents other SMEs from completing their tasks, or both, OPES may dismiss the person from the workshop.

SUMMARY OF EVENTS

- Committee recruits one panel of SMEs to serve as item writers/reviewers for one workshop.
- OPES works with SMEs to develop and review new items.
- Committee recruits one panel of SMEs to select items to construct new examination forms for one workshop.
- OPES works with SMEs to select items to construct the new forms.
- Committee recruits one panel of SMEs to serve as judges in one passing score workshop. The SMEs should be different SMEs than the examination construction participants to ensure objectivity of the passing score ratings.
- OPES works with SMEs to establish the passing scores. OPES analyzes the ratings and prepares a passing score memo.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. For services satisfactorily rendered and upon receipt and approval of the invoices, the Landscape Architects Technical Committee (Committee) agrees to compensate the Office of Professional Examination Services (OPES) for services rendered and expenditures incurred.
- B. Invoices shall include the agreement number and shall be submitted on a quarterly basis for the cost of services completed as identified in Exhibit B, Attachment I; any related travel expenses will be billed as actuals. Signed/approved invoices from the Committee will be due to OPES fifteen (15) working days from the date of invoice billings. OPES will then submit the approved invoices to the Department of Consumer Affairs for processing and payment. Invoices will be submitted to:

California Architects Board/Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
- C. The Committee will reimburse OPES for the partial performance (e.g. workshop preparation, rescheduling) of any services provided by OPES if the Committee does not demonstrate in good faith their roles/responsibilities as defined by Attachment II – Roles and Responsibilities.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to OPES or to furnish any other considerations under this Agreement and OPES shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to OPES to reflect the reduced amount.

3. Payment

- A. Costs for this Agreement shall be computed in accordance with State Administrative Manual Sections 8752 and 8752.1.
- B. Nothing herein contained shall preclude advance payments pursuant to Article 1, Chapter 3, Part 1, Division 3, Title 2 of the Government Code of the State of California.

4. Cost

- A. Costs for this Agreement shall be subject to any collective bargaining agreements negotiated in Fiscal Year 2005/2006 or thereafter.

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75732
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
CALIFORNIA SUPPLEMENTAL EXAM
WRITTEN EXAMINATION DEVELOPMENT COSTS
FISCAL YEAR 2019-20

1.	Item Writing/Review Workshop	\$ 4,744
2.	Exam Construction Workshop	\$ 5,320
3.	Passing Score Workshop	\$ 4,208
4.	Publish Examination	\$ 2,264
	Administrative Support	\$ 5,480
	TOTAL	\$22,016

Index/PCA/Object Code 6000/60000/427.10

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #75732
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
CALIFORNIA SUPPLEMENTAL EXAM
WRITTEN EXAMINATION DEVELOPMENT COSTS
FISCAL YEAR 2019-20

		Test Validation Staff				Editor		Support Staff		Totals	GRAND TOTAL
		\$72.00		OT @ \$102		\$67.00		\$52.00			
		Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost		
1. Item Writing/Review Workshop											
	Workshop preparation	8	\$ 576					2	\$ 104	\$ 680	
	Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
	Perform post workshop activities	24	\$ 1,728			8	\$ 536			\$ 2,264	
											\$ 4,744
2. Exam Construction Workshop											
	Workshop preparation	16	\$ 1,152					2	\$ 104	\$ 1,256	
	Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
	Perform post workshop activities	24	\$ 1,728			8	\$ 536			\$ 2,264	
											\$ 5,320
3. Passing Score Workshop											
	Workshop preparation	16	\$ 1,152					2	\$ 104	\$ 1,256	
	Conduct 2-day workshop	8	\$ 576	12	\$ 1,224					\$ 1,800	
	Analyze data, prepare passing score memo	16	\$ 1,152							\$ 1,152	
											\$ 4,208
4. Publish Examination											
	Prepare final copies for one form of examination	16	\$ 1,152			8	\$ 536			\$ 1,688	
	Prepare examination for CBT	8	\$ 576							\$ 576	
											\$ 2,264
Administrative Support											
	Technical oversight (40 hours @ \$76/hour)									\$ 3,040	
	Cost oversight (40 hours @ \$61/hour)									\$ 2,440	
											\$ 5,480
TOTAL		152	\$ 10,944	36	\$ 3,672	24	\$ 1,608	6	\$ 312	\$ 22,016	\$ 22,016

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. **Approval:**

This Contract is not valid until signed by both parties.

2. **Payment:**

Costs for this Contract shall be computed in accordance with State Administrative Manual Section 8752 and 8752.1.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. Mutual Cooperation

The Office of Professional Examination Services (OPES) is entering into a partnership where mutual cooperation is the overriding principle.

2. Evaluation

OPES and the Landscape Architects Technical Committee (Committee) reserve the right to evaluate progress, make midcourse corrections as needed, and to negotiate changes to the agreement as necessary to ensure a high quality examination program. This may affect the cost of the analysis.

3. Examination Criteria

The primary responsibility of OPES is to develop examinations that are psychometrically sound, legally defensible and job related.

4. Good Faith Agreement

In good faith, OPES believes the project steps accurately describe the work to be performed and that the costs are reasonable. This agreement will remain in effect until the work is completed.

Agenda Item K

REVIEW AND POSSIBLE ACTION ON DRAFT 2019-2021 STRATEGIC PLAN

On December 7, 2018 the Landscape Architects Technical Committee (LATC) participated in a session to update its Strategic Plan for three years (2019-2021). The session was facilitated by the Department of Consumer Affairs' SOLID team. The LATC developed objectives for four goal areas: Regulation and Enforcement, Professional Qualifications, Public and Professional Outreach, and Organizational Effectiveness.

SOLID updated the Strategic Plan based on the LATC's session. At today's meeting, the Committee is asked to review and approve the draft 2019-2021 Strategic Plan.

Attachment:

Strategic Plan 2019-2021 (Draft)

Landscape Architects Technical Committee

Strategic Plan 2019-2021

Adopted:

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LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE MEMBERS

Marq Truscott, Chair

Andrew Bowden, Vice Chair

Susan M. Landry, Committee Member

David A. Taylor, Jr., Committee Member

Patricia Trauth, Committee Member

Gavin Newsom, Governor

Alexis Podesta, Secretary, Business Consumer Services and Housing Agency

Dean Grafilo, Director, Department of Consumer Affairs

Laura Zuniga, Executive Officer, California Architects Board

Trish Rodriguez, Program Manager, Landscape Architects Technical Committee

MESSAGE FROM THE CHAIR



Environmental change has expanded the role of landscape architects throughout the State of California. Our licensees are planning for greater resiliency when faced with sea level rise, wildfires, drought, and increased daily temperatures. Furthermore, today's projects require increased expertise with storm water management, public accessibility, public acceptance, and the use of water. Our charge demands that licensed landscape architects in California are prepared for these and future challenges to our built environment.

The Landscape Architects Technical Committee (LATC) has been working on increasing the pathways to licensure. In the past year we have created an experience only path and expanded the acceptable education requirements to meet the growing demand for licensed professionals. We also continue to support the University of California extension certificate, which provides additional licensure candidates who cannot attend a full-time studio program.

We will continue to seek input from the industry, partners, and public while we strive for transparency and collaboration. This Strategic Plan will guide our work for the next three years as we continue to work on our mandate, which is to protect the citizens of California.

Marq Truscott
Committee Chair

ABOUT THE COMMITTEE

The Landscape Architects Technical Committee (LATC) was created pursuant to Assembly Bill (AB) 1546 which became effective January 1, 1998. The Committee was statutorily established under the jurisdiction of the California Architects Board (Board). Its purpose is to act in an advisory capacity to the Board on examination and other matters pertaining to the regulation of the practice of landscape architecture in California.

The five-member committee consists of technical experts who are licensed to practice landscape architecture in California. Under the provisions of AB 1546, the Governor appoints three members; the Senate Rules Committee appoints one member, and the Speaker of the Assembly appoints one member.

The activities of the LATC benefit consumers in two important ways. First, regulation protects the public at large. Second, regulation protects the consumer of services rendered by landscape architects. It is imperative to ensure those who hire landscape architects are protected from incompetent or dishonest landscape architects.

The LATC is one of 39 boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA) and is part of the Business, Consumer Services and Housing Agency. DCA is responsible for consumer protection through the regulation of licensees. While DCA provides administrative oversight and support services, the LATC further sets its own regulations, policies, and procedures.

Mission, Vision, and Values

Mission

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.

Vision

Champion for consumer protection, and a safer, healthier environment for the people of California.

Values

Consumer Protection

Integrity

Education

Communication

Leadership

Innovation

STRATEGIC GOALS

1 REGULATION & ENFORCEMENT

2 PROFESSIONAL QUALIFICATIONS

3 PUBLIC & PROFESSIONAL OUTREACH

4 ORGANIZATIONAL EFFECTIVENESS

GOAL 1: REGULATION & ENFORCEMENT

Protect consumers through effective regulation and enforcement of laws, codes, and standards affecting the practice of landscape architecture.

- 1.1 Review and assess the current Landscape Architects Practice Act to be consistent with related statutes and regulations.
- 1.2 Research the feasibility of requiring a license number on all correspondence and advertisement platforms to inform and protect consumers.
- 1.3 Revise disciplinary guidelines, regulations, forms, and processes related to AB 2138 to comply with statutory guidelines.
- 1.4 Amend California Code of Regulations (CCR) section 2603 (Delegation of Certain Functions) to align with the California Architects Board's CCR section 103 (Delegation of Certain Functions) to streamline the disciplinary process.
- 1.5 Publish an updated Practice Act booklet to provide the public and licensees with current information.

GOAL 2: PROFESSIONAL QUALIFICATIONS

Ensure that landscape architects are qualified to practice by setting and maintaining equitable requirements for education, experience, and examinations.

- 2.1 Research the feasibility of a structured internship program to better prepare licensure candidates.
- 2.2 Research the need for continuing education for licensees through the Committee, American Society of Landscape Architects (ASLA), or another organization, to better protect the health, safety, and welfare of consumers.
- 2.3 Conduct an occupational analysis to update the California Supplemental Examination to be more reflective of current standards.
- 2.4 Research regulations governing allied professionals to better understand their scope of practice as it relates to landscape architecture.

GOAL 3: PUBLIC & PROFESSIONAL OUTREACH

Increase public and professional awareness of LATC's mission, activities, and services.

- 3.1 Educate the different jurisdictional agencies (state and local) about landscape architecture licensure and its regulatory scope of practice to allow licensees to perform duties prescribed within the regulations.
- 3.2 Develop a social media content strategy to inform and educate the public.
- 3.3 Increase social media presence to inform and educate licensees and the public, and expand outreach.

GOAL 4: ORGANIZATIONAL EFFECTIVENESS

Provide accessible and responsive quality services to consumers and licensees.

- 4.1 Undertake business modernization activities to achieve a smooth transition to an integrated online information technology platform.
- 4.2 Develop an online tutorial on the licensure process for candidates to clarify the licensure process.
- 4.3 Prepare for Sunset Review hearing and responses to background paper.

Strategic Planning Methodology

To understand the environment in which the Committee operates and identify factors that could impact the Committee's success, DCA's SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- ♦ Interviews with three members of the Committee, the Executive Officer, and Assistant Executive Officer of the Board, the former Program Manager, and three staff members conducted during the month of September and October 2018 to assess the challenges and opportunities the Committee is currently facing or will face in the upcoming years.
- ♦ An online survey sent to Committee stakeholders in September and October 2018 to identify the strengths and weaknesses of the Committee from an external perspective. Forty-Four stakeholders completed the survey.

The most significant themes and trends identified from the environmental scan were discussed by the Committee and the executive management team during a strategic planning session facilitated by SOLID on December 7, 2018. This information guided the Committee in the development of its objectives outlined in this 2019 – 2021 Strategic Plan.

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This Strategic Plan is based on stakeholder information and discussions facilitated by SOLID for the Landscape Architects Technical Committee in September and October 2018. Subsequent amendments may have been made after Committee adoption of this plan.



Agenda Item L

DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVE TO AMEND CCR, TITLE 16, DIVISION 26, ARTICLE 1, SECTION 2603 (DELEGATION OF CERTAIN FUNCTIONS) TO ALIGN WITH THE CALIFORNIA ARCHITECTS BOARD'S DELEGATION OF CERTAIN FUNCTIONS, CCR, TITLE 16, DIVISION 2, ARTICLE 1, SECTION 103

The Landscape Architects Technical Committee's (LATC) 2019-2021 Strategic Plan contains an objective to amend its delegation of authority regulation to align with the Board's.

Specifically, CCR section 2603 (Delegation of Certain Functions) does not allow for the Executive Officer to approve LATC settlement agreements for the revocation or surrender of a license, whereas the Board's CCR section 103 (Delegation of Certain Functions) allows the Executive Officer to approve such settlement agreements on the Board's behalf.

The LATC recently had a Stipulated Surrender of License in which the surrender of license as outlined in CCR section 2603 required Board approval. By amending CCR section 2603 to align with the Board's delegation authority outlined in CCR section 103, a revocation or surrender of a license in which both parties agree to the action, the action could effectively be approved by the Executive Officer.

At today's meeting, the LATC is asked to review and recommend to the Board approval of the proposed amendments to CCR section 2603 (Delegation of Certain Functions).

Attachments:

1. Proposed Regulatory Language to Amend LATC's CCR Section 2603 (Delegation of Certain Functions)
2. California Architects Board's CCR Section 103 (Delegation of Certain Functions)

CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

PROPOSED REGULATORY LANGUAGE

Changes to the original language are shown in single underline for new text and single ~~strikethrough~~ for deleted text.

Amend section 2603 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

§ 2603 Delegation of Certain Functions

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; to approve settlement agreements for the revocation or surrender of license; and the certification and delivery or mailing of copies of decisions under Section 11518 of said Code are hereby delegated to and conferred upon the executive officer, or in his or her absence from the office of the Board, the acting executive officer.

The power and discretion conferred by law upon the Board to evaluate and determine qualifications and approve applicants for examination under Section 5650 of the Code, and determine which applicants for reciprocity licenses are entitled to waiver of the written examination under Section 5651 of the Code is hereby delegated to and conferred upon the executive officer.

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Sections 5624, 5651 and 5662, Business and Professions Code

CALIFORNIA ARCHITECTS BOARD

Section 103 of Article 1 of Division 2 of Title 16 of the California Code of Regulations reads as follows:

§ 103 Delegation of Certain Functions

The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; issue subpoenas and subpoenas duces tecum; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; **to approve settlement agreements for the revocation or surrender of license;** and the certification and delivery or mailing of copies of decisions under Section 11518 of the Government Code are hereby delegated to and conferred upon the executive officer of the Board.

Agenda Item M

DISCUSS AND POSSIBLE ACTION ON 2019-2021 STRATEGIC PLAN OBJECTIVE TO DEVELOP A SOCIAL MEDIA CONTENT STRATEGY TO INFORM THE PUBLIC

The Landscape Architects Technical Committee's (LATC) 2019-2021 Strategic Plan contains an objective to develop a social media content strategy to inform the public about the Committee's resources, information, and regulations. To fulfill this objective, staff met with the Department of Consumer Affairs' Office of Public Affairs (OPA) on January 7, 2019 to discuss and develop a social media content strategy to better inform the public regarding LATC activities and news relevant to the profession. Following the meeting, a draft social media plan was developed identifying:

- strategy objectives and goals;
- target audiences and topics;
- recommendations to enhance LATC's social media presence;
- examples of potential social media posts; and
- a timeline to begin implementing LATC's social media plan.

LATC staff also attended an initial training on January 24, 2019 covering introduction to social media, etiquette and best practices, and Twitter-specific tools and techniques for the management of the LATC Twitter account. The training was the first in a series which will continue with account management and data collection at its next meeting in February. Periodic updates will be provided on the progress of followers, postings, likes, comments, and social medial growth. With the implementation of LATC's social media content strategy and training received, it is LATC's goal to grow and enhance its social media presence through more frequent posts of relevant news and information, to reach licensees, candidates, and the public.

At today's meeting, the LATC is asked to review and provide input on the draft LATC Social Media Communications Plan, to meet the Strategic Plan objective.

Attachment:

LATC Social Media Communications Plan (Draft)



Landscape Architects Technical Committee Social Media Communications Plan

Introduction

The Landscape Architects Technical Committee (LATC), under the purview of the California Architects Board, was created by the California Legislature in 1998 to protect the health, safety, and welfare of the public by establishing standards for licensure and enforcing the laws and regulations that govern the practice of landscape architecture in California. The LATC is one of the numerous entities within the Department of Consumer Affairs responsible for consumer protection and the regulation of licensed professionals. With permanent water restrictions in California's future, the LATC recognizes the need to work with licensees and consumers who are handling changes in landscape architectural designs and the environment. Improving the LATC's social media plan is key to providing the ease of regulation compliance while informing consumers about choices they have.

Strategy Objectives and Goals

- Increase social media traffic to keep consumers and licensees informed about the LATC's ongoing policies and processes such as fees, updates, and consumer protections. The social media posts will encourage more followers to visit the LATC website to find more detailed information and proper tools to fit their needs.
- Verify and update LATC's Twitter account with a polished look.
- Increase the number of tweets that will encourage more followers to engage with the LATC.
- Tweet about LATC's newly-launched *Consumer's Guide to Hiring a Landscape Architect*.
- Aim to send 2-4 tweets every month.
- Run quarterly reports providing data, statistics, and analytics from LATC's Twitter account. Reports will reveal number of followers, tweets, and re-tweets.
- Use data analysis for future growth and to identify audience.
- Receive specialized training by the Public Affairs Office to manage the Twitter account and utilize Hootsuite for a comprehensive management plan.

Target Audiences and Topics

Audience	Message
LATC and Architect Licensees	<ul style="list-style-type: none">• Latest in technology• Professional news• Regulation/procedural information• Meeting notifications• Outreach events
Consumers	<ul style="list-style-type: none">• What's new in landscape architecture• Rights and protections• Latest in technology• Meeting notifications• Frequently asked questions• Outreach events
Students, professors, and candidates	<ul style="list-style-type: none">• Latest in technology• Professional news• Upcoming state board exams• Outreach events

Recommendations

- 2 or 3 Twitter training sessions with DCA Information Officers.
- Upload a high-resolution, landscape architect image on Twitter cover page to make it “pop.”
- Change the cover page image once every quarter.
- Upload a higher-quality image of logo.
- Add language in “About” section to make the LATC sound more official.
- Create an extension of LATC’s “handle” to spell out the entire acronym. (i.e.: handle remains “@CA_LATC” but the extension handle would say “California Landscape Architects Technical Committee” to make it more searchable.
- Begin posting LATC’s own content.
- Retweet other Twitter users’ content but add LATC’s own message to it.
- Check LATC’s engagement rate on Twitter to find our niche audience.
- Encourage our audience to participate and follow your Twitter account by informing consumers, candidates, and licensees in all our correspondence i.e.: letterheads, notifications, license applications, renewals, and certificates.
- Participate in the Hootsuite process for prompt and efficient social media management.

Agenda Item N

DEMONSTRATION OF NEW LATC WEBSITE FEATURES

The Landscape Architects Technical Committee (LATC) 2017-2018 Strategic Plan contained an objective to “revamp the website (using the Board’s website as a possible template) to be more user-friendly for consumers.”

On October 23, 2018, the Landscape Architects Technical Committee (LATC) launched an updated website to meet web accessibility standards, introduce new tools and publications, and promote easier navigation.

In addition, on December 27, 2018, the license search feature was updated to a live information system, DCA Search. The DCA Search web button is prominently placed on the LATC home page and the modernized license search tool includes compatibility for smartphones and provides consumers with enhanced licensee information. Specifically, the updated tool: 1) allows for simple or advanced (focused) searching, 2) allows for broader searches across DCA entities, 3) continuously displays up-to-date license information, and 4) enables consumers to view all license related data for a licensee (i.e., display licenses from other DCA entities and enforcement actions). A demonstration of the new LATC website template and features will be presented to the Committee at today’s meeting.

Agenda Item O

REVIEW OF FUTURE LATC MEETING DATES

February

8	Landscape Architects Technical Committee Meeting (LATC)	Los Angeles
18	<i>President's Day</i>	<i>Office Closed</i>
27	California Architects Board (Board) Meeting	San Diego

March

7-9	National Council of Architectural Registration Boards (NCARB) Regional Summit	Nashville, TN
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April

1	<i>Cesar Chavez Day (observed)</i>	<i>Office Closed</i>
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May

23	LATC Meeting	Campbell
27	<i>Memorial Day</i>	<i>Office Closed</i>

June

TBD	Board Meeting	San Luis Obispo
6-8	American Institute of Architects Conference on Architecture 2019	Las Vegas, NV
20-22	NCARB Annual Meeting	Washington, DC

July

4	<i>Independence Day</i>	<i>Office Closed</i>
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August

13	LATC Meeting	Chula Vista
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September

TBD	Board Meeting	Berkeley
2	<i>Labor Day</i>	<i>Office Closed</i>
26-28	Council of Landscape Architectural Registration Boards Annual Meeting	St. Louis, MO

November

8	LATC Meeting	Sacramento
11	<i>Veterans Day</i>	<i>Office Closed</i>
15-18	American Society of Landscape Architects Annual Meeting and EXPO	San Diego
28-29	<i>Thanksgiving Holiday</i>	<i>Office Closed</i>

December

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

Agenda Item P

ADJOURNMENT

Time: _____